

June 1, 2009

Senator Elaine Alquist, Chair
Senate Committee on Health
State Capitol, Room 2191
Sacramento, CA 95814

RE: AB 392 (Feuer & Jones) Support

Dear Senator Alquist:

As a co-sponsor of AB 392, CANHR is writing in strong support of this important bill. AB 392 would appropriate \$1.6 million from the federal citation penalty account to partially restore long term care ombudsman services to residents of nursing homes and assisted living facilities.

Local long term care ombudsman programs have been devastated by the Governor's September 2008 veto of \$3.8 million in general funds that represented about half of their funding. Due to severe staffing reductions resulting from the cuts, the three-dozen non-profit and county agencies that provide ombudsman services throughout California are often unable to monitor long term care facilities, investigate complaints or address residents' concerns. The drastic reduction in ombudsman services is putting long term care facility residents at significantly greater risk of abuse and neglect.

Through monitoring, complaint investigations and advocacy, the long-term care ombudsman program helps protect the rights of residents of California's 1,300 nursing homes and more than 8,000 assisted living facilities. Many of the vulnerable seniors living in long-term care facilities have no family or friends who visit or advocate for them.

Ombudsman staff and nearly a thousand state-certified volunteers have helped fill this void by making regular visits to long term care facilities and responding to residents' concerns. They are an invaluable resource to residents on how to address concerns about a long term care facility and also serve as the eyes and ears of the community. Their frontline work has exposed countless incidents of neglect and abuse and often helps residents protect important rights that might otherwise be ignored.

California needs a strong long term care ombudsman program now more than ever. Residents of nursing homes are increasingly old, ill and dependent on staff for care. Abuse and neglect are on the rise, with public complaints to the Department of Public Health (DPH) having risen from 8,694 in 2004 to 13,691 in 2007, a 57 percent increase. During the same period, the number of facility reported incidents received by DPH rose from 7,438 to 13,207, a 77 percent increase. There have also been large increases in citations and serious deficiencies.

Celebrating 25 Years of Advocacy

AB 392 would use penalties paid by substandard nursing homes to help restore monitoring and advocacy by ombudsman programs. It is fitting that the penalty funds be used to support the ombudsman programs given their critical role in protecting residents' health and safety. There is no better or more appropriate use for these funds.

CANHR strongly urges the Senate Health Committee to vote “yes” on AB 392.

Sincerely,

Patricia L. McGinnis
Executive Director

Cc: Assemblymember Mike Feuer
Assemblymember Dave Jones
Members, Senate Health Committee