



# FACT SHEET

## Assisted Living Facility Reform Agenda

### OVERVIEW

**Hazel's Army** gives voice to those who have lost loved ones as the result of poor or improper care at Assisted Living Facilities. **Hazel's Army** accomplishes this through community education, consumer awareness, and legislative advocacy.

**Hazel's Army** was born out of the tragic loss of Hazel Mensching—beloved mother, grandmother, and great-grandmother—who passed away as the result of injuries sustained due to negligence and neglect while a resident in an Assisted Living Facility in San Diego.

### THE PROBLEM

As of 2014, residents of Assisted Living Facilities, otherwise known as Residential Care Facilities for the Elderly (RCFEs), and their families faced numerous challenges in the state of California including:

- Limited consumer information, including state-issued facility citations, is available online.
- The Department of Social Services (DSS), the state's regulatory arm for RCFEs, is only mandated to inspect RCFEs once every FIVE YEARS.
- State law [Title 22 § 87761(c)(1)] limits civil penalties (fines) for RCFE citations to a maximum of \$150, even for the most egregious cases of neglect and abuse.
- Currently, RCFEs in California ARE NOT required to carry liability insurance—resulting in limited options for both residents and facility owners in the event of civil litigation.

### OUR SOLUTIONS

✓ = + 10 ADDITIONAL LAWS PASSED (2014)

✗ = + 4 ADDITIONAL POLICIES FAILED (2014)

- ✓ **Create a publicly searchable website for RCFE citations.** This will allow consumers to make informed decisions about who to entrust with the care of their elderly relative.
- ✗ **Mandate annual inspections of all RCFEs.** Increased oversight and state enforcement will create a safer and more secure environment for elderly residents.
- ✓ **Increase the maximum civil penalty for Type A citations from \$150 to \$15,000.** By increasing the fine, the state will deter the most egregious violations and increase revenue to further support RCFE inspections and enforcement.
- ✓ **Require all RCFEs in California to maintain liability insurance.** Liability insurance will provide civil litigation protection for both consumers and RCFE owners.

*"Fighting for the Greatest Generation and beyond."*



## “TRAGEDY CREATES AN ARMY”

Hazel Mensching suffered a severely broken leg and other injuries due to negligence and neglect at her Assisted Living Facility. She was left to suffer for over four hours, only receiving care when a family member recognized her injuries and forced the facility staff to call 911.

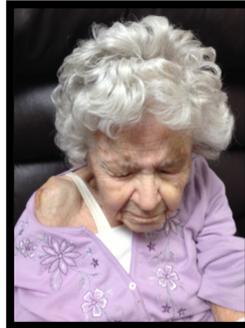
As the result of her injuries, Hazel passed away several days later. A state of California investigation cited the facility for numerous violations that led to her death, and fined them a mere \$150. Unsatisfied with the cumbersome process, limited transparency, and insulting fine, Hazel’s family mobilized and created Hazel’s Army to prevent a repeat of this tragedy.

Lead by her grandson, Aaron Byzak, a healthcare executive and former Emergency Medical Technician (EMT), Hazel’s Army was profiled in a UT San Diego Watchdog Report on the subject in September 2013.

Since then, hundreds of concerned citizens have *enlisted* in Hazel’s Army, and partnerships have been established with like minded non-profit organizations, consumer groups, and legislators who seek to affect meaningful change at RCFEs.



Hazel Mensching,  
February 3, 2013



Hazel Mensching,  
injured and neglected.  
February 7, 2013



Hazel Mensching’s  
severe right leg fracture.  
February 7, 2013

## SHOCKING STATS

- At least **27 deaths** in San Diego County since 2008 from injuries and neglect suffered at RCFEs.
- California is **one of only two states** where RCFEs are regulated by a social services agency, rather than the state’s health department (as it is in 37 other states).
- In the past five years in California (2008-2013), **the number of complaints alleging poor care increased 13%**, while the **number of fines decreased by 30%**.
- Despite a state police force of **54 officers** assigned to investigate allegations of abuse and neglect, **not a single arrest has been made in the past nine years.**
- **More than 3,000 complaints alleging abuse** (including sexual abuse), neglect and death are filed every year to DSS—**yet since 2002 only 82** have been referred to state prosecutors as criminal cases (see figure above).

Source: UT San Diego/USC Center for Health Reporting, September 2013

## AFFILIATES AND PARTNERS



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**HAZEL'S ARMY**

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## 2014 Legislative Victories (State – partial list)

### OVERVIEW

**SB 895 (Corbett):** Requires DSS to post inspection reports; report on annual inspections

**SB 911 (Block):** Increases administrator and staff training in RCFEs

**SB 1382 (Block):** Increases RCFE annual fees by 20%

**SB 1153 (Leno):** Provides a ban on new admissions for out of compliance RCFEs

**AB 1523 (Atkins):** Requires all RCFEs to carry liability insurance

**AB 1572 (Eggman):** Increases rights of Resident and Family Council

**AB 1899 (Brown):** Prohibits reinstatement of license when licensee abandons residents

**AB 2044 (Rodriguez):** Requires administrator on site 24/7 and increased staff training

**AB 2171 (Wieckowski):** Creates statutory Resident Bill of Rights

**AB 2236 (Maienschein):** Increases civil penalties for deficiencies

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