

Opposition Alert: AB 1467 (Bloom)

Don't Reduce Fines for RCFEs that Kill Residents

In 2014, the California legislature addressed major problems in Resident Care Facilities for the Elderly (RCFEs), the legislature responded with a once-in-a-generation comprehensive package of legislation to raise the quality of care and improve state oversight. A central bill was AB 2236, which raised the maximum fine a facility could receive for the death of a resident from a trivial \$150 to a more meaningful \$15,000.

In 2016, AB 1467 (Bloom) seeks to decimate AB 2236's penalty enhancements only six months after they went into effect by cutting fines for smaller RCFEs that directly cause the death of a resident from \$15,000 to \$5,000.

The Value of a Life Should not Be Dependent on a Facility's Size.

AB 1467 sends a distasteful message by disparately penalizing RCFEs that cause the death of residents, according to the size of the facility. AB 1467's sliding-scale justice is offensive and commits a huge disservice to assisted living residents.

A \$5,000 Maximum Fine For Killing a Resident Will Not Provide Effective Deterrence.

The median cost of an assisted living facility is nearly \$4,000 per month per resident. A \$5,000 fine could be recouped in about five weeks. Fines for causing the death of a resident have to be higher if we want them to have any meaning. A maximum \$5,000 hardly sends a message of zero-tolerance.

AB 1467 Will Dangerously Cut Fines by Two-Thirds for Licensees Whose Action or Inaction Has Directly Led to the Death or Serious Injury of a Resident.

AB 1467 is an attempt to "go easy" on smaller RCFEs and ensure that a fine for causing the death of a resident does not force the facility to close. We think a better way to ensure facilities are not forced to close is for them to not cause the death of a resident. The legislature should not let concern about the continued viability of RCFEs that have killed a resident justify the rollback of an enforcement system that finally takes an appropriate stand for resident health and safety.

Please oppose AB 1467 because it rolls back hard-earned, significant resident protections that have been in effect for only six months. The bill undercuts the progress California has made and most importantly, render RCFE residents throughout the state more vulnerable to abuse and neglect.

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Your Help is Needed

To oppose AB 1467 and protect RCFE residents from deadly abuse and neglect, please write and send an opposition letter to the Assembly Human Services Committee, with copies to the bill's author, Assemblymember Richard Bloom, and CANHR at:

Assemblymember Kansen Chu, Chair
Assembly Human Services Committee
1020 N Street, Room 124
Sacramento, CA 95814
Fax: (916) 319-2189

Assemblymember Richard Bloom
State Capitol, Room 4074
Sacramento, CA 95814
Fax: (916) 319-2150

California Advocates for Nursing Home Reform
650 Harrison St., 2nd Floor
San Francisco, CA 94107
Fax: (415) 777-2904

Sample Letter

Dear Assemblymember Chu:

I am writing in strong opposition of AB 1467, which will significantly reduce the fines small RCFEs face when their action or inaction causes the death of a resident. Just six months ago, long overdue fine increases went into effect and now AB 1467 promises to rollback this progress. \$5,000 for killing a resident is simply an inadequate fine and will not protect residents from deadly abuse and neglect.

Given the huge number of vulnerable Californians in assisted living and the continued problems with adequate state oversight of the facilities, meaningful fines are fundamental to ensuring compliance with standards of care. Without them, RCFE residents will surely suffer.

Please help protect RCFE residents by voting no on AB 1467.

More Information

- Use <http://leginfo.ca.gov> to find contact information for your Senator and Assembly Member and to keep track of AB 1467.
- Visit CANHR's website (www.canhr.org) for updates on all of CANHR's legislation and to find out how to become a CANHR Advocate.
- Call CANHR @ (800) 474-1116.