



# **PROGRAM REPORT 2006**

**California Advocates for  
Nursing Home Reform**

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# California Advocates for Nursing Home Reform

## Program Report 2006

2006 was a very busy year for CANHR, with a major victory in our lawsuit against the Department of Health Services regarding the timely response to complaints and several of CANHR's legislative initiatives signed into law. Legal services and attorney trainings, consumer response and outreach, workshops and long term care policy issues have kept the CANHR staff very busy over the past year.

Following are some of the highlights of CANHR's work in 2006:

### Consumer Information and Assistance

During 2006, CANHR's web site, [www.canhr.org](http://www.canhr.org), received over 4,000 visitors per week. Many visitors were consumers seeking information about Medi-Cal or about placement in residential care or nursing homes. CANHR staff responded to over 2,000 inquiries a month from the consumer hotline and web feedback system, providing pre-placement counseling, information on resident and consumer rights, assistance with complaints and referrals through our Lawyer Referral Services. The information that CANHR receives from calls and emails informs our advocacy and helps us to direct our resources to those policy areas identified by advocates, consumers of care and their family members.

### Litigation

*CANHR v. Department of Health Services:* In October 2005, CANHR, along with two family members of deceased nursing home residents, Julie Fudge and Patricia Bryant (both Santa Clara County residents), filed suit against the Department of Health Services to compel them to comply with California law regarding response to complaints against nursing homes. In September 2006, San Francisco Superior Court Judge Peter Busch issued a writ of mandate against the Department and ordered them to fully comply with the law, including investigation of all backlogged and current complaints by May 12, 2007. Reports from consumers and ombudsmen indicate that the complaint response process has been reborn and that the District Offices are responding on a timely basis.

### Legislation

*Successful Legislation:* CANHR successfully sponsored SB 1248 (Alquist), which requires all California nursing homes to comply with residents rights established under federal law, guaranteeing equal rights for all nursing home residents; and SB 1212 (Torlakson), which provides new rights for residents of Continuing Care Retirement Communities (CCRCs) and requires disclosure of provider reserve funds. Both bills were signed into law.

*Other Legislative Successes:* CANHR also supported SB 1312 (Alquist), which established an affirmative obligation for DHS to investigate nursing homes to determine compliance with both state and federal laws; SB 1847, which added disclosure language for the sale of certain financial products to elders; and AB 1609 (Simitian), which added consumer protections in the sale and marketing of reverse mortgages.

### Public Policy Efforts

*Medi-Cal Recovery and Eligibility:* CANHR staff worked hard to ensure that the Medi-Cal Estate Recovery regulations were tempered to continue to permit elderly nursing home residents to transfer their homes to avoid tax consequences and estate claims through life estates and to provide caregiver children and IHSS providers with relief. CANHR also tried to prevent the onerous changes included in the Deficit Reduction Act of 2005 - changes that will impact long term care beneficiaries disproportionately.

## **Awards/Recognitions**

On April 19, 2006, the San Francisco State University Office of Community Service Learning presented CANHR with its 2005-06 Community Service Learning/Community Partner Recognition Award. The award is given to one community partner per year that demonstrates excellence in the supervision, mentoring, and placement of SFSU students in meaningful service opportunities. CANHR has been fortunate to have had a number of wonderful, dedicated and brilliant SFSU interns over the past ten years.

## **Memorials**

2006 was marked by the death of **William Fayette Taylor**, the recipient of CANHR's 2006 "Attorney Advocate of the Year," who died in October 2006. Bill was our friend, our advisor, a long time CANHR trainer and a member of our LRS Advisory Committee. The world of advocacy will not be the same without Bill, and long term care residents have lost one of their most powerful advocates.

CANHR also mourned the loss of **Konrad Semrau**, who passed away in March 2006. Konrad was the plaintiff in one of the first successful elder abuse lawsuits in California and subsequently worked to change the law to enable others to seek remedies. A committed CANHR Board member, Konrad helped establish CANHR as a strong advocacy voice throughout California.

## **A Special Thank You**

CANHR's work in 2006 was made possible by the support of thousands of individual members and donors and by the volunteer time and expertise of CANHR's LRS Advisory Committee and our Board of Directors. We owe a special thanks to these unique individuals.

CANHR could not do its work without the contributions of the private bar, legal services staff and other long term care advocates who have donated time and expertise to our trainings and materials throughout 2006. There are too many to mention, but we thank you.

### **Board of Directors (2006)**

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Christine Del Sherpa, Esq.  
Peter Lomhoff, Esq.  
Tim Millar, CFP  
Walter Rosen, Esq.  
Peter Stern, Esq.  
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## **Foundation and Organizational Support**

We thank the following organizations/foundations for their support in 2006:

American Honda Motor Co.  
Van Loben Sels/RembeRock Foundation  
The Harris Corporation  
The Evelyn and Walter Haas, Jr., Fund  
The State Bar of California

CEB California  
Consumer Attorneys of California  
League for Nursing Home Reform  
Southern California Council of Elder Law Attorneys  
NAELA, Northern and Southern California Chapters

*Legislative Hearings:* CANHR's staff presented testimony at a number of legislative and committee hearings on issues such as nursing home enforcement issues and probate conservatorship concerns. In response to a Los Angeles Times series on abuses in the conservatorship system in California, several legislative hearings were held that resulted in the Omnibus Conservatorship and Guardianship Reform Act of 2006. A CANHR representative was appointed to the Judicial Council Task Force on Probate Conservatorship, which is charged with making recommendations for reform of the probate conservatorship process to the Judicial Council.

CANHR staff also testified at the Joint Legislative Audit Committee regarding the performance of Licensing and Certification. The Committee requested that the State Auditor conduct a performance audit of the DHS, Licensing and Certification Program, which is due in early 2007.

*State Regulatory Agencies:* CANHR staff met regularly with representatives of the Departments of Social Services (DSS) to discuss issues pertaining to residential care and with Department of Health Services staff to discuss upcoming changes in the Medi-Cal system.

*Federal Issues:* CANHR staff worked to educate Congressional members on the negative impacts of onerous proposed Medicaid changes. Despite these efforts, the President signed the Deficit Reduction Act of 2005 on February 8, 2006.

## **Outreach and Education**

CANHR staff made many presentations in 2006 to consumers, community groups, social workers, health care providers, government agency staff and other advocates and policy makers throughout California, including 28 targeted training workshops. Topics included Medi-Cal for long term care, estate recovery, residential care rights, nursing home enforcement, family councils and elder fiduciary abuse. CANHR staff also worked with individual family members to assist in organizing family councils in their facilities.

## **Legal Services Delivery**

CANHR's Resident Rights litigation project was initiated in 2006 and will result in the training of legal service staff throughout California on resident rights litigation and transfer and discharge appeals. As a qualified Legal Services Support Center, CANHR staff provided California's legal services projects with training, advocacy assistance and technical assistance. CANHR staff also assisted hundreds of individual clients referred by legal services programs and others on a variety of issues, including illegal nursing home transfers, estate recovery, Medi-Cal issues, conservatorship, elder fiduciary and physical abuse and nursing home abuse cases.

## **Lawyer Referral Service**

CANHR's Lawyer Referral Services currently has 194 participating attorneys on nine specialized panels, all of whom agree to accept at least two pro bono and two reduced fee cases per year. In 2006, the LRS referred over 780 clients to panel attorneys and assisted hundreds of other consumers with various legal and consumer problems.

## **Elder Law Conference**

CANHR celebrated its 10th annual Elder Law Conference at the Marriott Hotel in Manhattan Beach, with a capacity audience of over 350 participants who attended workshops on a variety of topics, including Medi-Cal for long term care, elder abuse litigation, special needs trusts and other issues relevant to elder law advocates. The highlight of the conference was the keynote speaker, Attorney General Bill Lockyer, who discussed his office's efforts to combat elder abuse and who thanked CANHR for our work with him and his office over the past eight years.