The semi-annual meeting of the CALCRA board was convened April 19, 2018 at La Costa Glen by President Margaret Griffin. A quorum was present.

Present: Edward DeLaney, Vice-President (St. Paul’s Towers); Mary Dougherty, La Costa Glen; Charles Greene (Valle Verde); Bob Googins, (Casa de las Campanas); Margaret Griffin, President (University Retirement Community); Mike Hernacki, (Vi at La Jolla); Rose Burgis, Secretary (Eskaton Village); Linda Saunders, Treasurer (Casa Dorinda); and Len Schneiderman (University Village)

Minutes of the October 2917 board meeting were approved, along with interim actions taken since the October meeting: ● email votes to approve the Forecast Income & Expense Report for 2018; and to accept the 2017 Year End Financial Statement; ● email votes to oppose elimination of the medical expense federal tax deduction, and to not support HR 4704 (would have required specified actions by SNF’s to assure protection of residents during and after emergencies); ● also Board review of the IRS Form 990.

Treasurer’s Report. Linda Saunders presented Statement of Income and Expenses as of March 31, 2018, and data on inflation and various economic indicators. Her report was accepted.

Evon Lenerd, Chief, Continuing Care Branch of the Dept of Social Services gave an update of issues before the Branch. ● Their new data base went online in March. Bugs are being worked out, and it is anticipated that by the end of the year it will be fully operational allowing reports to be generated from the data. ● Evon discussed a review and changes to how the Branch handles complaints. A “Complaint Fact Sheet” will be posted on the Branch website; complaints may be made by phone or in writing. ● The Branch has recently updated their publication of the California CCRC statutes (previously known as “the green book”, now “the blue book” due to the color of the cover). The document is available electronically from the DSS website www.calcrcr.ca.gov, where there is also a link to the statutes. A copy may be requested from the Branch by calling (916) 654-0591. ● The Continuing Care Branch is required to visit each CCRC once every three years to augment their review of CCRC financial operations. The Department can make additional visits if necessary. ● Following our recent natural disasters, policies and procedures for emergency plans are under review. ● Concern was raised from the floor regarding the need for up-to-date instructions for Automatic Electronic Defibrillators; Evon will follow-up with the Adult and Senior Care Branch.

Margaret Griffin reported for the Executive Committee. The committee has met via 2 conference calls since the October Board Meeting. Several issues are under review and discussion, but no actions recommended for Board consideration at this time.

Bob Googins reported for the Membership Committee. Bob summarized the results of our direct mail efforts, which yielded some but not as many new members as hoped. Mike Hernacki will assume chairmanship of this committee.

Nominating/Governance Committee. This committee has been without a Chair, so there was no report at this time. Bob Googins will assume chairmanship of this committee.
**Legislative Update**

This year CALCRA is sponsoring AB 3088, authored by Assemblymember Kansen Chu (D-San Jose). Our bill would require California's CCRCs to use strategic planning tools, specifically actuarial studies and maintenance and repair reviews, to assess the risk of future events occurring that would impact the financial soundness of our communities, and to help formulate policies that minimize the impact of those risks on residents.

When we decided to move into our CCRCs, we paid a substantial entrance fee and signed a contract specifying the care and services to be provided. CCRC providers promise future benefits (i.e., the care and services) in return for up-front deposits and monthly fees; this is similar to an insurance promise. Like any insurance policy, there are elements of risk to be considered, and there are elements of risk in every CCRC contract. However, existing law only requires that the CCRCs offering life-care or “Type A” contracts (currently there are only 10 that do) conduct a periodic actuarial study that identifies and assesses long-term operational risk factors; there is no requirement that any CCRC conduct a maintenance and repair review.

It is the function of the actuary to bring certain risks into focus and project the financial future of the organization. It is generally agreed that Type A contracts, being most like an insurance product, should have actuarial studies to assess the provider's ability to meet residents' future health care needs. But there are other areas of every CCRC's operation, particularly the pricing of entry and monthly fees, that also benefit from actuarial analysis. All CCRC contracts, regardless of type, involve elements of risk that require statistical modeling to ensure achievement. Likewise, a maintenance and repair review would allow the provider to identify needed repairs to the facility, plant and equipment before they become a crisis and repairs are urgent and costly. Taken together, an actuarial study and a maintenance and repair review would give the provider valuable information for long-term planning, ensuring the viability and sustainability of the operations of the CCRC and thereby minimize spikes in the monthly fees residents would have to pay to address unforeseen costs.

As of this writing (mid-May), AB 3088 has passed both of its policy committees in the Assembly (Human Services, and Aging and Long-Term Care). It also passed the Assembly Appropriations Committee, and got a vote of unanimous approval on the Assembly floor. It will now move to the Senate for hearings in that house in June. In preparation for our first hearing, before the Senate Human Services Committee, requests for letters of support have gone continued to page 3...

**New Medicare Cards**

The Centers for Medicare & Medicaid Services (CMS) will be mailing new Medicare cards to beneficiaries between April 2018 and April 2019. The new Medicare cards will no longer include Social Security numbers. Beneficiaries should make sure their mailing address is up to date with the Social Security Administration. If beneficiaries need to update their address, they may contact Social Security at [https://www.ssa.gov/myaccount/](http://https://www.ssa.gov/myaccount/) or call 1-800-772-1213 (TTY 1-800-325-0778).

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Executive Board
Margaret Griffin
President
Ed Delaney
Vice President
Rose Burgis
Secretary
Linda Saunders
Treasurer

Directors - At - Large
Mary Dougherty
Bob Googins
Charles Greene
Mike Hernacki
Len Schneiderman

Byline articles express the opinions of the authors and do not necessarily reflect those of CALCRA or its Board of Directors.
DSS Complaint Procedure

Editor's Note: Has something been bothering you? Is there a problem or issue at your community that isn't being addressed and needs attention? The Continuing Care Branch of the Department of Social Services is where the buck stops in terms of handling complaints by CCRC residents. The Branch has recently reviewed and revised their procedures for handling and processing complaints, and they are distributing the details via a Fact Sheet, which is included as the insert in this newsletter.

Evon Lenerd, Chief of the Continuing Care Branch, wants to emphasize that she welcomes contacts from residents, be they inquiries, allegations, or complaints (evon.lenerd@dss.ca.gov; 916-654-0591). When in doubt, contact the Branch for assistance.

On occasion, a resident may want to request anonymity in their discussions with the Branch. While there may be understandable reasons for such a request, remember that, at the very least, it may hamper the Branch's ability to investigate your issue; also, if the topic turns out to be an actual violation of the CCRC statute, the Branch is obligated to take action regardless of your request for anonymity.

What follows is the account of a complaint where the resolution of the issue supported the resident's allegation of retaliation against him by the provider of his CCRC.

In 2014, Bill Schwartz, a resident of University Village Thousand Oaks (UVTO), filed a complaint with the California Board of Accountancy relating to the accounting for the master trust at his facility (a master trust is where entrance fees are deposited at this for-profit CCRC). At a subsequent meeting held May 15, 2015, between the Trustee/Provider and the Resident Association, comments were made by the provider representative Warren Spieker (son of “Ned” Spieker, controlling owner of UVTO and 5 other California CCRCs) that Bill felt constituted retaliation for having filed that complaint. He subsequently filed a separate complaint with the Continuing Care Branch of the Department of Social Services in early 2016 alleging retaliation.

In their investigation of the retaliation complaint, Branch staff noted that Bill's contention was supported by emails from two other residents who attended the May 15 meeting. These emails clearly stated the perceptions of those two residents that the provider's comments that day were heard as a personal attack on Bill and were perceived as arrogant and belittling. Furthermore, a recording of the meeting was made available to the Branch and upon their review of that material, the provider's comments were cited as potentially having the effect of dissuading other residents from filing complaints.

On January 29, 2018, Evon Lenerd, Chief of the Continuing Care Branch, issued the department's decision upholding Bill's allegation, finding a violation of the prohibition on retaliation as stated in Health & Safety Code section 1771.7 (g), and imposing an administrative fine of $1,000, the maximum allowed. The provider was also required to publish a communication to all residents to ensure that they understand that they have a right to file complaints, both with the provider and with governmental agencies.

Legislative Update continued...

out to all CALCRA members on our email list. Resident support for AB 3088 is critical as both our non-profit and for-profit providers have united in opposition to it.

You can monitor the status of this bill and access all amendments and legislative committee analyses by “subscribing” to AB 3088. Go to http://leginfo.legislature.ca.gov. Click on the Bill Information tab, enter “AB 3088” into the Bill Number field and click on Search. You will get the text of the bill. Above the bill text, click on Track Bill, and enter your email and registration information, and the Tracking Points you want to follow. You will now get email notices of updates as they occur.

In addition to AB 3088, CALCRA has taken an oppose position on AB 2033 (Choi). This bill, sponsored by Erickson Living, would allow this provider to offer their "pooling model" of a repayable CCRC contract. CALCRA’s concern is that this bill could also allow Erickson, which currently doesn’t operate in California, to avoid statutory requirements for CCRCs in this state; and it is not clear how the pooling model would be reconciled with the provisions of SB 939 (Monning 2016). AB 2033 died in committee.

Next Year: The CALCRA Legislation Committee will soon begin considering ideas for legislation for the 2019 session. Please forward your suggestions to Margaret Griffin at 530-747-6471, or info@urcad.org.

CALCRA needs you and you need CALCRA.
Run for the Board!

Want to have a hand in steering CALCRA’s operations? Join the Board!

The CALCRA Board is all volunteer. It is important that we have representation that reflects the variety of CCRCs in California – from all geographic areas, and both for-profit and nonprofit communities.

In addition to providing the leadership that guides the association, board members reflect and provide the all-important link to members in local communities. While a board member needs to be active, interested, and informed about their home CCRC, they also must be able to keep those views in perspective when considering the overall good of CALCRA as a statewide organization.

Board members are expected to attend the two formal board meetings per year (the October meeting in Northern California, and the April meeting in the South), and participate in at least one of the three standing committees: Membership, Legislation, and Nominating/Governance. Most committee business is conducted via email and conference calls. Travel expenses are reimbursed.

Board terms are 3 years, with no limit. Officers (President, Vice President, Secretary, and Treasurer) serve 1-year terms, which also may be renewed.

Interested CALCRA members are encouraged to contact current Board Directors to get answers to any questions they might have. A listing of current Directors, their contact information and a brief biographical description is available on the CALCRA website (www.calcra.org), along with a description of qualifications and duties of board members.

Nominations must be in writing (email is fine) and include a statement certifying the nominee meets the qualifications for the position. CALCRA members may self-nominate, or be nominated by a sponsor. Please send nominations to CALCRA Secretary, Rose Burgis 3939 Walnut Ave, #146, Carmichael 95608, or roseburgis26@gmail.com by August 10, 2018.

Speakers Available

Members of the board are available to speak at your community. Contact Margaret Griffin at info@calcra.org or (530) 747-6471 for more information.
Continuing Care Retirement Communities

April 2018

Resident’s Right to Submit a Complaint

The Continuing Care Contracts Section in the Continuing Care Branch (CCB) of the California Department of Social Services, Community Care Licensing has statutory authority and responsibility to accept Continuing Care Retirement Community resident complaints concerning alleged violation(s) of the Continuing Care Contract Statute (HSC section 1770 et seq.). CCB will also review the transfer process for disputed level of care transfers (HSC section 1788(a)(10)(D)).

An example of an alleged violation could include the provider not affording the resident their rights as outlined in HSC section 1771.7 regarding effective channels of communication and to live in an environment that enhances personal dignity, maintains independence, and encourages self-determination.

CCB initiates the investigation process on complaints relating to resident’s rights, services-related and financially related complaints within 15 business days of receiving the complaint by sending an acknowledgment notice to the complainant (HSC section 1776.3). CCB will also initiate the transfer review process for disputed level of care transfers (HSC section 1788(a)(10)(D) within 15 business days upon receipt.

The CCB complaint investigation process is as follows:

<table>
<thead>
<tr>
<th>Step</th>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of Complaint</td>
<td>Complaints can be received by phone (1-916-654-0591), email (<a href="mailto:cclcccb@dss.ca.gov">cclcccb@dss.ca.gov</a>) or mail (744 P Street, MS 8-16-91, Sacramento, CA 95814) and filed by a resident, a resident’s responsible party, family member or the public (see contact information on page two).</td>
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<tr>
<td>Assessment</td>
<td>All complaints received will be assessed to determine nature of the complaint and if the allegation is a violation of the Continuing Care Contract statute. If the complaint involves the nursing home unit, a referral will be made to the Department of Public Health’s Licensing &amp; Certification Program.</td>
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<tr>
<td>Investigation</td>
<td>The investigation process can include, but is not limited to the following steps: notification of the complaint to the provider; on-site visit to the CCRC; in-person or telephonic interviews; and requests for additional documentation/information. If a determination is made that CCB does not have jurisdiction, the complainant will be notified and provided with the contact information for the appropriate oversight entity.</td>
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<tr>
<td>Final Action</td>
<td>The CCB will complete the investigation process by issuing a final determination, notifying the provider and the complainant, and take the necessary action(s), including but not limited to: corrective action plan; assessment of fines/fees; and monitoring for compliance. The complainant will be notified in writing as to the final determination, including any plan of correction, within 15 business days of completion of the investigation.</td>
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Complainant Appeal Rights

The decision of the CCB is final and the complaining party does not have an appeal right with the California Department of Social Services. However, the absence of that appeal right does not preclude the complaining party from seeking a remedy by filing a Writ with the Superior Court. If the complaining party is in receipt of new information not previously submitted to CCB, the complaining party can submit the new information for review by CCB.

Where to File a CCRC Complaint

Continuing Care Branch
744 P Street, MS 8-16-91
Sacramento, CA 95814
(916) 654-0591
cclcccb@dss.ca.gov

Resources

If you are unsure if there is an alleged violation of the Continuing Care Contract statute or have general questions relating to CCRCs, please contact the Continuing Care Branch (contact information above) to discuss. Our website has changed and now includes other helpful links under the Quick Links heading. You may visit our website at: http://www.cdss.ca.gov/inforesources/Community-Care/Continuing-Care.