

Press Release

FOR IMMEDIATE RELEASE

October 18, 2005

State Under Fire for Failure to Investigate Nursing Home Complaints - Consumers Sue

San Francisco -- Attorneys filed suit yesterday in San Francisco Superior Court (file # 05-505749) on behalf of relatives of nursing home residents and California Advocates for Nursing Home Reform (CANHR) to compel California's Department of Health Services (DHS) to follow California law by investigating complaints against nursing homes on a timely basis.

The complaint charges the Department of Health Services with pervasive failure to investigate complaints within the mandatory 10-day response time as required under California law. The lawsuit also charges that this failure to investigate complaints in a timely and diligent manner has exposed thousands of nursing home residents to abuse and neglect and has compromised the health and safety of California's nursing home residents.

Plaintiff Patricia Bryant, whose mother died in a Los Gatos facility, filed a complaint with the Department alleging that neglect on the part of the facility contributed to her mother's death. According to Bryant, the State did not respond to her complaint until almost seven weeks after the complaint was filed.

Plaintiff Julie Fudge alleges that the Department of Health Services did not respond to her complaint regarding her mother's care until many months after she filed a complaint. Ms. Fudge's mother became comatose and died six days after the incidents that resulted in her complaint.

Complaints against California's nursing homes have increased over 60 percent in the past five years. Of the 15,512 complaints filed against facilities in 2004 alone, nearly 75% were found to be "unsubstantiated" by the Department. As the lawsuit asserts, because of a large backlog in investigation of complaints, which is acknowledged by the Department, by the time they initiate an investigation, staff is gone, evidence is lost and witnesses are unavailable. As a result, complaints cannot be substantiated or are summarily dismissed.

The lawsuit is asking the court for injunctive relief to require the Department to comply with the statutory timelines. Plaintiffs are represented by Christopher Healey, Esq. Luce, Forward, Hamilton and Scripps in San Diego and Michael Thamer, Esq. of Callahan.

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