

PRESS RELEASE

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FOR MORE INFORMATION:

Carole Herman: 916-481-8558

DHS Failing to Regulate Nursing Home Staffing

**Watchdog Group Sues to Require Department of Health Services to Set
Minimum Staffing Levels for Nursing Homes**

SACRAMENTO, CA – California nursing home patients are being put at risk of avoidable injury or death by the California Department of Health Services (DHS)’ failure to regulate nursing homes, according to a lawsuit filed against DHS today in Northern California. The lawsuit, brought by Foundation Aiding the Elderly (FATE) and Shelia Whittaker, whose mother suffered injuries as a result of insufficient nursing home staffing, alleges that state law required DHS to issue regulations setting minimum staff-to-patient ratios in nursing homes by 2003, but that three years after the deadline, DHS has failed to do so. The lawsuit also alleges that DHS has illegally taken regulatory action to decrease the minimum required levels of skilled nursing care staff. FATE and Ms. Whittaker seek an order compelling DHS to comply with state law by issuing regulations setting minimum staff-to-patient ratios and reversing any regulatory actions that have decreased minimum staffing levels. Both of these actions demanded of DHS will result in increased staffing and better care in California nursing homes.

“Nursing home patients are among the most fragile and vulnerable members of our society,” says Carole Herman, president of FATE. “Insufficient skilled nursing staff is the single most important factor in assuring the provision of adequate skilled nursing services. DHS’ failure to comply with the law unnecessarily exposes nursing home patients to avoidable injuries including bed sores, infection, malnutrition, serious accidents, and even death.”

“The DHS’ failure to set regulations establishing minimum staff to patient ratios is a clear violation of state law,” according to lawyer Mark Todzo. Todzo, of The Lexington Law Group, a San Francisco public interest law firm, is lead counsel for FATE. “DHS has been unwilling to do its job,” Todzo said. “It is unfortunate that it takes the intervention of the courts to force DHS into compliance with the laws it is charged with carrying out.”

FATE was founded in 1982 with the mission of assuring that elders are treated with care, dignity and the utmost respect during their final years when they can no longer care for themselves. FATE provides information, counseling, advice, resources and referrals to those who need assistance in dealing with care of the elderly. Shelia Whittaker is a resident of North Highlands, California.

The California Department of Health Services is a division of the California Health and Human Services Agency. Also named as defendants are Sandra Shewry, Director of the Department of Health Services; Kathleen Billingsley, Deputy Director of Licensing and Certification; and Ruth I. Jacobs, Chief of Central Licensing and Field Policy Section.
