

# California State Senate

## SENATOR MIKE MCGUIRE

NORTHERN CALIFORNIA'S SECOND SENATE DISTRICT



September 19, 2016

Dana Forney, District Manager II  
California Department of Public Health  
Center for Health Care Quality  
2170 Northpoint Parkway  
Santa Rosa, CA 95407

RE: September 14, 2016 Closure & Relocation Plans for: Eureka, Pacific & Seaview Rehabilitation and Wellness Centers

Dear Ms. Forney:

First off, thank you and your staff for all of your work on this important issue.

I am once again writing to express concern about the potential dangerous closures of Rockport Management's three skilled nursing facilities (SNFs) in the greater Humboldt Bay region - Eureka Rehabilitation & Wellness Center, Pacific Rehabilitation & Wellness Center and Seaview Rehabilitation & Wellness Center.

As I have stated before, the level of beds being proposed for closure by Rockport is unprecedented in California. This proposed voluntary closure will put the lives of some of the most medically fragile at risk and the company has not been engaged in real solutions to keep their facilities open and fully staffed prior to making their closure announcement.

I have read through both the original rejected closure plans received by the California Department of Public Health (the Department) on August 25, 2016 and the new closure and relocation plans received by the Department on September 14, 2016.

Rockport's new closure and relocation plans still do not adequately address the serious health and safety concerns related to relocation of area residents living in the facilities. Specifically:

- Rockport's new plans to stop accepting patients into their Skilled Nursing Facilities (SNFs) starting this Saturday, September 24 is simply not acceptable. **Not only is this an irresponsible timeline, hospitals in Humboldt will be challenged to discharge patients to local SNFs due to the lack of bed space as will hospitals throughout the region.** This will immediately usher in a crisis that could otherwise be avoided if the company were to stagger the closures or - as we have requested multiple times - simply not close their facilities or seriously evaluate an alternative operator.

- In the new closure and relocation plan submitted to the Department, the applicant provided an accounting of only 39 available beds it manages in Humboldt County. This equals an astounding deficit of 152 beds. This means patients will be transferred hours away - scattered throughout California and into Oregon.
- The applicant provided a flawed summary of skilled nursing bed vacancies by distance to Eureka, CA. A number of the facilities listed are at a travel distance greater than 200 miles. The summary is merely a list of vacant beds and is not a commitment by a facility for acceptance of a transferred patient. Acceptance of all patients subject to transfer would precipitate a skilled nursing crisis throughout Northern California and Southern Oregon communities.
- The applicant does not outline facilities appropriate for transfer of patients with specific behavior needs and disabilities. The applicant should provide a census of patients that will require specialized care and demonstrate that appropriate facilities are available to accept these patients. This is especially important for those patients living at the Wish-I-Ah Skilled Nursing and Wellness Facility who desperately need specialized care.
- In the provided Facility Discharge & Relocation Management Plan (Exhibit 1), the applicant does not describe any proactive steps the company will make to ensure mitigation of transfer trauma. The applicant has listed multiple facilities in Southern Oregon that residents may transfer to but does not provide a commitment of follow-up for each resident as expected for a receiving facility under Oregon Administrative Rules Chapter 411 Division 88.
- California Health and Safety Code Section 1325 states: *The Legislature finds and declares that the transfer trauma which accompanies the abrupt and involuntary transfer of patients from one nursing home to another should be avoided when reasonable alternatives exist.* We continue to ask the question - How is transfer trauma going to be avoided knowing the distances many of these patients will be forced to travel is so significant?

I am aware that the Department is currently reviewing a request for receivership of the three facilities from the Office of the California Long Term Care Ombudsman. While the appointment of an emergency manager or a petition to the superior court for receivership of three facilities at once is unprecedented; the voluntary closure of three facilities is also unprecedented here in California. This is why I hope the Department is considering all alternatives to ensure the health and well-being of patients for the long term.

I urge the department to reject the closure plans received September 14<sup>th</sup>, 2016. The applicant must explore all reasonable alternatives - and once and for all - develop a firm plan that will ensure their patients' health and safety is the top priority and alternatives exist prior to transfer.

I sincerely appreciate the opportunity to provide comment. If I can be of any assistance please don't hesitate to call my office at [916-651-4002](tel:916-651-4002).

Warmest Regards,



MIKE McGUIRE  
Senator