

# CANHR

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*Long Term Care Justice and Advocacy*

## **PROGRAM REPORT 2009**

### **2009: A Year of Turmoil**

2009 was a difficult year for low-income consumers and their children, and elders and the disabled in California, as budget cuts disproportionately targeted In Home Supportive Services, Regional Centers for the Developmentally Disabled, community based services for aged and disabled and health care services for the poor. While many of these cuts have been halted through lawsuits, the next year is likely to be a repeat of the same targets. Meanwhile, the growing number of elders and their families needing information about long term care options in California resulted in a marked increase in the number of calls through CANHR's consumer hotline and an increase in e-mail inquiries through the website feedback form. CANHR staff worked hard to keep up with the demand for services.

### **2009 Advocacy Campaign for Justice**

Thanks to the support of hundreds of individuals and organizations, CANHR's 2009 advocacy campaign for long term care justice was remarkably successful, as the Governor signed all but one of CANHR-sponsored bills. The campaign produced important new laws that will help protect residential care facility residents from improper evictions (AB 781-Leno), curtail inappropriate marketing of reverse mortgages to seniors (AB 329-Feuer), aid residents of Continuing Care Retirement Facilities during closures (AB 407-Beall), require increased financial transparency by CCRC providers (AB 1169-Ruskin) and provide emergency funding for the local long term care ombudsman programs (AB 392-Feuer and Jones).

Unfortunately, the Governor vetoed SB 303 (Alquist), a very important resident rights bill that would have reduced the rampant drugging of nursing home residents in California. SB 303 would have required doctors to inform residents about the dangers of mind-altering drugs and required nursing homes to verify that residents or their representatives had given consent before these drugs could be used. In 2010, CANHR will initiate a major education and outreach campaign to educate the public and lawmakers about the dangers of over-drugging and the use of inappropriate drugs in California nursing homes.

## **Consumer Resources**

CANHR developed several useful consumer guides in 2009, including:

- **Continuing Care Retirement Communities: Is One Right for You?** A guide to evaluating and choosing a continuing care retirement community in California, including a personal questionnaire, “Points to Consider for CCRC Consumers.”
- **Guides to Small Claims Court for Nursing Home and Residential Care for the Elderly Residents**  
These two guides to small claims court are specifically designed for consumers who have had problems with theft or loss in long term care facilities and offer step-by-step directions through the small claims court process, as well as copies of all the pertinent forms.

## **Website**

CANHR’s website, [www.canhr.org](http://www.canhr.org) and its two search sites, nursing home guide and residential care guide, receive approximately 5,000 new visitors per month. These include consumers, legal services and private bar attorneys, long term care professionals and others. The website was recently revamped and the feedback has been overwhelmingly positive. All of the consumer fact sheets can be downloaded, and most are available in Spanish and Chinese.

## **Consumer Outreach & Advocacy**

During 2009, CANHR staff made over 150 presentations to community groups, family councils, 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, family councils and elder financial abuse, among others.

CANHR’s consumer hotline and web feedback system responded to over 1,700 inquiries a month, providing pre-placement counseling, information on residents’ and consumer rights, legal services support and referrals through our Lawyer Referral Services. The information that CANHR receives from consumers and legal services staff informs our advocacy and helps us to direct our resources to those policy areas identified by consumers of care and their advocates.

Pat McGinnis and Prescott Cole initiated a weekly radio show, “*Elder Issues and Answers*,” on KTRB AM 860, which included a series of ten programs on long term care issues and resident rights. A similar series is planned for 2010.

## **Legal Services Delivery**

As a qualified Legal Services Support Center, CANHR staff provided California’s legal services projects with training, advocacy assistance and technical assistance. 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, conservatorships, elder fiduciary and institutional abuse cases. CANHR staff also provided numerous on-site and webinar trainings to legal services programs, focusing on representation of low-income elders on resident rights and elder fiduciary abuse cases.

CANHR's Lawyer Referral Services currently has 120 participating attorneys on nine specialized panels, all of whom have agreed to accept at least two pro bono and two reduced fee cases per year. In 2009, the LRS referred over 568 clients to panel attorneys and assisted hundreds of other consumers with various legal and consumer problems.

## **Public Policy Advocacy**

**Legislative Hearings:** CANHR's staff presented testimony at a number of legislative and committee hearings on issues such as residential care rights and nursing home enforcement issues, and at the request of legislative staff, provided background information and assistance on issues such as elder financial abuse, the ombudsman program, Medi-Cal and Special Needs Trusts.

**State Regulatory Agencies:** CANHR staff met regularly with representatives of the Department of Social Services, Community Care Licensing (CCL) and participated in their work group to develop a website for Residential Care Facilities, and with staff at the Department Public Health and the Department of Health Care Services (DHCS) to discuss issues pertaining to nursing homes and Medi-Cal regulations.

## **Memorials**

2009 was marked by the deaths of **Sherry McIlwain** and **Oliver "Tat" DeSoto**. Sherry McIlwain was a geriatric RN, a member of CANHR's Board of Directors, and an eloquent advocate for elders and quality care in residential care facilities. Sherry was instrumental in creating numerous training programs for senior care providers in the Bay Area. Tat DeSoto became active in nursing home reform when his wife, Nellie, was a resident of a nursing home. Tat was an active and long time member of CANHR and one of our finest consumer advocates.

## **A Special Thank You**

CANHR's work in 2009 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. Nor could CANHR 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 newsletters throughout 2009.

### **Board of Directors 2009**

Donna Calame, President  
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Kathryn Stebner, Esq.

## **Foundation and Organization Support**

The State Bar of California, Legal Services Trust Fund Program  
The Arns Law Firm and Stebner & Associates for their support of “*Elder Issues & Answers*”  
Christopher Cherney/Jerico Road, Inc.  
Mary Davis, a friend and supporter  
Trust of Konrad Semrau  
Majors and Fox, LLP  
Michael F. Moran, Esq.  
NAELA, Northern California  
Southern California Council of Elder Law Attorneys  
Consumer Attorneys of California Foundation  
Stephen M. Garcia, Esq., for facilitating the award of settlement funds to CANHR  
Ingrid Evans, Esq., for facilitating the award of Cy Pres funds to CANHR

## **Join CANHR’s 2010 Families for Better Care Campaign**

CANHR’s Campaign for Change in 2010 will focus on mobilizing consumers to fight against the misuse and over-use of psychotropic drugs in nursing homes and on creating a support network to empower family members, caregivers and the residents themselves to join together and advocate for better care through family councils. Family councils are one of the strongest, most powerful tools available to improve the quality of care and quality of life for long term care consumers.

We thank all of you who have supported CANHR’s work over the years and particularly during this past year, and we hope that you will join us in 2010 to continue to mobilize for justice and a better quality of life for all long term care consumers.

CANHR’s financial statements are available at [www.guidestar.org](http://www.guidestar.org) or upon request from the CANHR office.

