



## Local Topics

# State's nursing-home licensing unit too slow, audit finds

[POD ▶ Download story podcast](#)

02:31 PM PDT on Friday, April 13, 2007

By **LORA HINES**  
The Press-Enterprise

The agency that oversees California nursing homes is failing to quickly respond to complaints or strongly state the extent of problems, according to a highly critical report released Thursday.

Of the roughly 17,000 complaints filed over 21 ½ months ending April 14, 2006, barely half -- just 51 percent -- were started in the state's legal time frame, and fewer than four in 10 were finished in an acceptable amount of time. Complaints, such as those involving death, injury, abuse or unsanitary conditions, are to be investigated within 24 hours to 10 days, depending on the severity.

The report by California's state auditor also found evaluators for the California Department of Health Services' licensing and certification division also downplayed the extent of problems found during nursing-home inspections.

"We're hoping the audit will be seen by the Legislature as a call to action," said Mike Connors of the California Advocates for Nursing Home reform, a consumer-advocacy group.

Sen. Elaine Alquist, D-San Jose, chairwoman of the Subcommittee on Aging and Long Term Care, couldn't be reached for comment.

Last year, state lawmakers, including Alquist, ordered the audit after a critical report from the state Legislative Analyst's Office, which provides fiscal and policy advice to the Legislature. The report found that inspectors had failed to detect problems during nursing-home inspections, failed to follow up on problems, ignored state standards and performed predictable inspections.

Kathleen Billingsley, deputy director of licensing and certification, said she started tackling the division's complaint-investigation backlog and inspection accuracy before release of the auditor's report. About 500 evaluators inspect an estimated 1,200 nursing homes statewide.

"We've made a lot of progress over the last six months," Billingsley said. "If you look at the information

addressed in the report, it was collected several years ago. I think (the report) was a reflection of the program in the past."

The auditor's report recommends that the Health Services Department better manage its complaint workload, do more unannounced inspections and improve information accuracy. The department also should put more detailed nursing-home information, including citations and deficiencies, on its Web site, as required by law.

Billingsley said the Web site should be updated by the end of the year. She has formed a team to evaluate inspection reports and filled almost all the division's vacancies, she said.

"We are responsible for protecting a very vulnerable part of the population," Billingsley said.

### **Critics Not Surprised**

Nursing-home critics said the report confirms what they already knew: The agency isn't doing a good job. A lack of oversight has resulted in death, injury and abuse, they said.

The department's licensing division was forced to prove that it initiates investigations quickly because of a lawsuit brought by Connors' group.

Now, lawmakers are considering legislation to require the department to do investigations in 40 days and make detailed findings available to the public. The department's goal is to complete investigations within 45 days. No state-mandated deadline exists.

Connors said the report's findings about understatement of nursing-home deficiencies are even more troubling. Consumers aren't getting reliable information, which they need to make good decisions, he said.

"The (inspection) information is only as good as the underlying inspection system," he said.

Betsy Hite, spokeswoman for the California Association of Health Facilities, said her nonprofit organization for providers of long-term health care, wanted the audit. "We think that it's really important that those investigations are done while the information still is current and the staff is still current," she said.

Evaluators may not use the same criteria, which may explain the report's findings about understated problems found during nursing-home inspections, Hite said. The report found downplayed deficiencies in nine of the 35 nursing-home surveys it examined.

Billingsley disputed the findings, adding that she found understated deficiencies in just two of the surveys that the auditor examined. However, the department's quality-assurance team will ensure more accurate evaluations, she said.

### **Judge's Order**

Last year, the nursing-home reform group sued the Department of Health Services' licensing division to force it to begin investigations as required by state law. San Francisco Superior Court Judge Peter Busch in September ordered the division to start chipping away at nearly 1,300 backlogged complaints going back at least two years and begin investigating 80 percent of new complaints within 10 days as required.

So far, the division is meeting court demands.

Pat McGinnis, the nursing-home reform group's executive director, was unavailable Thursday. She said last month that delayed investigations led to high numbers of unsubstantiated complaints.

The California Healthcare Foundation, an independent organization that researches health care delivery and financing, found that nursing-home complaints increased to 12,194 in 2005 from 7,972 in 2000. Yet only 16 percent of the 2005 complaints were confirmed, compared with 41 percent of those from 2000,

according to the foundation report released last month.

Russell Balisok, a lawyer who represents people who sue nursing homes, said he doesn't encourage clients to complain to the department.

"There's no confidence in the system," he said.

Riverside resident Brenda Bateman said the staff at the Riverside nursing home where her mother lived knew when state inspectors were to arrive. She recalled a day when workers prepared for the evaluation.

"I was wondering why my mom had a bow in her hair," she said. "Had they been there three days before, they would have seen the place was short three certified nursing assistants."

Typically, evaluators inspect nursing homes at least once a year. Bateman said evaluators should show up unannounced at homes once a month.

"If you're honest and abide by the laws, it shouldn't bother you," she said.

---

## REPORT FINDINGS

A report released Thursday by California's state auditor found that the licensing and certification division of the California Department of Health Services:

**Did not promptly** initiate and close investigations of nursing-home complaints.

**Did not accurately** classify nursing-home complaints as immediate jeopardy, which requires an on-site investigation within 24 hours.

**Did not accurately** state the severity of some problems found during nursing-home inspections.

**Has not fully** implemented an Internet nursing-home inquiry system for consumers, which was required by law five years ago.

**Uses incomplete** or unreliable data to track investigations of nursing-home complaints.

The report recommends that officials:

**Periodically evaluate** the timeliness of investigations of nursing-home complaints to ensure prompt completion.

**Ensure the accuracy** of nursing-home complaint data.

**Perform** nursing-home inspections less predictably.

**What's next:** A team will evaluate complaint investigation and inspection results. Nursing-home citation and inspection information should be available by the end of the year.

**Read the report:** [www.bsa.ca.gov/bsa](http://www.bsa.ca.gov/bsa)

---