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# Nursing home review critical

## Auditors say state overseers failed to gauge problems well and respond quickly.

By Clea Benson - Bee Capitol Bureau

Published 12:00 am PDT Friday, April 13, 2007  
Story appeared in MAIN NEWS section, Page A4

The California Department of Health Services has failed to respond quickly to complaints about safety at nursing homes and has understated the severity of problems at some homes, the state auditor said in a report Thursday.

The audit, which looked at about 17,000 complaints lodged over a recent two-year period, found that the department failed to respond within legal time limits to almost half, and failed to complete about six in 10 investigations promptly.

Auditors also found instances in which investigators did not take safety violations seriously enough. In one case, state inspectors issued a low-level citation to a home that failed to provide oxygen to residents with breathing problems. Auditors said the home instead should have faced a more severe penalty for putting residents in immediate jeopardy.

The department is already under a San Francisco Superior Court order to improve its speed in response to complaints. Advocates filed a lawsuit last year, complaining that there was a backlog of complaints that were not being probed.

Kathleen Billingsley, the health department official in charge of nursing home oversight, said the department has since made huge strides in improving not only its initial response time but also the speed with which it finishes investigations and communicates the findings to the people who complained. The auditor's figures are out of date, she said, because the department is now on track to deal with 96 percent of complaints on time, she said.

"I feel very good in terms of the fact that we've been building our infrastructure," she said. "This confirms for me that we're putting our energy in the right place."

The department blamed the delays on staffing shortages caused by budget cuts and tough competition to hire the registered nurses who conduct the inspections. But with \$20 million in new funds this year, Billingsley said, the licensing and certification branch of the department has been able to hire more than 100 people and improve its performance.

But Mike Connors of Californians for Nursing Home Reform, the group that filed the lawsuit, said his organization is especially concerned about the findings that investigators are not taking some incidents seriously enough.

"I don't want to make it sound like we think the department is doing nothing," he said. "But we think they have a whole lot more to do, and there are some particular areas in this report that beg for a tougher response."

The department is currently in the midst of an effort to improve the quality of its investigations, Billingsley said.

The auditor looked at 35 instances in which state inspectors cited nursing homes and said the penalty should have been more severe in nine of the cases.

Billingsley said the department believed that only two of the 35 cases were more serious.

Nonetheless, she said, "I do believe that is something that warrants investigation."

Problems with nursing-home oversight in California are longstanding and well-documented.

A recent report by the California Health Care Foundation found that the total number of complaints against nursing homes rose from about 8,000 in 2000 to 12,000 in 2005. But at the same time, the portion of complaints that were substantiated by investigators fell dramatically, from 41 percent to 16 percent. The report cited the slow response time as a factor hampering investigators' ability to determine what happened.

And last year, the federal Government Accountability Office issued a report saying that California's inspectors often overlooked or downplayed serious safety violations.

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