



State of California—Health and Human Services Agency
California Department of Public Health

KAREN L. SMITH, MD, MPH
Director and State Public Health Officer



EDMUND G. BROWN JR.
Governor

September 28, 2016

Joseph Rodrigues
State Long-Term Care Ombudsman
1300 National Drive, Suite 200
Sacramento, California 95834-1995

Suzi Fregeau
Ombudsman Program Coordinator
Area 1 Agency on Aging
Long-Term Care Ombudsman Program
434 7th Street, Suite 209
Eureka, CA 95501

RE: Complaint Investigation for Receivership

Dear Mr. Rodrigues and Ms. Fregeau:

On September 1, 2016, the California Department of Public Health (CDPH) received your letter requesting that a formal complaint investigation be conducted pursuant to California Health and Safety Code (HSC), Section 1327.1 to determine whether circumstances regarding the closure of Eureka Rehabilitation & Wellness Center, Pacific Rehabilitation & Wellness Center, and Seaview Rehabilitation & Wellness Center (Eureka facilities) would merit petitions for receivership by CDPH according to the conditions provided in HSC section 1327.

HSC Section 1327(a) provides three conditions that would allow CDPH to petition a Superior Court to appoint a receiver for each of the Eureka facilities:

1. When circumstances exist indicating that continued management of a long-term health care facility by the current licensee would present a substantial probability or imminent danger of serious physical harm or death to the patients; or
2. There exists in the facility a condition in substantial violation of applicable rules and regulations or the facility exhibits a pattern or practice of habitual violation of applicable rules and regulations; or



Mr. Joseph Rodrigues
Ms. Suzi Fregeau
Page 2
September 28, 2016

3. The facility is closing or intends to terminate operation as a licensed long-term health care facility and adequate arrangements for relocation of residents have not been made at least 30 days prior to the closing or termination.

In response to your request, the Santa Rosa/Redwood Coast District Office (SRDO) of the Licensing and Certification Program for CDPH conducted an investigation at each of the Eureka facilities on the following dates:

Eureka Rehabilitation & Wellness Center – September 20, 2016
Pacific Rehabilitation & Wellness Center – September 22, 2016
Seaview Rehabilitation & Wellness Center – September 23, 2016

The SRDO's investigations for each of the Eureka facilities found none of the conditions provided in HSC Section 1327 (a) that would allow CDPH to petition the court to appoint a receiver in any of the three facilities. The SRDO found that each facility is providing adequate care and services to the residents, there were no signs of resident neglect or mistreatment, daily activity routines were being maintained, and staffing levels are sufficient to meet the residents' needs. Furthermore, CDPH has found the revised closure/relocation plans for each of the Eureka facilities acceptable.

We understand and share your concerns regarding the potential impact that the closure of the Eureka facilities may have on the community. However, at this time the circumstances do not meet the conditions provided in HSC section 1327(a) for CDPH to petition the court to appoint a receiver.

If you have questions, please contact me at 916-324-6630.

Sincerely,



Jean Iacino
Deputy Director

cc: Dana Forney, District Manager
Santa Rosa District Office
Center for Health Care Quality
California Department of Public Health