



CANHR
Long Term Care Justice and Advocacy

PROGRAM REPORT 2014

For over 30 years, California Advocates for Nursing Home Reform (CANHR) has been dedicated to improving the choices, care and quality of life for California's long term care consumers and their family members. Although CANHR is known for its work on nursing home reform issues, our staff deals with a variety of issues affecting long term care consumers and their caregivers, including pre-placement counseling, health care directives, elder financial and institutional abuse, access to home and community based services, assisted living and funding of long term care. Following are some of the highlights of CANHR's work in 2014:

RCFE Reform Act of 2014

In October 2013, CANHR released a white paper on the status of Residential Care Facilities for the Elderly (RCFEs) in California. This special report, *Residential Care in California: Unsafe, Unregulated & Unaccountable*, summarized the many problems in assisted living and in oversight and enforcement. The report also offered a number of recommendations for change. At a January 13, 2014 press conference in Sacramento, CANHR, along with a coalition of legislators, consumer advocates and family members of RCFE residents, introduced the RCFE Reform Act of 2014.

The thirteen bills that made up the RCFE Reform Act of 2014 were introduced by a bipartisan group of legislators following multiple media reports that revealed widespread abuse and neglect of residents and poor state oversight by the Department of Social Services (DSS). Some of the bills were aimed at improving care in facilities: new training requirements for staff, increased penalties for poor care, and creating a resident bill of rights. Other bills were aimed at enhancing RCFE supervision by DSS: mandating annual inspections, timely investigations of consumer complaints, and creating an on-line information system so the public could compare facilities. **Ultimately, the Governor signed nine (9) of the RCFE Reform bills sponsored by CANHR and several others that CANHR supported.** While these new laws are certainly victories for residents and advocates, RCFE Reform is notably incomplete without significant changes to DSS oversight, which will be one of CANHR's priorities in 2015. We owe a special thanks to those tenacious legislators who authored the bills and fought hard to get these new protections in place for residents. For details on the RCFE Reform Act and other CANHR supported bills that were signed into law, see www.canhr.org/legislation/index.html.

Medi-Cal Recovery Reform

In 2014, CANHR partnered with Western Center on Law and Poverty to co-sponsor SB 1124 (Hernandez), which would have amended the Medi-Cal recovery program and provided relief for low-income Medi-Cal beneficiaries. Although the Governor vetoed the bill, his veto message left some hope that it could be signed in the next legislative session. In 2015, CANHR will be cosponsoring SB 33 (Hernandez), a

repeat of SB 1124 with a few changes. CANHR presented consumers workshops throughout California on how to avoid Medi-Cal Recovery and developed consumer-friendly materials to educate and inform Medi-Cal beneficiaries about their rights.

Campaign to Stop Drugging in Nursing Homes

CANHR's statewide **Campaign to Fight Drugging of Nursing Home Residents**, launched in late 2010, continues to be effective, pressuring providers and policy makers alike to stop the pervasive use of antipsychotic drugs as chemical restraints in nursing homes. In addition to a first-of-its-kind website www.canhr.org/stop-drugging, CANHR co-sponsored several symposia on Dementia Care Without Drugs throughout California. The theme of the symposia was "comfort care" as the model for dementia treatment using a coordinated "least medicating" approach. The symposia are an integral part of CANHR's effort to assist long-term care providers to improve dementia care. In addition, CANHR staff helped contribute to important media coverage on overdrugging in nursing homes including a 3-part series on NPR and an in-depth report from LA's KCET.

Consumer Resources & Reports

CANHR developed several useful consumer resources and reports in 2014, including:

- **Medi-Cal Recovery: *What You Need to Know and How to Avoid Recovery***. Available free to consumers and legal services staff, this consumer booklet about post-death Medi-Cal estate recovery claims and how to avoid them is available in English, Spanish and Chinese. Nearly 10,000 of these booklets were distributed free to legal services programs who distributed them in their communities as part of their outreach and education programs.
- **Financial Protection Guide for Seniors: *Senior Scams Alert***. This free guide, available directly from CANHR or from CANHR's web site, highlights the various types of financial scams targeting seniors, how to protect yourself from such scams and where to go if you've been scammed.
- **No Standards: How Nursing Homes Attempted to Undermine California's Standard Admission Agreement and Diminish Residents' Rights**: a summary of CANHR's review of 4,660 requests from nursing homes to modify the Standard Admission Agreement and diminish residents' rights. Available free from CANHR's web site under publications/reports.
- **Citation Report 2013**: A listing of citations issued to Nursing Home in California in 2013, arranged by county, with summary descriptions of the citations & the amount of fines issued. Available free from CANHR's web site under publications/reports.

www.canhr.org

CANHR's web site, www.canhr.org and its two search sites, nursing home guide and residential care guide, received over 45,000 visitors per month. These include consumers, legal services and private bar attorneys, long-term care professionals and others. The web site feedback form allows consumers to get answers to questions and referrals on a daily basis providing pre-placement counseling, information on resident and consumer rights, legal services support and referrals through our Lawyer Referral Services. All of the consumer fact sheets can be downloaded, and most are available in English, Spanish and Chinese. CANHR staff also created a special Affordable Care Act resource site for Covered California, Medi-Cal Expansion and Cal MediConnect to assist affected consumers.

Consumer Outreach & Advocacy

During 2014, CANHR staff made over 350 presentations to community groups, family councils, social workers, health care providers, government agency staff and other advocates and policy makers throughout California. Topics included Medi-Cal for long-term care, estate recovery, residential care rights, family councils and elder financial abuse, among others. The information that CANHR receives from consumers and legal services staff informs our advocacy and helps us to direct our resources to those policy areas identified by consumers of care and their advocates.

Legal Services Delivery

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 long term care-related issues. CANHR presented webinars and on-site trainings to legal services staff, social workers and private bar attorneys, and assisted individual legal services staff with technical assistance and consultations in response to phone or email requests for assistance. CANHR operates the only statewide, State Bar-certified Lawyer Referral Service specifically for long term care issues. Over 140 estate planning and elder abuse attorneys participate in CANHR's LRS, which matches consumers with attorneys experienced in long term care issues throughout California.

Public Policy Advocacy

Health Care Directives, Informed Consent, Residential Care, Fiduciary Abuse, Nursing Homes: These are just a few of the substantive areas that CANHR staff worked on with government agencies and other advocacy groups in 2014. CANHR staff met with Department of Social Services officials to discuss problems and solutions to the residential care crisis; with the Centers for Medicare and Medicaid Services to discuss reduction in antipsychotic drugs in nursing homes; with the Department of Public Health to discuss lax enforcement; and with numerous other agencies on issues affecting elders and persons with disabilities in California.

Legislative Hearings: On January 21, 2014, CANHR's Executive Director testified at an Assembly Joint Oversight hearing regarding the Department of Public Health Licensing and Certification Division's poor oversight and enforcement of nursing homes, including the lack of response to complaints. Calling for new leadership at the Department, CANHR's Director stressed the need for leadership at DPH, L&C that would reclaim its role as a consumer protection agency. CANHR's Executive Director also testified at a joint hearing of the Assembly and Senate Human Services Committees on state oversight of care in residential care facilities for the elderly on February 11, 2014. CANHR staff presented testimony at a number of legislative and committee hearings in 2014 on issues such as residential care rights and nursing home enforcement issues, and, at the request of legislative staff, provided background information and assistance on legislation regarding residential care facilities, nursing homes and Medi-Cal.

Memoriam

2014 was marked by the death of **John Vasconcellos** a former Senator and Assembly Member and California's longest continuously serving legislator until 2004. John Vasconcellos was more than a visionary – he was a bold, forceful advocate for what he believed in – always for the betterment of his fellow humans. Sometimes irascible, often impatient to “move the bill” and to cease the aimless discussions, he was usually the keenest mind in the room. As an Assembly Member, he became chair of the powerful Ways and Means Committee. In the State Senate, he chaired the Public Safety, Education,

and Economic Development committees, as well as the Senate Subcommittee on Aging, where he authored SB 1061, the nursing home standardized admission agreement bill. He authored numerous bills to improve education and assistance to seniors and persons with disabilities. Many of us would like to think we've left the world a better place than we found it. John Vasconcellos actually did. There was nobody like him and the void in the universe is large without him.

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We sincerely thank the hundreds of CANHR supporters who sent individual donations to support CANHR's work in 2014. We also thank the State Bar of California, Legal Services Trust Fund Program and the following persons and organizations for their support in 2014:

Bequests in 2014

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The Demski Trust
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We thank all of you who have supported CANHR's work over the years and particularly during this past year, and we hope that you will join us in 2015 to continue to mobilize for justice and a better quality of life for all long term care consumers.

CANHR's IRS financial statements are available from CANHR upon request and through the California Attorney General's Office web site <http://ag.ca.gov/charities/> and audited financial reports are available upon request from the CANHR office.

Join CANHR's 2015 Long Term Care Justice & Advocacy Campaign!

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