

Stories of CANHR Advocacy During the Pandemic

Evelyn: A Homeless Shelter is Not a Home



Evelyn had been a resident at a nursing facility for over a year, when she was kicked out with no notice, and sent to an unlicensed room and board. At the time, she had no income and no means to pay for the room and board. Evelyn contacted CANHR, who helped her file for an administrative readmission hearing with the Department of Health Care Services (DHCS).

The nursing facility readmitted Evelyn, but the fight was not over. About a week later, Evelyn was served with a notice of discharge, this time listing a *homeless shelter* as the discharge location. Evelyn, who suffers from PTSD as the victim of a violent crime, would not feel safe in an environment where all residents sleep in the same open-air room.

CANHR helped Evelyn fight the discharge at a DHCS hearing, which she won. At the same time, in partnership with a California Community Transitions program called East Bay Innovations, we helped Evelyn secure SSDI income, get approved for a housing subsidy, and enroll in In Home Supportive Services (IHSS). We are pleased to report that Evelyn has moved into her very own studio apartment, with IHSS support. She says the apartment is perfect for her, and is excited to begin the next chapter of her life.

Bill: Reunited with Wife After Being Illegally Dumped from Nursing Home



In the midst of the COVID pandemic last April, a skilled nursing facility housed in Tahoe Forest District Hospital in Truckee dumped Bill Borden into the hospital emergency room and refused to readmit him, tearing him away from Beverly, his wife of fifty years. Devastated by the events, the couple and their family reached out to their ombudsman and to CANHR.

CANHR successfully represented the couple in an administrative hearing with DHCS, and in a superior court hearing for a civil restraining order against Bill by the facility. Despite the DHCS order that Bill be immediately readmitted, the facility continued to refuse, leaving him separated from Beverly for the next six months. The State did nothing to enforce the hearing decision.

CANHR sought the assistance of the federal Centers for Medicare and Medicaid Services (CMS), arguing that the CMS should decline to provide Medicare reimbursement to the facility because its refusal to readmit Bill meant the facility was not complying with its contract with the federal regulator. Our arguments were successful, and on October 17 the facility finally readmitted Bill, ending the longest separation the couple had experienced in their marriage.

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Martin: Saving a Home from Medi-Cal Recovery



Martin's mother was diagnosed with cancer requiring extensive and expensive treatments, all covered by Medi-Cal. After her death at 85 years old, Martin received a bill from Medi-Cal Recovery for \$100,000. Neither Martin nor his mother were aware that Medi-Cal could recover on her home, and Martin was left feeling completely in shock, thinking he would have to sell his mother's home to pay the bill. After Martin tried to find information and support about the recovery claim without success, a friend from church who had attended a CANHR community outreach presentation referred Martin to CANHR. CANHR staff supported Martin with all the information he needed to file with the State of California, and the recovery claim was eventually waived.

Ken: Preventing a Transfer to a Facility Far Away



Ken has been in a long term acute facility in San Francisco for years. He is quadriplegic and has a breathing tube. He communicates to his parents with gestures. His parents are elderly, speak only Chinese and cannot drive. Nevertheless, they visited Ken every day and provided care and exercise until the pandemic hit. After Medicare determined that they would no longer cover his care at an acute level, and said he should be in a sub-acute facility, the facility planned to transfer Ken to a facility outside of Sacramento, almost a hundred miles away. If Ken's parents refused, the facility threatened to illegally bill them \$2,400 a day! They did not have the means to pay such a high bill, nor travel to see their son if he were sent somewhere far away. Terrified of what might happen, Ken reached out and was led to CANHR. CANHR notified the facility that their actions were illegal and reached out to Nancy Pelosi's local office and to Adult Protective Services. In the face of engagement from these offices, CANHR and other family advocates, the facility relented, stating that they will keep Ken until they find a sub-acute facility in the Bay Area.