

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

Legislative Priorities for 2010

CANHR Sponsored or Co-sponsored Bills:

AB 2066 (Jones): Senior Annuity Reform –This bill is a suitability bill for annuities that are being sold to seniors. It requires reasonable disclosure of annuity features, prohibiting the sale of annuities in certain circumstances, and limiting the surrender penalties charged to senior annuitants. Also, before the sale of an annuity, the senior would receive a checklist that elicits critical data, including life expectancy of the senior and whether the senior has sufficient money outside of the annuity to meet unanticipated expenses.

SB 1329 (Leno): The RCFE Residents Foreclosure Protection Act – This bill will require licensees of Residential Care Facilities for the Elderly to notify Community Care Licensing of certain events that indicate fiscal distress and potential foreclosure; to notify all residents or their representatives of foreclosure; and ensure that facility closure procedures to reduce transfer trauma are followed during a foreclosure. (Co-sponsored with Bet Tzedek Legal Services) [Fact Sheet on AB 1329](#)

SB 660 (Wolk): Suitability Standards for Reverse Mortgages - This is a reverse mortgage bill that defines what fair dealing means in transactions between lenders and borrowers and creates a duty of fair dealing on the part of lenders of reverse mortgages.

AB 2555 (Feuer): Restoring Long Term Care Ombudsman Funding - This bill would use penalties paid by substandard nursing homes to help restore oversight and advocacy by local long-term care ombudsman programs. It would appropriate \$1.6 million to help restore Governor Schwarzenegger in 2008. The bill has numerous co-sponsors. [Fact Sheet on AB 2555](#)

Stop the Budget Cuts to California's Aged and Persons with Disabilities –

CANHR will work closely with other consumer and advocacy organizations to stop further budget cuts to California's aged and disabled and low-income citizens. Any further cuts to IHSS, Healthy Families, services for the Developmentally Disabled and other home and community based services will result in irreparable harm from which California may never recover.

Opposed by CANHR

SB 105 (Harman) Donative Transfers Restrictions: Care Custodians –Proposed by the California Law Revision Commission, this bill attempts to address the problem of fraud and undue influence in elder abuse cases. Unfortunately, the bill would water down the current protections in Probate Code 21350 by reducing the burden of proof to overcome the presumption of undue influence from "clear and convincing evidence" to "a preponderance of the evidence." SB 105 would also limit the definition of "care custodian" to those who provide services for remuneration. The changes proposed by SB 105 could result in seniors being at greater risk for undue influence and exploitation.

SB 1400 (Negrete McLeod) Nursing Home Citation Review Conferences and Dispute Resolution – Proposed by the nursing home industry, this bill is currently only in spot bill form. Nevertheless, SB 1400 proposes to transfer the responsibilities of citation review conferences (CRCs) and federal informal dispute resolutions out of the Department of Public Health and into the hands of an "independent third party." That third party is likely to be a Quality Improvement Organization, funded by CMS to provide consulting services to nursing homes. Given that the majority of citations are currently upheld at Citation Review Conferences and most of the serious citations and civil monetary penalties are appealed to superior court by nursing homes, this bill would do little to ensure collection of fines. As for dispute resolutions, it is hard to fathom how a QIO that provides technical assistance to these same facilities would not have an inherent conflict of interest.