



PROGRAM REPORT 2007

2007 was a busy and productive year for CANHR, with our initiative on elder financial abuse prevention, monitoring the implementation of various court orders and settlement agreements in our lawsuits against the Department of Public Health, the revamping of our nursing home guide and CANHR's 2007 Advocacy Campaign for Quality Care, which resulted in several of CANHR's legislative initiatives being signed into law.

Following are some of the highlights of CANHR's work in 2007:

Consumer Information and Assistance

During 2007, CANHR's web site, www.canhr.org, was upgraded and reorganized to provide easier access to reports, more information on Medi-Cal and comprehensive information on California's nursing homes, including updated information on complaints, deficiencies and citations. The number of visitors has increased to over 5,000 visitors per week. The majority of visitors continue to be consumers seeking information about Medi-Cal, residential care or nursing home placements, and legal and other professionals seeking information about long term care issues. CANHR staff responded to thousands of consumer inquiries from the consumer hotline and web feedback system, providing pre-placement counseling, information on Medi-Cal and resident rights, assistance with complaints and referrals through our Lawyer Referral Services.

2007 Advocacy Campaign: Legislation

CANHR is grateful to the many supporters who joined our 2007 Advocacy Campaign for Quality Care. Your letters, calls and support resulted in the successful passage of two major new laws. SB 611 (Steinberg) - the Elder Financial Restitution Act - extends the ability to freeze the assets of a perpetrator of financial abuse against an elder or dependent adult in order to create an opportunity for the victim to regain property. This new law will take effect January 1, 2008. SB 611 was co-sponsored by AARP and California Alliance of Retired Americans. AB 949 (Krekorian) - RCFE Relocation Protections - will provide residents of Residential Care Facilities for the Elderly (RCFE) relocation protections such as a minimum 60 day notice, an individualized relocation plan, and plan approval by licensing for facilities with 7 or more beds when a facility is closing. The bill was co-sponsored by Bet Tzedek Legal Services.

On July 1, 2007, the Nursing Home Residents Rights Act of 2006 took effect. This CANHR-sponsored law (SB 1248 - Alquist), established equal rights for all California nursing home residents by requiring all nursing homes, whether Medi-Cal certified or private pay, to comply with resident rights established under federal law.

Residential Care Initiative

In early 2007, CANHR received a subcontract from the University of California San Francisco under a grant from the California HealthCare Foundation to take a systemic look at California's monitoring system for Residential Care Facilities for the Elderly (RCFEs). This pioneering research project involved an in depth evaluation of public records from 2000 to June 2006 from a stratified random sample of 340 RCFEs in 6 of the 14 district offices of Community Care Licensing (CCL). (A summary of findings is available on the CANHR website under "Reports" -Assisted Living Reports.) The final report, based on this research and stakeholder meetings, will present recommendations to improve the capability of CCL to more efficiently and effectively monitor RCFEs and to improve the scope, reliability and accessibility of information on RCFEs for consumers, family members, regulators, policy makers, researchers and advocates.

Much remains to be done. In 2008, CANHR will push for more frequent inspections and an online system to inform consumers about complaint and inspection findings. Currently, most RCFEs are inspected only once every five years (or less). However, a growing number of facilities (30 percent) are subject to annual inspections. CANHR will seek to improve the frequency of inspections by requiring every RCFE be inspected at least every two years.

Continuing Care Retirement Communities (CCRCs)

In 2007, CCRC residents developed new tactics to protect their rights, using disability and fair housing laws to fight for reasonable accommodations and the least restrictive living setting. If successful, several recent lawsuits based on these laws could greatly improve CCRC residents' abilities to make choices about their living situations as their needs change.

The fight to pass SB 489 (Steinberg) will continue in 2008 because there are no statutory or contractual protections for residents when CCRCs close either temporarily for renovations or permanently. Recent experience in California has shown that closures are a real possibility for some facilities with older buildings or those that are suffering from low occupancy rates, high debt and limited reserves.

Medi-Cal Advocacy

In August 2007, Medi-Cal issued final regulations on Medi-Cal recovery as required by CANHR's 2000 lawsuit against the California Department of Health Services. Due to our advocacy, the regulations include hardship waiver criteria for caregivers; exempt IHSS payments from recovery; and continue to permit elders and the disabled to transfer their homes to avoid tax consequences and estate claims through life estates. Although we remain deeply opposed to a health care "benefit" system that jeopardizes the homes of deceased Medi-Cal beneficiaries, we are pleased that some of the more onerous recovery provisions have been eliminated and that those who provided care to prevent institutionalization of loved ones are better protected.

CANHR's advocacy is helping to spare Medi-Cal beneficiaries and applicants from the harsh eligibility requirements of the Deficit Reduction Act of 2005, a federal law signed by President Bush in February 2006. We worked closely with the Department's Medi-Cal Eligibility Branch in drafting provisions to avoid penalizing long term care beneficiaries. The implementation of these provisions will take some time, as it requires new legislation and then a full regulatory process. CANHR will continue to work with the Department and the legislature to protect the rights of long term care Medi-Cal beneficiaries.

Nursing Homes

During the past year, CANHR made great progress in improving California's complaint investigation system and restoring enforcement of California nursing home standards.

A successful CANHR lawsuit against the Department of Public Health (DPH) forced it to make nursing home complaint investigations its top priority, and to begin investigations of suspected abuse and neglect in a timely manner. As a result, several thousand complaints were investigated quickly this year, greatly improving investigators' ability to detect violations and take steps to protect residents' from further harm. Through AB 399 (Feuer), CANHR sought to build on this achievement by requiring DPH to complete complaint investigations in a timely manner and provide specific written findings to complainants. Although AB 399 received overwhelming legislative support – it passed both houses of the legislature by a combined vote of 117-1 – Governor Schwarzenegger vetoed the bill in October, turning his back on abuse and neglect victims. In 2008, CANHR will continue pushing for these immensely popular reforms.

In July 2007, CANHR's advocacy efforts led to improved nursing home inspections that evaluate compliance with California's nursing home standards. The enhanced inspections are required by SB 1312 (Alquist), a 2006 law that forces DPH to determine nursing home compliance with both federal and California standards during inspections. The new law overturned an appalling DPH policy of ignoring California standards, which had rendered them virtually meaningless. Since it is already evident that DPH is not properly implementing the new law, CANHR will be monitoring its performance in 2008 and advising the legislature of our concerns.

Outreach and Education

CANHR staff made many presentations in 2007 to consumers, community groups, social workers, health care providers, government agency staff and other advocates and policy makers throughout California. Topics included Medi-Cal for long-term care, estate recovery, residential care rights, nursing home enforcement, family councils and elder fiduciary abuse. CANHR staff also worked with individual family members to assist in organizing family councils in their facilities.

Legal Services Delivery

In 2007, CANHR staff presented numerous trainings to legal services staff throughout California on resident rights enforcement and Medi-Cal and long term care issues and assisted individual legal services staff through our email and hotline. As a qualified Legal Services Support Center, providing California's legal services staff with the most up to date training, advocacy assistance and technical support is a CANHR priority. CANHR staff also assisted hundreds of individual clients referred by legal services programs and others on a variety of issues, including illegal nursing home transfers, estate recovery, Medi-Cal issues, conservatorship, elder fiduciary and physical abuse and nursing home abuse cases.

Memorials

2007 was marked by the death of former **Lt. Governor Leo McCarthy**. A beloved and treasured San Francisco resident, Leo McCarthy gave true meaning to the words "public servant." As a legislator, Assembly Speaker and three-term Lieutenant Governor, his work formed the basis for more positive changes in the laws affecting the lives of California's elders and disabled than at any time in the history of California.

A Special Thank You

CANHR's work in 2007 was made possible by the support of thousands of individual members and donors and by the volunteer time and expertise of CANHR's LRS Advisory Committee and our Board of Directors. We owe a special thanks to these unique individuals.

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CANHR could not do its work without the contributions of the private bar, legal services staff and other long term care advocates who have donated time and expertise to our trainings and materials throughout 2007. There are too many to mention, but we thank you.

AARP California
California HealthCare Foundation
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Financial Support

We thank all of our individual donors, particularly those of you who made our 2007 Firstgiving Campaign a great success. We also thank the following organizations/foundations for their support in 2007:

Join CANHR in 2008 for our Advocacy Campaign for Long Term Care Justice and help us strengthen the rights for California's long term care consumers.