

September 16, 2016

Jean Iacino, Deputy Director
California Department of Public Health
Center for Health Care Quality
1615 Capitol Avenue, Suite 73.469
Sacramento, CA 95814

RE: September 13, 2016 Closure and Relocation Plans for Eureka, Pacific and Seaview Rehabilitation and Wellness Centers

Dear Ms. Iacino:

We are writing to strongly urge the Department of Public Health to reject the revised closure and relocation plans concerning the above-named facilities that Rockport Healthcare Services submitted to the Department on September 13, 2016. The revised plans do not meaningfully address the concerns raised by the Santa Rosa District Office in its September 8, 2016 letter disapproving the original relocation plans, nor do they comply with California and federal requirements governing closures and relocations.

One of the key concerns raised by the District Office is that the closure plans identified only 44 skilled nursing beds that may potentially be available in the Eureka community where the three nursing homes are located, while there are about 190 residents that would need to be transferred if the facilities closed. Instead of identifying additional local resources, the plans concede they do not exist, stating “the local community does not have sufficient beds to meet our placement needs.” Indeed, the revised plans report that the number of available local nursing home beds at Granada and Fortuna Rehabilitation and Wellness Centers shrank from 44 to 39, a trend that is very likely to continue if this crisis is not averted.

The revised plans confirm our worst fears, verifying that Rockport plans to transfer most of the residents to distant nursing homes outside of Humboldt County, where the residents will be isolated and almost completely separated from their families and friends.

Exhibit 3 to the closure plans identifies nursing homes within a 200-mile radius of Eureka. In addition to Granada and Fortuna Rehabilitation and Wellness Centers, the list names 24 other skilled nursing facilities within this radius that reportedly have available beds. These 24 nursing homes have the following characteristics:

- All of them are located outside of Humboldt County;
- All but one of them are more than 100 miles from Eureka;
- Some of them are nearly 200 miles from Eureka;

- Five of them are in Oregon;
- The remaining 19 facilities are spread across 10 different northern California counties including Butte, Colusa, Del Norte, Glenn, Lake, Mendocino, Shasta, Siskiyou, Sonoma and Tehama Counties;
- The 24 nursing homes had a total of 214 vacancies;
- Many of the nursing homes have deplorable records; and
- 15 of the 24 nursing homes – containing 138 of the 214 available beds – currently have 1 or 2-Star ratings on Nursing Home Compare’s Five Star quality rating system.

The revised plans do not indicate that any of the identified facilities have actually agreed to admit residents from the three facilities. If the Department approved the closures, it is very likely that some or many of the residents from the three nursing homes would be moved to even more distant nursing homes than those Rockport has listed in these plans.

It would be extraordinarily cruel to move the residents to out-of-state nursing homes or to California facilities that are far from their homes. Many of the residents would be separated from family members and friends they rely on for companionship, love and support. At times of medical crisis or death, they might not have loved ones at their side.

These plans ignore key California requirements governing closures. California Health and Safety Code §1336.2(a)(3) states that facilities are “responsible for evaluating the relocation needs of the resident **including proximity to the resident’s representative** and determine the most appropriate and available type of future care and services for the resident.”

If approved, the revised relocation plans would make a mockery of federal closure requirements at 42 CFR §483.75(r). This regulation requires nursing homes to provide “assurances that the residents would be transferred to the most appropriate facility or other setting in terms of quality, services and location, taking into consideration the needs, choices and best interests of each resident.” Any such assurances would not be meaningful because the locations of the identified facilities and, in many cases, their lack of quality, fail to consider the needs, choices and best interests of the residents.

How would forcing residents to move to nursing homes in Oregon or Chico be considered their choice or in their best interest? The residents are certainly not choosing to be moved hundreds of miles from their loved ones. Nor is it in their “best interests” to do so.

We are also appalled by the revised plan to provide “an additional consultation” to residents who were moved from Wish-I-Ah Skilled Nursing and Wellness Center when it closed two years ago. Rather than subjecting the former Wish-I-Ah residents to psychological assessments, they should be spared from the anxiety and trauma that is almost sure to accompany being evicted from yet another nursing home.

This crisis and the planned closures are avoidable. Nursing home owners have a duty to protect residents from transfer trauma. When they fail this duty, the Legislature has given the Department the necessary tools to protect residents from the harm and isolation they are facing.

We strongly urge the Department to exercise its authority under Health and Safety Code §1327 to petition the Humboldt County Superior Court for orders to appoint receivers to operate these nursing homes and, in accordance with §1325, “facilitate a transfer of ownership to a new licensee.” In establishing this authority, the Legislature declared, “transfer trauma which accompanies the abrupt and involuntary transfer of patients when moved from one nursing home to another should be avoided when reasonable alternatives exist.” HSC §1325.

Reasonable alternatives exist. As Senator McGuire wrote in his September 6, 2016 letter to the Dana Forney of the Department, it is simply unacceptable that the entire Humboldt Bay region would be served by just two skilled nursing facilities. The planned closures would not only cause harm and suffering to the existing residents, they would create severe access problems to long-term care in Humboldt County.

We look forward to hearing from you soon about actions the Department will be taking to protect the rights and interests of the residents of these facilities.

Sincerely,



Michael Connors
Advocate



Patricia L. McGinnis
Executive Director

Cc: Dana Forney, District Manager
Senator Michael McGuire
Assembly Member Jim Wood
Steven D. Chickering, Associate Regional Administrator, CMS
Paula Perse, LTC Survey, Certification & Enforcement Branch Manager, CMS
Joseph Rodrigues, State Long-Term Care Ombudsman
Suzi Fregeau, Ombudsman Program Coordinator