

## RCFE Reform Fictions and Facts: A Response to "6beds.org"

A group of operators of small residential care facilities for the elderly (RCFEs) are opposing the RCFE Reform Act of 2014. A centerpiece of the opposition is a website - 6beds.org - that includes a number of cursory attacks on the Reform Act that are inaccurate, misleading, or misunderstand of the proposed policy.

The RCFE Reform Act was undertaken by bipartisan legislative leaders to address an elder care crisis revealed in a number of media reports about systemic abuse and neglect and poor state oversight. (To read these media reports, please go to [http://canhr.org/newsroom/rcfe\\_crisis/news\\_coverage.html](http://canhr.org/newsroom/rcfe_crisis/news_coverage.html)) The crisis was analyzed in our white paper: **Residential Care in California: Unsafe, Unregulated, & Unaccountable.**

California's standards for RCFEs were established three decades ago. The standards and state oversight system no longer fit the needs of today's RCFE residents, who require much greater nursing and personal care. The RCFE Reform Act is designed to modernize California standards and apply them to 21st century realities.

**FICTION** If the RCFE Reform Act bills pass, they will eliminate most small RCFEs.

**FACT** The Reform Act will strengthen RCFEs, not eliminate them. Most of the bills in the RCFE Reform Act have no direct costs for RCFE operators. A few bills, like AB 1570 (Chesbro) and SB 911 (Block), increase training requirements for new direct care staff from **only ten hours** to forty. In California, manicurists must have 400 hours of training and hairdressers must have 1600. Yet manicures and haircuts are still affordable. The training requirements ensure new staff members are better trained to meet the increased needs of the average resident.

**FICTION** AB 2236 (Maienschein and Stone) raises most civil penalties by 667%.

**FACT** This long overdue increase from \$150 to \$250 will not raise costs to RCFEs that comply with the law and do not harm residents. RCFEs that abuse or kill a resident are currently subject to a maximum \$150 fine. AB 2236 raises civil penalties for most violations from \$150 to \$250 but in extreme cases of abuse or death, the penalties range from \$500 to \$15,000.

**FICTION** AB 2044 (Rodriguez) requires 24/7 administrator/facility managers, costing small facilities \$8,000/month.

**FACT** AB 2044 does not require a 24/7 administrator or facility manager. The bill permits a designated substitute who is at least 21 years old to be on-site to handle emergencies. The bill's author is working to confirm that the designated substitute can be a current employee such as a direct care worker.

**FICTION** SB 1382 (Block) increases licensing fee 30%.

**FACT** SB 1382 will cost a 6-bed RCFE an additional \$83 per year and is just the third increase since 1985. This 20% increase comes out to less than four cents per day per resident.

**FICTION** AB 1572 (Eggman) allows families to dictate 24/7 visitation.

**FACT** AB 1572 has nothing to do with visitation. The bill promotes the development of Resident and Family Councils, which positively influence the quality of care in RCFEs, enhance communications with facility staff, and offer peer support.

The RCFE Reform Act of 2014 is tailored to address the myriad problems in RCFE care while avoiding unnecessary additional costs to providers. While the bills are aimed at protecting residents, they will also strengthen care in large and small RCFEs. California has set standards for care to protect the health and safety of its elderly and disabled residents, and the RCFE Reform Act ensures these standards are meaningful. The care residents receive should not be dependent on the square footage of the building.