

**FATE**  
Foundation Aiding The Elderly

July 26, 2018

Scott Vivona, Acting Deputy Director  
Center for Health Care Quality  
Department of Public Health  
**STATE OF CALIFORNIA**  
P. O. Box 997377 MS-3203  
Sacramento, CA 95899-7377

Chelsea Driscoll, Chief  
Policy and Enforcement Branch  
Department of Public Health  
**STATE OF CALIFORNIA**  
P. O. Box 997377 MS-3203  
Sacramento, CA 95899-7377

Re: Proposed Patient Acuity Waiver for SB 97

Dear Mr. Vivona and Ms. Driscoll:

Unfortunately, yesterday's meeting was difficult hear via the phone connections and then I was cut off and could not access the line again; thus, I missed hearing the meeting.

However, I have read the excellent time-line comments prepared by Michael Connors and Patricia McGinnis of CANHR and would like to echo their comments pertaining to SB 97 not authorizing a patient acuity waiver for this purpose.

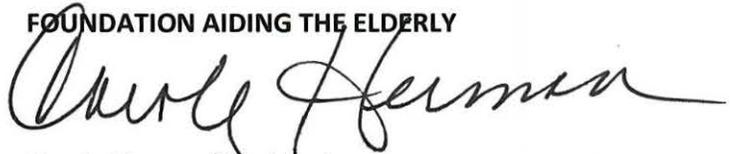
As well, it is **most disturbing** , as CANHR outlined in their 7/25/18 letter to you both, that the department has continued to ignore requests for information and records for 11 months, which certainly is not in the best interest of the consumer. It's apparent to me, as I am sure to others, that the pendulum at the Department of Health seems to swing towards the side of the nursing home industry and not towards the side of the vulnerable nursing home patients that the department is charged with protecting and ensuring that federal and state regulators are being adhered to by the industry.

**I also urged the Department to halt further development of this waiver and to not allow the industry to seek waivers for the new 3.5 staffing hours unless admissions are halted. If the facility cannot staff to meet the needs of the patients, then they should only have the amount of patients in their facility that they can care for. Clearly, insufficient staffing is the number one cause of poor care and neglect.**

Thank you and, if you have any questions, please contact my office.

Sincerely,

**FOUNDATION AIDING THE ELDERLY**



Carole Herman/President

CH:jds