ORANGE COUNTY BAR ASSOCIATION

ELDER LAW & SPECIAL NEEDS SECTION WEBINAR

Helping Clients Protect Their Loved Ones in Assisted Living Facilities and Skilled Nursing Facilities



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Helping Clients Protect Their Loved Ones in Assisted Living Facilities and Skilled Nursing Facilities

James M. Morgan, Esq.
Founding Partner, Lanzone Morgan, LLP
562-596-1700
JMM@LANZONEMORGAN.COM

What you'll see if you click on Nursing Homes

Choosing a Nursing Home

- How to Choose a Nursing Home (pdf)
- Types of Nursing Homes in California (pdf)
- Nursing Home Evaluation Checklist (pdf)

Public Websites That Identify Nursing Homes and Provide Inspection Histories on Them:

- Cal Health Find (operated by the California Department of Public Health)
- Cal Quality Care (managed by the University of California, San Francisco)
- Nursing Home Compare (operated by the Centers for Medicare & Medicaid Services)

What you'll see if you click on Nursing Homes

Filing Complaints

- . How to File a Complaint Against a Nursing Home (pdf)
- . Licensing & Certification District Offices

Advocacy Help with Nursing Home Concerns

- . Long-Term Care Ombudsman Programs by County
- Overview of the California Long-Term Care Ombudsman Program

What you'll see if you click on Nursing Homes

Resident Rights

- . Outline of Nursing Home Residents' Rights (pdf)
- . Transfer and Discharge Rights (pdf)
- . The Epidemic in Nursing Home Evictions (pdf)
- . Admission Agreement Rights (pdf)
- . Don't Sign Arbitration Agreements
- . Theft and Loss (pdf)

What you'll see if you click on Nursing Homes

Key Resources

- More CANHR Fact Sheets
- 25 Common Nursing Home Problems & How to Resolve Them by Justice in Aging
- California regulations on skilled nursing facilities (Title 22, CCR, Division 5, Chapter 3)
- Center for Medicare Advocacy
- CDPH Enforcement Actions (Citations) site
- Find Your California Legislators
- Justice in Aging
- Long Term Care Ombudsman Contacts by County
- National Consumer Voice for Quality Long-Term Care
- NH Regs Plus (examine and compare state regulations on nursing homes)
- Nursing Home Staffing by Facility (from Long Term Care Community Coalition)

I. Admission Rights

| | (A) Rights regarding admissions contracts | | | | | | |
|----------------------------------|---|--|--|--|--|--|--|
| 1 | Every nursing home must use the Standard Admission Agreement developed by the California Department of Public Health (DPH). | H&S Code §1599.61, 22 CCR §72516 | | | | | |
| 2 | Nursing home must make reasonable efforts to communicate contents of contract to resident prior to admission | H&S Code §1599.65 | | | | | |
| 3 | Contract shall not contain waivers of liability for health, rights, safety or personal property of resident | H&S Code §1599.62, 42 CFR §483.15(a) | | | | | |
| 4 | Contract must clearly and explicitly state whether the facility participates in the Medi-Cal program | H&S Code §1439.8; H&S Code §1599.66; W&I Code §14022.3 | | | | | |
| 5 | Contract shall not require notice of resident's intent to convert to Medi-Cal status | H&S Code §1599.69(b) | | | | | |
| 6 | Contract shall state clearly what services and supplies are covered by the facility's basic rate and identify charges for optional services and supplies | H&S Code §1599.67(a) | | | | | |
| 7 | Contract shall state that residents will receive monthly statements itemizing all charges incurred by them | H&S Code §1599.67(a) | | | | | |
| 8 | Contract shall not require payment beyond date of death or involuntary discharge from nursing home | H&S Code §1599.71(a), 42 CFR §483.10(g)(18) | | | | | |
| 9 | Contract shall not require advance notice of voluntary discharge from nursing home | H&S Code §1599.71(b) | | | | | |
| 10 | Contract shall not list any ground for discharge or involuntary transfer except those grounds listed in federal or state law | H&S Code §1599.76 | | | | | |
| 11 | Contract shall state that, except in an emergency, no resident may be involuntarily transferred within the facility or discharged unless reasonable written notice and transfer or discharge planning are given as required by law | H&S Code §1599.78 | | | | | |
| 12 | Contract shall not require residents to consent to all treatment ordered by a physician | H&S Code §1599.72 | | | | | |
| 13 | Contract shall not require or imply a lesser standard of responsibility for residents' personal property than is required by law | H&S Code §1289.5 | | | | | |
| 14 | Contract must contain a copy of the Patient's Bill of Rights | H&S Code §1599.74(b) | | | | | |
| 15 | Contract must provide that if the resident is transferred to an acute care hospital, his/her bed will be held for seven days | H&S Code §1599.79; 22 CCR §72520 | | | | | |
| 16 | Contract must state that the facility is required to give 30 days written notice of any rate increase in the facility | H&S Code §1599.67(c) | | | | | |
| 17 | The contract must contain an attachment that discloses the name of the owner and licensee of the skilled nursing facility and the name and contact information of a single entity that is responsible for all aspects of resident care and operation at the facility | H&S Code § 1599.64 | | | | | |
| 10 11 12 13 14 15 | Contract shall not require advance notice of voluntary discharge from nursing home Contract shall not list any ground for discharge or involuntary transfer except those grounds listed in federal or state law Contract shall state that, except in an emergency, no resident may be involuntarily transferred within the facility or discharged unless reasonable written notice and transfer or discharge planning are given as required by law Contract shall not require residents to consent to all treatment ordered by a physician Contract shall not require or imply a lesser standard of responsibility for residents' personal property than is required by law Contract must contain a copy of the Patient's Bill of Rights Contract must provide that if the resident is transferred to an acute care hospital, his/her bed will be held for seven days Contract must state that the facility is required to give 30 days written notice of any rate increase in the facility The contract must contain an attachment that discloses the name of the owner and licensee of the skilled nursing facility and the name and contact information of a single entity | H&S Code §1599.71(b) H&S Code §1599.76 H&S Code §1599.78 H&S Code §1599.72 H&S Code §1289.5 H&S Code §1599.74(b) H&S Code §1599.79; 22 CCR §72520 H&S Code §1599.67(c) | | | | | |

| (B) Arbitration agreements | | | | |
|---|--|--|--|--|
| Nursing home cannot require applicants or residents to sign an arbitration agreement as a condition of admission or medical treatment | H&S Code §1599.81(a), 22 CCR §72516 | | | |
| An arbitration agreement must be on a form separate from the admission agreement and require separate signatures | H&S Code §1599.81(b), 22 CCR 72516 | | | |
| A resident cannot waive his or her ability to sue for violations of residents' rights | H&S Code §§1430(b) & 1599.81(d) | | | |
| Residents and their legal representatives can rescind an arbitration agreement by giving written notice to the facility within 30 days of their signature | California Code of Civil Procedure §1295(c) | | | |

| (E) Right to be free from financial pre-conditions to admission | | | | |
|--|---|--|--|--|
| Nursing home may not require third party guarantee of payment as a condition of admission or expedited admission | 42 USC §1395i-3(c)(5)(A)(ii); §1396r(c)(5(A)(ii); 42 CFR §483.15(a)(3); W&I Code §14110.8(b) | | | |
| If individual is entitled to Medicaid, nursing home may not charge, solicit, accept, or receive any amount as precondition of admission, or as a requirement of continued stay | 42 USC §1396r(c)(5)(iii); 42 CFR §483.15(a)(4); H&S Code §1599.70(a); W&I Code §14110.9 | | | |
| Nursing home cannot require or accept a deposit if Medi-Cal or Medicare is paying for a resident's stay | H&S Code §1599.70(a); W&I Code §14110.9; 42 CFR §489.22 | | | |

II. Transfer & Discharge Rights

(See Licensing & Certification Policy & Procedure Manual Section 618 et.seq.)

| (A) Prohibitions against transfer or eviction | | | | | | |
|--|--|--|--|--|--|--|
| Medi-Cal certified nursing home shall not transfer or seek to evict resident due to resident changing from private pay or Medicare to Medi-Cal | W&I Code §14124.7(a); 42 CFR §483.15(c)(1)(i); 42 USC §1396r(c)(2)(A) | | | | | |
| Nursing home shall not seek to expel resident in retaliation for filing of complaint; attempt to evict resident within 180 days of filing of complaint against facility is rebuttably presumed to be retaliatory | H&S Code §1432 (a), (b) | | | | | |
| Medi-Cal certified nursing home shall not evict or transfer residents who have made a timely application for Medi-Cal and for whom an eligibility determination has not yet been made | W&I Code §14124.7 | | | | | |
| (B) Right not to be transferred or discha | rged from facility unless | | | | | |
| Transfer or discharge is necessary to meet resident's welfare; and the resident's needs cannot be met in the facility or | 42 USC §1395i-3(c)(2)(A)(i); 42 USC §1396r(c)(2)(A)(i); 42 CFR §483.15(c)(1)(i)(A); 22 CCR §72527(a)(5) | | | | | |
| The resident's health has improved sufficiently so that the resident no longer needs the facility's services; or | 42 USC §1395i-3(c)(2)(A)(ii); 42 USC §1396r(c)(2)(A)(ii); 42 CFR §483.15(c)(1)(i)(B) | | | | | |
| The safety of individuals in the facility is endangered; or | 42 USC §1395i-3(c)(2)(A)(iii); 42 USC §1396r(c)(2)(A)(iii); 42 CFR §483.15(c)(1)(i)(C); 22 CCR §72527(a)(5) | | | | | |
| The health of individuals in the facility would be endangered; or | 42 USC §1395i-3(c)(2)(A)(iv); 42 USC §1396r(c)(2)(A)(iv); 42 CFR §483.15(c)(1)(i)(D); 22 CCR §72527(a)(5) | | | | | |
| The resident has failed to pay or have payment made on his/her behalf (after reasonable and appropriate notice is given; or | 42 USC §1395i-3(c)(2)(A)(v); 42 USC §1396r(c)(2)(A)(v); 42 CFR §483.15(c)(1)(i)(E); 22 CCR §72527(a)(5) | | | | | |
| 6 The facility ceases to operate | 42 USC §1395i-3(c)(2)(A)(vi); 42 USC §1396r(c)(2)(A)(vi); 42 CFR §483.15(c)(1)(i)(F) | | | | | |

| (C) Right to notice prior to transfer or discharge from facility | | | | | |
|--|--|--|--|--|--|
| A physician must document the basis for the transfer or discharge in the resident's clinical record | 42 USC §1395i-3(c)(2)(A); 42 USC §1396r(c)(2)(A); 42 CFR §483.15(c)(2) | | | | |
| Nursing home must give the resident, family member and legal representative advance notice of the transfer or discharge as soon as practicable | 42 USC §1395i-3(c)(2)(B)(i), (ii); 42 CFR §483.15(c)(4); 22 CCR §72527(a)(6) | | | | |
| Any transfer or discharge requires 30 days written notice, except for when the health or safety of other individuals would be endangered, the resident's health improves sufficiently to allow a more immediate transfer or discharge, the resident's urgent medical needs require a more immediate transfer or discharge, or the resident has resided in the facility less than 30 days | 42 USC §1395i-3(c)(2)(B)(i),(ii); 42 USC §1396r(c)(2)(B)(i), (ii); 42 CFR §483.15(c)(4) | | | | |
| Notice of transfer or discharge must include the reason for the transfer or discharge, the effective date of the transfer or discharge, the location to which the resident will be transferred, a statement that the resident has the right to appeal and information on how to do so, and contact information for the long term care ombudsman | 81396r(c)(2)(R)(iii)· | | | | |
| The facility must send a copy of the transfer or discharge notice to the local long-term care ombudsman | H&S Code §1439.6; 42 CFR §483.15(c)(3) | | | | |

| (D) Right to appeal proposed transfer or discharge from facility | | | | | | |
|---|--|--|--|--|--|--|
| Upon request by the resident or representative, the state must conduct appeal hearings that comply with federal requirements | 42 USC §1396r(e)(3) & (f)(3); 42 CFR §483.200 et seq.; 42 CFR Part 431, Subpart E | | | | | |
| (E) Right to preparation of residents prior to transfer or discharge | arge | | | | | |
| Nursing home must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility | 42 USC §1396r(c)(2)(C); 42 CFR §483.15(c)(7) | | | | | |
| Nursing home must develop a post-discharge plan of care that is developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment | 42 CFR §483.21(c)(2) | | | | | |
| (F) Right to readmission after hospitalization | | | | | | |
| Right to receive a written bed-hold notice when transferred to the hospital; nursing home must offer its next available bed to resident upon hospital discharge if it doesn't comply | 22 CCR §72520 & 42 CFR §483.15(d) | | | | | |
| Right to nay to hold had for un to 7 days during hospitalization and immediate readmission upon discharge | 22 CCR §72520(a); 42 CFR §483.15(e) | | | | | |
| Medi-Cal will pay to hold bed for up to 7 days for beneficiary who is hospitalized | 22 CCR 51535.1, 42 CFR §483.15(e) | | | | | |
| Resident on Medi-Cal has the right to be readmitted to the first available bed in a semiprivate room if the hospital stay exceeds 7 days | 42 CFR §483.15(e) | | | | | |
| A nursing home's refusal to readmit a resident during a bed hold will be treated as an involuntary transfer, allowing the resident the right to appeal the transfer. The resident can remain in the hospital until the final determination of the hearing officer | Health & Safety Code § 1599.1 | | | | | |
| If the resident is not on Medi-Cal and has no other source of payment, the hearing and final determination must be made within 48 hours | Health & Safety Code §1599.1 | | | | | |
| (G) Right to readmission after leave of absence/therapeutic leave | | | | | | |
| Medi-Cal will pay to hold bed for 18 days (or more) per year for beneficiaries during leaves that are in accordance with their care plan | W&I Code §14108.2; 22 CCR §51535; 42 CFR §483.15(e) | | | | | |

| III. Rights Within Nursing Home | | | | | |
|--|--|--|--|--|--|
| (A) Rights relating to dignity, quality of care, quality of life | | | | | |
| Right to receive the necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being | 42 USC §1396r(b)(2); 42 USC §1395i-3(b)(2); 42 CFR §483.24; 22 CCR §72315 | | | | |
| Nursing home must care for its residents in such a manner and in such an environment to maintain or enhance the quality of life of each resident | 42 USC §1396r(b)(1); 42 USC §1395i-3(b)(1); 42 CFR §483.10(a)(1) | | | | |
| 3 Right to receive care to prevent bedsores and incontinence | H&S Code §1599.1(b) | | | | |
| 4 Nursing home shall employ an adequate number of qualified personnel | H&S Code §1599.1(a); 22 CCR §72501(e) | | | | |
| 5 Right to be treated with dignity | 42 CFR §483.10(a) & (e); 22 CCR §72527(a)(11); 22 CCR §72315(b) | | | | |
| Right to be free from verbal, sexual, physical, and mental abuse, exploitation, involuntary seclusion and corporal punishment | 42 USC §1395i-3(c)(1)(A)(ii); 42 USC §1396r (c)(1)(A)(ii); 42 CFR §483.12; 42 CFR §483.5; 22 CCR §72315(b); 22 CCR §72527(a)(9) | | | | |
| 7 Right to reasonable accommodation of individual needs and preferences | 42 USC §1395i-3(c)(1)(A)(v); 42 USC §1396r (c)(1)(A)(v); 42 CFR §483.10(e)(3) | | | | |
| 8 Right to food of sufficient quality and quantity to meet the resident's needs | H&S Code §1599.1(c) | | | | |
| 9 Right to activity program that meets residents' needs and interests | 42 USC §1395i-3(b)(4)(A)(v); 42 USC §1396r (b)(4)(A)(v); 42 CFR §483.24(c) H&S Code §1439.2; H&S Code §1599.1(d); 22 CCR §72381 | | | | |
| Right to social services to attain or maintain the highest practicable physical, mental and psychosocial wellbeing | 42 USC §1395i-3(b)(4)(A)(ii); 42 USC §1396r (b)(4)(A)(ii); 42 CFR §483.40(d); 42 CFR §483.70(p) | | | | |

| (F) Right to privacy/confidentiality/communications/access/visitors | | | | |
|---|---|--|--|--|
| Right to personal privacy in accommodations, medical treatment, written and telephonic communications, personal care, visits and meetings with family and resident groups | 42 USC §1395i-3(c)(1)(A)(iii); 42 USC §1396r(c)(1)(A)(iii); 42 CFR §483.10(h); H&S Code §1418.3; 22 CCR §72527(a)(10), (11), (13), (16), (20), (21)) | | | |
| Right to privacy in oral, written, and electronic communications | 42 CFR §483.10(h)(2) | | | |
| Right to reasonable access to and privacy in use of electronic communications such as email and video communications and for Internet research | 42 CFR §483.10(g)(9) | | | |
| Right to reasonable access to telephones and to make and receive confidential calls, , including the right to retain and use a cellular phone at the resident's expense | 22 CCR §72527(a)(21); 42 CFR §483.10(g)(6),(7) | | | |
| Right to send and promptly receive mail that is unopened and to have access to stationery, postage and writing implements | 42 CFR §483.10(g)(8); 22 CCR §72527(a)(13) | | | |
| Right to confidential treatment of financial and medical records and to approve or refuse their release | H&S Code §1599.73; 22 CCR §72527(a)(10); 42 USC §1395i-3(c)(1)(A)(iv); 42 USC §1396r(c)(1)(A)(iv); 42 CFR §483.10(h)(3) | | | |
| Right of immediate access to resident by federal, state, or ombudsman's representative, family members and others who visit with the consent of the resident | 42 USC §1395i-3(c)(3); 42 USC §1396r(c)(3); 42 CFR §483.10(f)(4) | | | |
| Right to reasonable access to any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any | 42 USC §1396r(c)(3)(D); 42 CFR §483.10(f)(4)(iv) | | | |
| Right to have visits from persons of the resident's choosing at any time if the resident is critically ill | 22 CCR §72527(a)(19) | | | |
| Right to privacy for visits by the resident's spouse, and if the spouse is also a resident, to be permitted to share a room | 22 CCR §72527(a)(16); 42 CFR §483.10(e)(4) | | | |
| Nursing home shall provide interpreters or other mechanisms to ensure adequate communications between residents and staff if language or communication barriers exist | 22 CCR §72501(f) | | | |

| (I) Rights on protection of funds and property | |
|---|--|
| Right to manage own financial affairs; facility may not require residents to deposit their personal funds with the facility | 42 USC §1395i-3(c)(6)(A)(i); 42 USC §1396r(c)(6)(A)(i); 42 CFR §483.10(f)(10); 22 CCR §72527(a)(8) |
| Nursing home must safeguard and account for residents funds deposited with the facility | 42 USC §1395i-3(c)(6)(A)(ii); 42 USC §1396r(c)(6)(A)(ii); 42 CFR §483.10(f)(10)(i) 22 CCR §72527(a)(8); 22 CCR §72529 |
| Nursing home must convey resident's funds and final accounting to the legal representative of a deceased resident within 30 days of death | 42 USC §1395i-3(c)(6)(B)(iii); 42 USC §1396r(c)(6)(B)(iii); 42 CFR §483.10(f)(10)(B)(v); 22 CCR §72529(a)(9) |
| Right to notification upon admission of the facility's policies and procedures to prevent theft and loss of possessions | H&S Code §1289.4(I) |
| Nursing home shall reimburse resident for current value of stolen or lost property if it fails to make reasonable efforts to safeguard property | H&S Code §1289.3 |
| Nursing home must inventory resident's personal property on admission and upon death or discharge | H&S Code §1289.4(d); H&S Code §1418.7(a)(4), (5) |
| Nursing home must update resident's inventory upon written request when items are brought into or removed from the facility | H&S Code §1289.4(d) |
| Nursing home must secure resident's personal property | H&S Code §1289.4(j); H&S Code §1418.7(a)(9) |
| Nursing home must mark resident's personal property | H&S Code §1289.4(h); H&S Code §1418.7(a)(7) |
| Nursing home must establish theft and loss record for items worth \$25 or more | H&S Code §1289.4(c); H&S Code §1418.7(a)(3) |
| Nursing home must report theft of property with a value of \$100 or more to police | H&S Code §1289.4(i); H&S Code §1418.7(a)(8) |
| Nursing home must prevent misappropriation of resident property and report suspected crimes involving theft to state authorities and other entities within 24 hours | 42 CFR §483.12 |
| Nursing home shall exercise reasonable care for the protection of the resident's property from loss or theft | 42 CFR §483.10(i)(1)(ii) |
| Nursing home must refer residents with lost or damaged dentures for dental services within 3 days, arrange for necessary transportation, and assist residents who are eligible and wis to participate to apply for reimbursement of dental services as an incurred medical expense. | ^{sh} 42 CFR §483.55 |
| Facility policies must identify when the loss of damage of dentures is its responsibility and prohibit charging residents in this situation | 42 CFR §483.55(a) & (b) |
| Nursing home must surrender resident's personal property upon death or discharge | H&S Code §1289.4(e),(f); H&S Code §1418.7(a)(5) |
| Resident has the right to locked area for safekeeping of personal property. The nursing home must provide a lock for the resident's drawer or cabinet at the request of and at the expense of the resident or the resident's representative | H&S Code §1289.4(j) |

| (N) Rights of family members | | | | | |
|---|---|--|--|--|--|
| Right to visit at any time | H&S Code §1418.3, 42 USC §1395i-3(c)(3); 42 USC §1396r(c)(3); 42 CFR §483.10(f)(4) | | | | |
| Right to participate in planning the resident's care | 42 USC §1395i-3(b)(2); 42 USC §1396r(b)(2); | | | | |
| Right to be informed of residents' rights | H&S Code §1599.1 | | | | |
| Right to immediate notification of an accident resulting in injury, a significant change in the resident's condition, a need to alter treatment significantly, or a decision to transfer the resident | 42 CFR §483.10(g)(14) | | | | |
| With the resident's consent, the right to be notified if a physician orders or increases an order for an antipsychotic medication | H&S Code §1418.9 | | | | |
| Right of resident representative to be notified promptly if the resident is going to be moved to another room or if there is a change of roommates | 42 CFR §483.10(g)(14)(iii) | | | | |
| Right to organize and participate in a family council | H&S Code §1418.4; 42 USC §1395i-3(c)(1)(A)(vii); 42 USC §1396r(c)(1)(A)(vii); 42 CFR §483.10(f)(5)-(7) | | | | |

This is NOT in your Power Point

WWW.MEDICARE.GOV/NURSINGHOMECOMPARE

This is a great site for:

- Finding NHs in a particular area (zip code, city)
- Comparing NHs
- Getting data about NH staffing and complaints about particular NHs
- There is a star rating, but I wouldn't rely on that alone

WWW.THECONSUMERVOICE.ORG

<u>The National Consumer Voice for Quality Long-Term Care</u> also has many helpful publications for nursing home residents and their families. This site contains info on many issues, including:

- Using drugs as chemical restraints
- Involuntary discharges
- Financial Guarantees Not Allowed

WWW.CDPH.CA.GOV

- California Department of Public Health
- Resources Include:
 - o NH Residents' Rights
 - o Link to Nursing Home Compare
 - o How to File a Complaint
 - Find and Choose a NH
 - o Long-Term Care Facility Citations

Title 42 Code of Federal Regulations, Chapter IV, Subchapter G, Part 483

§483.10 Residents rights

- (a) Residents Rights. The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility, including those specified in this section.
 - (1) A facility must treat each resident with respect and dignity and care for each resident in a manner and in an environment that promotes maintenance or enhancement of his or her quality of life, recognizing each resident's individuality. The facility must protect and promote the rights of the resident.

§483.24 Quality of life

Quality of life is a fundamental principle that applies to all care and services provided to facility residents. Each resident must receive and the facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, consistent with the resident's comprehensive assessment and plan of care.

Title 42 Code of Federal Regulations, Chapter IV, Subchapter G, Part 483

§483.25 Quality of care

Quality of care is a fundamental principle that applies to all treatment and care provided to facility residents. Based on the comprehensive assessment of a resident, the facility must ensure that residents receive treatment and care in accordance with professional standards of practice, the comprehensive person-centered care plan, and the resident's choices, including but not limited to the following:

- (a) Vision and hearing.
- (b) **Skin integrity --(1) Pressure ulcers**. Based on the comprehensive assessment of a resident, the facility must ensure that--
 - (i) A resident receives care, consistent with professional standards of practice, to prevent pressure ulcers and does not develop pressure ulcers unless the individual's clinical condition demonstrates that they were unavoidable; and
 - (ii) A resident with pressure ulcers receives necessary treatment and services, consistent with professional standards of practice, to promote healing, prevent infection and prevent new ulcers from developing.

Title 42 Code of Federal Regulations, Chapter IV, Subchapter G, Part 483

§483.25 Quality of care

- (c) Mobility.
 - (1) The facility must ensure that a resident who enters the facility without limited range of motion does not experience reduction in range of motion unless the resident's clinical condition demonstrates that a reduction in range of motion is unavoidable; and
 - (2) A resident with limited range of motion receives appropriate treatment and services to increase range of motion and/or to prevent further decrease in range of motion.
 - (3) A resident with limited mobility receives appropriate services, equipment, and assistance to maintain or improve mobility with the maximum practicable independence unless a reduction in mobility is demonstrably unavoidable.

Title 42 Code of Federal Regulations, Chapter IV, Subchapter G, Part 483

§483.25 Quality of care

- (d) Accidents. The facility must ensure that--
 - (1) The resident environment remains as free of accident hazards as is possible; and
 - (2) <u>Each resident receives adequate supervision and assistance devices to prevent accidents</u>.

Title 42 Code of Federal Regulations, Chapter IV, Subchapter G, Part 483

§483.25 Quality of care

- (g) <u>Assisted nutrition and hydration</u>. (Includes naso-gastric and gastrostomy tubes, both percutaneous endoscopic gastrostomy and percutaneous endoscopic jejunostomy, and enteral fluids). **Based on a resident's comprehensive assessment, the facility must ensure that a resident**--
 - (1) Maintains acceptable parameters of nutritional status, such as usual body weight or desirable body weight range and electrolyte balance, unless the resident's clinical condition demonstrates that this is not possible or resident preferences indicate otherwise;
 - (2) Is offered sufficient fluid intake to maintain proper hydration and health; and
 - (3) Is offered a therapeutic diet when there is a nutritional problem and the health care provider orders a therapeutic diet.

<u>Title 22 California Code of Regulations – Skilled Nursing Facilities</u>

§72315 Nursing Service – Patient Care

- (a) No patient shall be admitted or accepted for care by a skilled nursing facility except on the order, of a physician.
- (b) Each patient shall be treated as individual with dignity and respect and shall not be subjected to verbal or physical abuse of any kind.
- (c) Each patient, upon admission, shall be given orientation to the skilled nursing facility and, the facility's services and staff.
- (d) Each patient shall be provided care which shows evidence of good personal hygiene, including care of the skin, shampooing and grooming of hair, oral hygiene, shaving or beard trimming, cleaning and cutting of fingernails and toenails. The patient shall be free of offensive odors.
- (e) Each patient shall be encouraged and/or assisted to achieve and maintain the highest level of self-care and independence. Every effort shall be made to keep patients active, and out of bed for reasonable periods of time, except when contraindicated by orders of a licensed health care practitioner acting within the scope of his or her professional licensure.
- (f) Each patient shall be given care to prevent formation and progression of decubiti, contractures and deformities.

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Title 22 Code of Regulations, Division 6, Chapter 8

§87224 Eviction Procedures

- (a) The licensee may evict a resident for one or more of the reasons listed in Section 87224(a)(1) through (5). Thirty (30) days written notice to the resident is required except as otherwise specified in paragraph (5).
 - (1) Nonpayment of the rate for basic services within ten days of the due date.
 - (2) Failure of the resident to comply with state or local law after receiving written notice of the alleged violation.
 - (3) Failure of the resident to comply with general policies of the facility. Said general policies must be in writing, must be for the purpose of making it possible for residents to live together and must, be made part of the admission agreement.
 - (4) If, after admission, it is determined that the resident has a need not previously identified and a reappraisal has been conducted pursuant to Section 87463, and the licensee and the person who performs the reappraisal believe that the facility is not appropriate for the resident.
 - (5) Change of use of the facility.

This is NOT in your Power Point

If you click on Residential Care/Assisted Living on the CANHR website, it has a great deal of info there about ALFs.

A better place to search for ALFs is www.ccld.dss.ca.gov

25 Common Nursing Home Problems – & How to Resolve Them (Justice in Aging)

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25 Common Nursing Home Problems – & How to Resolve Them (Justice in Aging)

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Marina E. Pink Glen Park at Long Beach, Inc. dba Glen Park at Long Beach 1046 East 4th Street Long Beach, CA 90802

RE: LANZONE MORGAN CLIENT

Dear Ms. Pink:

This office represents LANZONE MORGAN CLIENT, residents at Glen Park at Long Beach, Inc. dba Glen Park at Long Beach. Mr. LANZONE MORGAN CLIENT informed us that today, February 9, 2017, you threatened to evict him if he did not compensate you \$500 for a new couch you purchased for the facility. Apparently, you purchased a new couch to replace a couch that has been in the facility for a few years. This demand is unjustified and appears to be an attempt to harass, threaten, and extort money from Mr. and Mrs. LANZONE MORGAN CLIENT. As such, please inform us the reason you are requesting \$500 in compensation and on what grounds Mr. and Mrs. LANZONE MORGAN CLIENT are required to pay. Is there a written agreement between the facility and Mr. and Mrs. LANZONE MORGAN CLIENT that compels them to pay for the couch? If so, please provide us with a copy of the agreement. Please also inform us of the condition the replaced couch is in and provide us with pictures of it.

Moreover, your attempt to evict Mr. and Mrs. LANZONE MORGAN CLIENT is in direct violation of their Admission Agreement. As you know, the Admission Agreement sets out the specific conditions that must be met for eviction. To properly evict a resident, the facility must provide a 30-day written notice to the resident, which includes: (1) the reasons relied upon for the eviction, with specific facts to permit determination of the date, place, witnesses, and circumstances concerning those reasons; (2) the effective date of the eviction; (3) information about resources available to assist the resident in identifying alternative housing and care options; (4) the resident's right to file a complaint with the CDSS regarding the eviction; (5) a statement that informs the resident that the licensee cannot evict a resident who remains in the facility after the effective date of the eviction unless the licensee files an unlawful detainer; (6) a statement that if a licensee pursues an unlawful detainer action, the resident must be served with a summons and complaint; and, (7) a statement that the resident has the right to contest the eviction in writing and through a hearing. You have failed to provide Mr. and Mrs. LANZONE MORGAN CLIENT with written notice of the eviction or the required information.

According to the Admission Agreement, a resident may only be evicted for one or more of the circumstances enumerated in the Admission Agreement, none of which have occurred here. Mr. and Mrs. LANZONE MORGAN CLIENT have paid the rate for basic services, complied with state and local law, and complied with the facility's house rules. Thus, your attempt to evict Mr. and Mrs. LANZONE MORGAN CLIENT is unwarranted and in violation of their Admission Agreement. As the required conditions for eviction have not been met, the facility cannot evict Mr. and Mrs. LANZONE MORGAN CLIENT.

Please provide us with the requested information by February 16, 2017. In the meantime, feel free to contact me should you wish to discuss the foregoing in more detail. All future correspondence regarding your \$500 demand for the couch and/or attempt to evict our clients shall be directed to this office. Please cease all direct correspondence towards Mr. and Mrs. LANZONE MORGAN CLIENT regarding this issue immediately.

Attn: Lourdes Guevarra, Administrator Inland Valley Care & Rehab Center 250 W. Artesia Street Pomona, CA 91768

Re: My Client: LANZONE MORGAN CLIENT

DOB: ?/??/19??

Dear Ms. Guevarra,

| Please be | advised this of | fice represe | ents LANZ | ONE MORG | AN CLIENT. | We have be | een in | formed by Mr. |
|---------------------|------------------|--------------|-------------|------------|--------------|----------------|--------|-----------------|
| LANZONE MORGAN | CLIENT's daugh | nter and Po | wer of Att | orney, | | , that | Inland | d Valley Care & |
| Rehab Center has f | ailed to return | Mr. LANZC | NE MORG | GAN CLIENT | 's persona | l belongings. | Ms. | |
| began requesting | the return | of Mr. L | ANZONE | MORGAN | CLIENT's | belongings | on | approximately |
| | 2019 after Mr. | LANZONE N | ORGAN (| CLIENT was | transferred | to Hospital. | Ms. | |
| has made several ui | nsuccessful atte | mpts since | | , 2019 t | o retrieve l | her father's b | elong | gings, the most |
| recent being | , 20 | 19. The fo | ollowing it | tems of Mr | . LANZONE | MORGAN C | LIENT | ī are in Inland |
| Valley Care & Rehab | Center's posse | ssion and s | hall be ret | turned imm | ediately: | | | |

- 1. One (1) white poster board with family pictures;
- 2. One (1) small wooden plaque of Jesus;
- 3. One (1) black rotating fan;
- 4. One (1) Three-tiered white storage drawers;
- 5. One (1) homemade flower basket;
- 6. Four (4) nightgowns;
- 7. Three (3) glass plaques;
- 8. Two (2) flowerpots;
- 9. One (1) red, white, and blue handheld fan;
- 10.One (1) red, white, and blue flower paperweight; and
- 11.One (1) black abduction pillow.

All the above-referenced items should be easily identified as Mr. LANZONE MORGAN CLIENT's because his name is clearly written on each item in permanent black marker and his black fan is engraved with his name.

I write this letter to remind Inland Valley Care & Rehab Center of its responsibility to exercise reasonable care for the protection of the resident's property from loss or theft, pursuant to 22 C.C.R. §72529, California Health and Safety Code §1289.3-4, and 42 C.F.R. §483.10(i)(1)(ii) (ii). A long-term health care facility which fails to make reasonable efforts to safeguard patient property shall reimburse a patient for or replace stolen or lost patient property at its then current value pursuant to California Health and Safety Code §1289.3. A Citation shall be issued if the facility does not show by clear and convincing evidence that it complied with California Health and Safety Code §1289.4. California Health and Safety Code §1289.3-4 requires a number of things, including:

(e) Inventory and surrender of the resident's personal effects and valuables upon discharge to the resident or authorized representative in exchange for a signed receipt.

Should it be determined that Inland Valley Care & Rehab Center deliberately misplaced Mr. LANZONE MORGAN CLIENT's belongings, then that constitutes "misappropriation of resident property" as defined under 42 C.F.R §483.5. Misappropriation of resident property is a violation of his rights along with the right to be free from abuse, neglect, and exploitation. That kind of violation carries severe penalties – including criminal penalties.

Should the State of California issue a penalty against Inland Valley Care & Rehab Center, 42 C.F.R. §488.442(g)(3) provides for the reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or by individuals used by the facility to provide services to residents.

We hope to resolve this issue as expeditiously and without intervention from the court or Department of Public Health. Please contact me to arrange for the return of Mr. LANZONE MORGAN CLIENT's personal belongings by end of business , 2019.

Ms. Katie Rush LIFE CARE CENTERS OF AMERICA 3001 Keith Street NW Cleveland, TN 37312

RE: Mr. LANZONE MORGAN CLIENT's chart from Bel Toreen Villa Convalescent

Dear Ms. Rush:

This matter was just brought to my attention and I am hopeful that we can work this out amicably. As I understand an Advance Directive was sent to you that was never signed by Mrs. LANZONE MORGAN CLIENT. I apologize for our mistake, however, I would like to bring to your attention some facts that would suggest honoring our record request is appropriate.

If you review the Bel Toreen Villa Convalescent chart, you will see that Mr. LANZONE MORGAN CLIENT was not competent upon admission to the facility. Upon admission, Bel Toreen designated Mrs. LANZONE MORGAN CLIENT, the resident's wife, as the responsible party and resident representative for Mr. LANZONE MORGAN CLIENT. As such, during the course of his residency, the facility treated Mrs. LANZONE MORGAN CLIENT as the resident representative for all purposes including:

- Mrs. LANZONE MORGAN CLIENT executed all admission paperwork wherein the facility identified her as the responsible party and resident representative for Mr. LANZONE MORGAN CLIENT. The admission agreement even states a "Resident Representative" may be a family member, which Mrs. LANZONE MORGAN CLIENT certainly qualifies.
- The admission agreement even states that Mrs. LANZONE MORGAN CLIENT was a party to the contract for which Life Care agreed to provide care and services to her husband.
- She functioned as Mr. LANZONE MORGAN CLIENT's decision maker while a resident at Bel Toreen and was readily informed of his condition and was regularly consulted when healthcare decisions had to be made for Mr. LANZONE MORGAN CLIENT. Bel Torren acquiesced to her decision making on behalf of Mr. LANZONE MORGAN CLIENT as his resident representative.
- Bel Toreen received payments from third-party payors for the care and services it allegedly provided Mr.
 LANZONE MORGAN CLIENT because Mrs. LANZONE MORGAN CLIENT executed the admission agreement.
 The facility would not have been able to receive such payments without a resident representative executing the admission agreement.
- I anticipate that Attachment E to the admission agreement identifies Mrs. LANZONE MORGAN CLIENT as a family member authorized to receive all medical information related to her husband.

It seems terribly disingenuous for Bel Toreen to identify and treat Mrs. LANZONE MORGAN CLIENT as the Resident Representative during this residency, sharing all aspects of his care and treatment with her, relying on her for medical decisions on behalf of her husband, advising her of assessments, care planning, discharge planning, IDT meetings, etc.; then when litigation is potentially pending treat her as an outsider with no rights to act on behalf of her husband and completely ignore the contract the facility entered into with her. This is in and of itself a Violation of Resident's Rights and is actionable pursuant to Health & Safety Code §1430(b).

I encourage you to reconsider the new requirements, outside the scope of the admission agreement, Bel Toreen is now imposing on Mrs. LANZONE MORGAN CLIENT. It seems counterproductive to force Mrs. LANZONE MORGAN CLIENT to file an action just to receive her husband's chart from Bel Toreen that she is so entitled to obtain pursuant to the admission agreement.

As always, please contact me at your convenience if you wish to discuss an amicable resolution. If not, please let me know how you will advise Bel Toreen so we can act accordingly. I appreciate your attention to this matter and professional courtesy.

This is NOT in your Power Point

General Advice to Clients with family in NHs – Still not rising to the level of litigation

- i. Be a Squeaky Wheel
 - When it comes to nursing home care, the squeaky wheel gets the grease. The residents and families who are determined in asking for individualized care, tend to receive more attention and better care.
- i. Visit at Different Times of the Day/Week
- ii. Look under the clothes, socks, etc.
- iii. Have other people visit, especially at different days/times
- iv. Have a POA or HC Directive
- v. Take Notes "For My Attorney"
- vi. Make a complaint IN WRITING to MANAGEMENT
- vii.Seek Assistance from the Ombudsman
- viii.Seek Assistance from an Attorney, Advocate, DPH, DSS
- ix. Speak Up

I can't stress this point enough: speak up! Nursing home care should be based on a care plan, and the resident and family members have a major role in making that plan. Be involved, ask questions, use resources, make requests, seek expert advice when needed — in short, have high expectations, and do what's necessary to push the nursing home towards providing the type of care that the law requires.

Elder Abuse & Dependent Adult Civil Protection Act

Welfare & Institutions Code Division 9, Part 3, Chapter 11

§15610.07. Abuse of an elder or dependent adult

- (a) "Abuse of an elder or a dependent adult" means any of the following:
- (1) Physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.
- (2) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.
- (3) Financial abuse, as defined in Section 15610.30.
- (b) This section shall become operative on July 1, 2016.

§15610.23. Dependent adult [Effective 1/1/2019]

- (a) "Dependent adult" means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.
- (b) "Dependent adult" includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

§15610.27. Elder

"Elder" means any person residing in this state, 65 years of age or older

Elder Abuse & Dependent Adult Civil Protection Act

Welfare & Institutions Code Division 9, Part 3, Chapter 11

§15610.57. Neglect

- (a) "Neglect" means either of the following:
- (1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
- (2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
- (1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
- (3) Failure to protect from health and safety hazards.
- (4) Failure to prevent malnutrition or dehydration.
- (5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Elder Abuse & Dependent Adult Civil Protection Act Welfare & Institutions Code Division 9, Part 3, Chapter 11

§15657. Remedies

Where it is proven by clear and convincing evidence that a defendant is liable for physical abuse as defined in Section 15610.63, or neglect as defined in Section 15610.57, and that the defendant has been guilty of recklessness, oppression, fraud, or malice in the commission of this abuse, the following shall apply, in addition to all other remedies otherwise provided by law:

- (a) The court shall award to the plaintiff reasonable attorney's fees and costs. The term "costs" includes, but is not limited to, reasonable fees for the services of a conservator, if any, devoted to the litigation of a claim brought under this article.
- (b) The limitations imposed by Section 377.34 of the Code of Civil Procedure on the damages recoverable shall not apply. However, the damages recovered shall not exceed the damages permitted to be recovered pursuant to subdivision (b) of Section 3333.2 of the Civil Code.
- (c) The standards set forth in subdivision (b) of Section 3294 of the Civil Code regarding the imposition of punitive damages on an employer based upon the acts of an employee shall be satisfied before any damages or attorney's fees permitted under this section may be imposed against an employer

Title 22 of the California Code of Regulations § 72527

§72527 Patients' Rights

- (a) Patients have the rights enumerated in this section and the facility shall ensure that these rights are not violated. The facility shall establish and implement written policies and procedures which include these rights and shall make a copy of these policies available to the patient and to any representative of the patient. The policies shall be accessible to the public upon request. Patients shall have the right:
- (1) To be fully informed, as evidenced by the patient's written acknowledgement prior to or at the time of admission and during stay, of these rights and of all rules and regulations governing patient conduct.
- (2) To be fully informed, prior to or at the time of admission and during stay, of services available in the facility and of related charges, including any charges for services not covered by the facility's basic per diem rate or not covered under Titles XVIII or XIX of the Social Security Act.
- (3) To be fully informed by a physician of his or her total health status and to be afforded the opportunity to participate on an immediate and ongoing basis in the total plan of care including the identification of medical, nursing and psychosocial needs and the planning of related services.
- (4) To consent to or to refuse any treatment or procedure or participation in experimental research.
- (5) To receive all information that is material to an individual patient's decision concerning whether to accept or refuse any proposed treatment or procedure. The disclosure of material information for administration of psychotherapeutic drugs or physical restraints or the prolonged use of a device that may lead to the inability to regain use of a normal bodily function shall include the disclosure of information listed in Section 72528(b).
- (6) To be transferred or discharged only for medical reasons, or the patient's welfare or that of other patients or for nonpayment for his or her stay and to be given reasonable advance notice to ensure orderly transfer or discharge. Such actions shall be documented in the patient's health record.

Title 22 of the California Code of Regulations § 72527 cont'd

- (7) To be encouraged and assisted throughout the period of stay to exercise rights as a patient and as a citizen, and to this end to voice grievances and recommend changes in policies and services to facility staff and/or outside representatives of the patient's choice, free from restraint, interference, coercion, discrimination or reprisal.
- (8) To be free from discrimination based on sex, race, color, religion, ancestry, national origin, sexual orientation, disability, medical condition, marital status, or registered domestic partner status.
- (9) To manage personal financial affairs, or to be given at least a quarterly accounting of financial transactions made on the patient's behalf should the facility accept written delegation of this responsibility subject to the provisions of Section 72529.
- (10) To be free from mental and physical abuse.
- (11) To be assured confidential treatment of financial and health records and to approve or refuse their release, except as; authorized by law.
- (12) To be treated with consideration, respect and full recognition of dignity and individuality, including privacy in treatment and in care of personal needs.
- (13) Not to be required to perform services for the facility that are not included for therapeutic purposes in the patient's plan of care.
- (14) To associate and communicate privately with persons of the patient's choice, and to send and receive personal mail unopened.
- (15) To meet with others and participate in activities of social, religious and community groups.
- (16) To retain and use personal clothing and possessions as space permits, unless to do so would infringe upon the health, safety or rights of the patient or other patients.
- (17) If married or registered as a domestic partner, to be assured privacy for visits by the patient's spouse or registered domestic partner and if both are patients in the facility, to be permitted to share a room.
- (18) To have daily visiting hours established.

Title 22 of the California Code of Regulations § 72527 cont'd

- (19) To have visits from members of the clergy at any time at the request of the patient or the patient's representative.
- (20) To have visits from persons of the patient's choosing at any time if the patient is critically ill, unless medically contraindicated.
- (21) To be allowed privacy for visits with family, friends, clergy, social workers or for professional or business purposes.
- (22) To have reasonable access to telephones and to make and receive confidential calls.
- (23) To be free from any requirement to purchase drugs or rent or purchase medical supplies or equipment from any particular source in accordance with the provisions of Section 1320 of the Health and Safety Code.
- (24) To be free from psychotherapeutic drugs and physical restraints used for the purpose of patient discipline or staff convenience and to be free from psychotherapeutic drugs used as a chemical restraint as defined in Section 72018, except in an emergency which threatens to bring immediate injury to the patient or others. If a chemical restraint is administered during an emergency, such medication shall be only that which is required to treat the emergency condition and shall be provided in ways that are least restrictive of the personal liberty of the patient and used only for a specified and limited period of time.
- (25) Other rights as specified in Health and Safety Code, Section 1599.1.
- (26) Other rights as specified in Welfare and Institutions Code, Sections 5325 and 5325.1, for persons admitted for psychiatric evaluations or treatment.
- (27) Other rights as specified in Welfare and Institutions Code Sections 4502, 4503 and 4505 for patients who are developmentally disabled as defined in Section 4512 of the Welfare and Institutions Code.

Stage I
The ulcer appears as a defined area of persistent redness in lightly pigmented skin, whereas in darker skin tones, the ulcer may appear with persistent red, blue, or purple hues.



Stage II
Partial thickness skin loss involving epidermis, dermis, or both. The ulcer is superficial and presents clinically as an abrasion, blister or shallow crater.



Stage III
Full thickness skin loss involving damage to, or necrosis of, subcutaneous tissue that may extend down to, but not through, underlying fascia



Stage IV
Full thickness skin loss with extensive destruction, tissue necrosis, or damage to muscle, bone, or supporting structures (e.g. tendon, joint capsule).



Stage IV
Full thickness skin loss with extensive destruction, tissue necrosis, or damage to muscle, bone, or supporting structures (e.g. tendon, joint capsule).



Eschar
Thick dry black necrotic tissue – Unstageable



STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC HEALTH

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CERTIFIED COPY OF VITAL RECOI

This is a true certified copy of the record filed in the County of Los Angeles Department of Public Health if it bears the Registrar's signature in purple ink.

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Jy V. Hylauw, HDreissu

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ANY ALTERATION OR FRASURE VOIDS THIS CERTIFICATE

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH

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STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC HEALTH

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CERTIFIED COPY OF VITAL RECORD STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

This is a true certified copy of the record filed in the County of Los Angele Department of Poblic Health if laborate the Registrar's signature in purple in



Sty P. Sylauw, Mare issued Al

AUG 15 2017

his copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the Regi

NEL ANY ALTERATION OF ERASURE VOIDS THIS CERTIFICAT

CALOSANGO



COUNTY OF ORANGE

HEALTH CARE AGENCY

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April 22, 2016

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ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT

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CERTIFIED COPY OF VITAL RECORD STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

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CERTIFICATION OF VITAL RECORD

CITY OF PASADENA

PUBLIC HEALTH DEPARTMENT

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This is to certify that this document is a true copy of the official record filed with the City of Pasadena.



COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH FRESNO, CALIFORNIA

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STATE OF CALD FORMA

CERTIFICATION OF VITAL RECORD

COUNTY OF ORANGE

HEALTH CARE AGENCY

1200 N. MAIN STREET, SUITE 100-A SANTA ANA, CA 92701

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CERTIFIED COPY OF VITAL RECORDS

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STATE OF CALIFORNIA COUNTY OF ORANGE

DATE ISSUED September 28, 2018

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This is a true and exact reproduction of the document officially registered and placed on file in the office of the VITAL RECORDS SECTION, ORANGE COUNTY HEALTH CARE AGENCY. ERIC G. HANDLER, M.D., HEALTH OFFICER ORANGE COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF ORANGE

HEALTH CARE AGENCY

1200 N. MAIN STREET, SUITE 100-A SANTA ANA, CALIFORNIA 92701

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CERTIFIED COPY OF VITAL RECORD STATE OF CALIFORNIA, COUNTY OF ORANGE

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November 20, 2017 November 20, 2017

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(STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORDS

COUNTY OF ORANGE

HEALTH CARE AGENCY

1200 N. MAIN STREET, SUITE 100-A SANTA ANA, CA 92701

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CERTIFIED COPY OF VITAL RECORDS

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STATE OF CALIFORNIA COUNTY OF ORANGE

DATE ISSUED November 27, 2018

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LE D HADLER M.D.
HEALTH OFFICER
ORANGE COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar

ANY ALTERATION OR EDASLIDE VOIDS THIS CERTIFICATE

CERTIFICATION OF VITAL RECORD

COUNTY of FRESNO DEPARTMENT OF PUBLIC HEALTH FRESNO, CALIFORNIA

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COUNTY HEALTH OFFICE REGISTRAN OF VITAL STATISTICS

DATE ISSUED

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COUNTY OF SAN BERNARDINO SAN BERNARDINO, CALIFORNIA

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General Comments

For those of you who do Medi-Cal planning, 90% of you have cases in your office right now.

When you give talks to groups about Medi-Cal planning, etc., you should be adding 5 minutes about elder abuse in NHs and ALFs.

Advice re: whether to get an autopsy

Arbitration in POAs

Suggested addition to DPOA & HCPOA:

• (Subsection:) Litigation. To mediate, litigate, institute, maintain, defend, compromise, arbitrate or otherwise dispose of, any and all actions, suits, attachments or other legal proceedings for or against me, except for the fact that my Attorney in Fact does NOT have the authority to enter into a pre-dispute arbitration agreement on my behalf or bind me to an arbitration agreement involving care or residence at a hospital, skilled nursing facility, long term health care facility, assisted living facility, residential care facility, group home, or similar facility, unless such an agreement is signed AFTER the dispute arose, and only with the written consent of an attorney retained by my Attorney in Fact for that dispute.

Suggested addition to DPOA:

• (r) Medical Records. To have access to my healthcare and medical records and any and all statements regarding billing, insurance, and payments for any and all healthcare and medical expenses, past and future.

Sample Intake Questions:

- Name of Victim:
- <u>D.O.B.</u>:
- <u>D.O.D.</u>:
- Name of Caller:
- Relation to Victim:
- Potential Defendant:
- Dates of Residency:
- Caller's Complaints:
 - Any Bed Sores?
 - Any falls/fractures?
 - Any UTIs?
- Photos?



5001 Airport Plaza Drive, Suite 210 Long Beach, California 90815 (888) 887-9777 Elder Abuse Attorneys

LANZONE MORGAN, LLP

James M. Morgan, Esq. (JMM@LANZONEMORGAN.COM)

Intake Coordinator: Emily Jensen (ECJ@LANZONEMORGAN.COM)

5001 Airport Plaza Drive, Suite 210

Long Beach, California 90815

Telephone: 562-596-1700