

CANHR *Long Term Care Justice and Advocacy*

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

650 Harrison Street, 2nd Floor • San Francisco, California 94107 • (800) 474-1116 • www.canhr.org • canhrmail@canhr.org



JUSTICE IN AGING

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CEDAR
COALITION FOR ELDER & DISABILITY RIGHTS



May 29, 2020

Senator Holly J. Mitchell, Chair
Senate Budget Committee
State Capitol, Room 5019
Sacramento, CA 95814

Assemblymember Phil Ting, Chair
Assembly Budget Committee
State Capitol, Room 6026
Sacramento, CA 95814

RE: DHCS AB 1629 Reauthorization Proposal – Oppose

Dear Senator Mitchell and Assemblymember Ting:

The undersigned organizations are writing in strong opposition to the Administration's budget proposal to give a major rate increase to nursing homes while decimating vital programs that help people avoid the skilled nursing facilities that have proven to be so deadly and dangerous during this pandemic.

The Administration proposes to reauthorize and extend the AB 1629 rate system for skilled nursing facilities through 2024 with immediate new general fund costs of \$92.8 million in the coming fiscal year and hundreds of millions of dollars in additional new costs in years to come.

Californians who need long term care are desperate to stay out of nursing homes, where more than 1,500 residents have already died from COVID-19. Yet the Administration is proposing to terminate the very programs, including CBAS and MSSP, and slash others, such as IHSS, that help them stay at home.

Nursing homes have been ground zero for coronavirus outbreaks in California, where the pandemic has exposed terrible conditions in many facilities. Dozens of residents are suffering and dying alone every day in crowded, understaffed facilities with long histories of violating infection control standards. Countless family members of residents have contacted us with heartbreaking concerns about tragic situations involving their loved ones.

At the very least, these tragedies call for extensive investigations and reflection on what went wrong and what needs to change to prevent future disasters.

Under the circumstances, it is incomprehensible that California would extend the AB 1629 system for another five years and expend vast new sums on substandard nursing home care that will come at the direct expense of home and community-based services that Californians prefer.

AB 1629 is a failed system. Its stated aims are to ensure individual access to appropriate long-term care services, promote quality resident care, advance decent wages and benefits for nursing home workers, support provider compliance with all applicable state and federal requirements, and encourage administrative efficiency. None of these goals have been met. Instead, it has produced billionaire owners, scandalously poor care, explosive growth in complaints, widespread understaffing, and rampant discrimination against Medi-Cal beneficiaries.

We understand that the Administration advised the Budget Subcommittee that it has been seeking consensus with stakeholders on reauthorizing AB 1629. That is certainly not true for any of us.

There is no “reform” in the Administration’s reform proposal. It mostly maintains the current system with only minor tweaks to quality incentives that have, at best, marginal connections to quality due to widespread manipulation of self-reported data by operators. As is the case with the current system, nearly all of its payments would be made to nursing facilities no matter how terrible their care is or how many violations and complaints they have received.

The AB 1629 rate system has been a magnet for bad actors seeking to profit at residents’ and Medi-Cal’s expense. It allows wealthy operators to siphon off vast amounts of Medi-Cal funds intended for care and staffing through self-dealing schemes. As the California State Auditor noted in her 2018 report – *Skilled Nursing Facilities: Absent Effective State Oversight, Substandard Quality of Care Has Continued* – state officials consider it to be perfectly legal for nursing home operators to loot the Medi-Cal program through related party transactions.

It is time to start over and create a reimbursement system that does not rely on blind trust with California's disreputable nursing home chains.

We urge you to reject this proposal and recommend that it be replaced with a one-year extension of the current AB 1629 system at current rates for facilities, along with a directive to DHCS to engage all stakeholders in establishing a real reform proposal to be presented to the Legislature before the end of this year that will ensure accountability, quality of care and resident safety.

The substantial savings should immediately be invested in maintaining the CBAS, MSSP, IHHS and other programs that are helping persons needing long term care stay out of nursing homes.

Thank you for considering our concerns and recommendations.

Sincerely,



Patricia L. McGinnis
Executive Director, CANHR

Amber Christ, Esq.
Directing Attorney, Justice in Aging

Joseph Rodrigues
California State Long-Term Care Ombudsman
California Office of the State Long-Term Care Ombudsman

Jacque Serna, Esq.
Deputy Legislative Director, Consumer Attorneys of California

Charlene Harrington, Ph.D. RN, Professor Emerita
University of California San Francisco

Carole Herman
President, Foundation Aiding the Elderly (FATE)

Art Perysko
Convener, San Francisco Gray Panthers

Douglas Shaw
Board Chair, California Health Advocates

Rebecca Gonzales
Director of Government Relations and Political Affairs
National Association of Social Workers, California Chapter (NASW-CA)

Suzi Fregeau
Program Director, A1AA (Humboldt Del Norte) - Long-Term Care Ombudsman Program

Joyce M. Gandelman, Esq.
Senior Advocacy Network- Senior Law Project

Russell S. Balisok, Esq.
Balisok & Associates, Inc.

Sylvia Taylor-Stein
Executive Director, Long Term Care Services of Ventura County, Inc.,

Linda Kincaid, MPH
Co-chair, Coalition for Elder and Disability Rights (CEDAR)

Robert Herrell
Executive Director, Consumer Federation of California

Kimberly A. Valentine, Esq.
Valentine Law Group, APC

cc: Members, Senate Budget Committee
Members, Assembly Budget Committee