

CANHR *Long Term Care Justice and Advocacy*

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Governor Newsom Vetoes Bill Requiring Skilled Nursing Facilities to Keep Residents Safe During Power Outages

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San Francisco, CA – On September 25, Governor Newsom vetoed SB 1207, a critically important bill by Senator Hannah-Beth Jackson that would have required skilled nursing facilities to have an alternative source of power to protect resident health and safety and maintain safe temperatures for at least 96 hours during any type of power outage.

The unconscionable veto is certain to cost the lives of vulnerable nursing home residents throughout California. While residents' lives depend on power to keep temperatures safe and operate life sustaining equipment, the facilities they live in are increasingly subjected to prolonged blackouts caused by public safety power shutoffs. Over 100 California skilled nursing facilities lost power last year during PG&E's badly mismanaged blackouts.

Senator Jackson's bill – [The Nursing Home Resident Safety Act](#) – had near unanimous, bipartisan support in the Legislature and was a priority measure for the Senate Wildfire Working Group. SB 1207 was co-sponsored by CANHR and Long Term Care Ombudsman Services of San Luis Obispo County and supported by many advocacy, human service and governmental organizations.

The Governor's veto comes at a time of severe danger for California nursing home residents. Nearly 5,000 residents have died due to COVID-19 during the pandemic. Those who survived may now face exposure to the virus and transfer trauma during life threatening evacuations from facilities that failed to arrange for sufficient backup power. A new wave of blackouts took place this month as California was ravaged by extreme weather and fire storms. On the same day Governor Newsom vetoed SB 1207, [PG&E issued an alert](#) that it was preparing to turn off power to nearly 100,000 customers in fifteen counties due to adverse weather reports.

The bill sought to codify federal standards on backup power that California skilled nursing facilities have widely ignored and that the California Department of Public Health has willfully failed to enforce. Their failures are documented in a scathing November 19, 2019 report by the federal HHS Office of Inspector General: [*California Should Improve Its Oversight of Selected Nursing Homes' Compliance with Federal Requirements for Life Safety and Emergency Preparedness.*](#)

In addition to saving lives, SB 1207 would have saved state costs by avoiding emergency relocation and sheltering costs for the very large numbers of residents who might otherwise be evacuated during a prolonged outage. It would also have saved the costs of emergency and ongoing medical care caused by extreme heat, disruption of life support and other threats to resident health during blackouts. The bill imposed no new costs because it required nursing homes to meet existing federal standards on backup power.

The California nursing home industry is the only opponent to SB 1207. In helping to kill the bill, it once again demonstrated its contempt for the lives of people living in its facilities.

Having abandoned the federal standards on backup power for skilled nursing facilities, the California Department of Public Health is only enforcing [an antiquated state regulation](#) that requires backup power for just six hours for exceedingly limited functions.

"It is beyond our comprehension how the Governor could veto this vital bill in the midst of the pandemic and the worst wildfire season in California's history," said Pat McGinnis, CANHR's Executive Director. "Residents desperately need him to help protect their lives right now, not the financial interests of nursing home lobbyists."

Echoing the specious claims of nursing home lobbyists, the [Governor's veto message](#) states that the federal standards SB 1207 would adopt are "unclear." What is clear is that the California Department of Public Health remains firmly in the grip of the nursing home industry it is supposed to regulate.

[Read September 2, 2020 letter from CANHR and Long Term Care Ombudsman Services of San Luis Obispo County to Governor Newsom urging him to sign SB 1207.](#)

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