



# CALCRA News

California  
Continuing Care  
Residents Association

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## FROM THE PRESIDENT

One of the benefits of CALCRA's open board meetings is that they provide the opportunity for knowledgeable speakers to bring perspective to some of the important problems and opportunities that require CALCRA's attention. During our April 12 board meeting at San Francisco Towers, Bob Thompson, Attorney for the Department of Social Services, made the comment that "Resident expectations do not necessarily reflect the obligations set forth in the resident contract."



Walter P. Rozett

CCRC residents by promoting provider transparency and accountability. Quite clearly, resident interests were not fully represented when those contracts were written and consequently residents are now dependent on CALCRA to introduce legislation that prevents their exploitation under the biased conditions of those contracts.

When you think about that it is not surprising. Resident contracts are lengthy, complex documents written by the providers basically to serve their interests. Some attorneys for prospective residents have advised against signing the contracts because of their bias in favor of the providers. Many residents who did sign them did not quite understand all of their nuances but signed anyway with the expectation that the providers would treat them ethically and honorably because the success of their continuous marketing efforts depends on reputations gained from such practices. And, for the most part that resident trust has been justified by experience but that does not justify a "trust me" type of contract.

Bob's comment at the meeting did serve to reinforce the need for CALCRA to pursue its mission of protecting the financial interests and quality of life of

Our legislation this year, SB 489, deals with a major deficiency in both resident contracts and the Health and Safety Code. The bill establishes reasonable ground rules to govern a provider's conduct whenever a CCRC is closed either fully or partially. This is covered in greater detail in the article on page three. On May 29 the bill was passed by the Senate. It now goes on to the Assembly where some minor changes will probably be made but passage is also expected. The governor is less predictable but it is difficult to see any rationale for his not supporting the elimination of this void in both resident contracts and the Code.

We are delighted to once again work with Senator Steinberg who has previously authored CALCRA legislation when he was in the Assembly. His staff has been most cooperative and professional under somewhat stressful circumstances. We look forward to a long term productive relationship with the Senator and his staff.

## Executive Board

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## DIRECTOR NOMINATIONS

Members are notified that "at large" director nominations will be accepted from July 1 until August 16, 2007. If you know of a CALCRA member in good standing who would like to become a member of the board please follow the instructions in our bylaws:

1. Obtain the qualification, experience and consent statement of the nominee.
2. Send the information to CALCRA secretary, Norm Eichberg, La Jolla Village Towers, 8515 Costa Verde Blvd. #1412, San Diego, CA 92122

## CALCRA BOARD MEETING

The April 12 CALCRA board meeting was held at San Francisco Towers. Bernard Werth did a fine job with the arrangements and John Milford, the Towers executive director, graciously hosted a delightful lunch.

All board members were present. After the usual board business there were informative presentations by Tom Stringer, chair of the Continuing Care Advisory Committee and owner/provider of two for-profit Southern California CCRCs and Bob Thompson, attorney for the Department of Social Services.

Tom, a partner in Freedom Management that operates The Village in Hemet and Freedom Village in Lake Forest, talked about how the two facilities are managed. Both opened in the late 1980s and have operated profitably ever since. He attributes their success to effective communication with residents and with their resident councils, stability in staffing, a commitment to quality of service and effective control of expenses. The average monthly fee increase at the two facilities has been about 3.25% per year for the last thirteen years. Residents have demonstrated their satisfaction and regard for the staff by establishing a scholarship fund in

addition to their employee appreciation fund.

Tom made available copies of Freedom Management's company philosophy which is distributed to all employees. Since it sets forth an environment that all of us would appreciate it has been included on page 4.

Bob Thompson talked about the responsibilities of the Continuing Care Contracts Branch of the Department of Social Services. He has been with the Department for eleven years and noted that there have been dramatic changes in characteristics of the CCRC community over that period and speculated that the future will bring even greater changes. The Branch has a staff of six whose basic function is to monitor the financial condition of the providers and to see that they meet appropriate financial standards.

Both Tom and Bob responded to many questions from the audience.

President Walt Rozett reported on CALCRA's legislative agenda which is covered in detail in the article on page 3. He also pointed out that a number of CCRCs are experiencing a bit of a drop in occupancy rates because of the extended time required by incoming residents to sell

their homes in today's depressed housing market. CALCRA membership levels were also discussed; they are currently as high as they have ever been but, in aggregate, are not as large a percentage of the total of all CCRC residents in California as we would like them to be for maximum effectiveness of our representation. Some communities have membership levels as high as 50 to 60% of all residents. The key to high membership is having at least a small group of dedicated residents who understand what CALCRA has accomplished and what yet needs to be done to fully protect the financial security and quality of life of residents. Where we have significant membership the leadership group handles communications with members, arranges meetings to discuss statewide issues, delves into local issues otherwise not getting proper attention and contacts new residents to inform them about CALCRA and invite them to join. The statewide organization stands ready to assist any of these local efforts. Just give us a call!

The decision was made to have the 2007 CALCRA annual meeting at La Jolla Village Towers in San Diego on October 4.

## Some Thoughts On CALCRA

By Barbara Krings

The California Continuing Care Residents Association, Inc. (CALCRA) is the direct result of resident involvement. Our members live in a variety of communities under a variety of contracts and we all share an appreciation for the variety of services offered. A great number of us volunteer for committees that enhance the fabric of the community because we are intensely interested in contributing to its success. For some of us, becoming activists is not an option. For those of us who can, our path could not be more clear; integrating resident thinking into management policy paves the way to greater satisfaction within the community because those who are directly affected by the policies deserve to be heard.

It should be noted that communal living by its very nature takes away certain rights that we took for granted living in our own homes. We must conform to certain rules of behavior and not allow our desire to express our individuality to infringe upon the sensibilities of the group. The many pages in our resident handbook testify to this reality.

Being accepted as a resident of a continuing care retirement community requires signing a contract. We sign the contract in good faith and as is so often the case, it is not until certain situations emerge as the months pass, that we find our contract has surprises. Some have stated that if a resident does not like certain management policies, the resident should leave the

community. This option, depending upon the terms of the contract, may come with a penalty. However it is an option. CALCRA members have chosen to not leave their communities but instead to remain and involve themselves by attempting changes they are convinced will improve the quality of life for themselves and their fellow residents. Dissent is as much an obligation under these circumstances as for any worthwhile cause even though it is not the easiest way.

CALCRA encourages resident involvement which in turn brings improved communication between provider and resident. The more resident involvement, the better the communication.

## 2007 CALIFORNIA CCRC LEGISLATION

California Senator Darrell Steinberg has introduced Senate Bill 489, co-sponsored by CALCRA and CANHR (California Advocates for Nursing Home Reform) setting forth standards for the permanent or temporary closure of all or part of a CCRC.

As you may recall from a prior newsletter, Marguerite Terrace, a CCRC in San Jose was closed last year with traumatic impacts on many of its residents. Permanent closures of CCRCs in California have been few and far between, however, the State has about a half dozen aging facilities with occupancy rates below 70 % and losing money. If they are to regain viability and avoid permanent closure major renovations will be required to enable them to meet current and future market demands. Whether these facilities survive or not their current residents face the prospect of the trauma of relocation either from full closure or temporarily from renovations.

The experience at Marguerite Terrace clearly demonstrated the tragic impact of forced relocation. Relocation of elderly residents under any circumstances is a disturbing event but the stress sustained by residents at that facility would have been greatly reduced had there been requirements in the Health and Safety Code for humane and rational procedures covering the closure. The uncertainties concerning residents' rights and the need to make important decisions in a short time frame was inappropriate and unnecessary. With thirty five pages covering the opening of a CCRC it seems reasonable to require that the Code include the fundamental rights of residents in the event of forced relocation due to closure of the entire facility or closure of a portion of it to enable renovations. And that's what CALCRA's SB 489 is all about.

The provisions of the bill will convert into law the basic principles of the financial settlements that were reached at Marguerite Terrace and will eliminate the uncertainties related to resident rights when relocation

becomes necessary. The bill applies the same conditions to temporary closures due to renovations since residents are similarly impacted. Additionally, the bill requires reasonable advance notice of an impending closure, the submission of a closure plan, the resident's right to a comparable living unit at a location satisfactory to the resident and acceptable financial arrangements. It prevents a provider from invoking any unilateral authority regarding a potentially traumatic event that can adversely impact the quality of life and finances of a resident.

A hearing on SB 489 was held on April 24 by the Senate Human Services Committee. Marilyn Sund, a former resident of Marguerite Terrace who at one time was executive administrator of the facility, testified in favor of the bill as did Walt Rozett. Provider spokesmen expressed opposition to various elements of the bill. It passed on a 3-0 vote with two members of the committee abstaining along political lines. Those abstentions are an indicator of the difficulty of anyone publicly opposing a bill that is fair and just and is designed to protect the elderly from exploitation. Subsequently the bill passed the Appropriations Committee on the consent agenda. It passed the Senate on May 29 and is now on to the Assembly.

Because of the complexity of some issues and the limited amount of time available prior to the Human Services hearing some clarifying changes in the language of the bill will be introduced as it proceeds through the Assembly. In this process we will also be considering changes requested by the providers that will not diminish the bill's critical features if this will get the providers to withdraw their opposition. Our intention is to formulate the final language so that it is as understandable and self-enforcing as possible and is viewed as necessary and reasonable by providers as well as by the residents whose interests it serves.

This year Aging Services sponsored Assembly Bill 1022,

introduced by Assemblymember Lori Saldana, which would enable CCRC providers to offer continuing care to the elderly living in their own homes. While CALCRA supports any expansion of worthy services to the elderly it is essential that at home care and the CCRC's existing operations each remain independent of one another financially and also that at home clients are not permitted to use any CCRC facilities other than skilled nursing. It is our position that skilled nursing services to at home clients will be charged at the same rates as non-residents and their occupancy will be restricted to avoid any adverse impact on the availability of those services to CCRC residents.

Assemblymember Saldana was advised that without these conditions CALCRA would be obliged to vigorously oppose the bill. AB 1022 has been deferred until next year. There is some question now as to whether legislation is really necessary to permit CCRC providers to offer continuing care at home services. CALCRA will monitor the prospective legislation and consider introducing legislation in 2008 to ensure that there is no adverse impact to the financial security and quality of life of CCRC residents if their provider elects to offer at home services to non-residents.

There are several other bills that have been introduced this year that are of minor interest to CCRC residents. AB 489 would require the Department of Health Services (DHS) to complete nursing facility complaint investigations within 40 working days and provide a written determination to the complainant after completion of the investigation. AB 1142 provides some additional rights to nursing facility residents when they are diagnosed with a terminal condition or illness. SB 435 specifies comprehensive information on nursing facilities that DHS should make accessible to consumers. CALCRA has not taken a position on any of these bills or on the many other bills that apply to the elderly generally.

# THE VILLAGE AND FREEDOM VILLAGE STATEMENT OF COMPANY PHILOSOPHY (see article on page 2)

Everyone involved with THE VILLAGES must be committed to creating an exciting, stimulating and supportive environment for our residents. Working as a team, we must get to know our residents and listen carefully to their ideas. We must be eager to learn, always go the extra mile and prove that our residents made a wise choice to live with us.

Some of our residents will become

more frail with age and need more assistance than others. We must not let specific assignments get in the way of our willingness to assist any resident who has immediate needs. We must learn to provide assistance while allowing residents to maintain dignity. We must never show irritation or disinterest when a resident needs more love, more security or more support.

We must think of our residents and

ourselves as a family, living together and caring about each other. Our residents will live longer and be happier if we do quality work with a smile, enthusiasm and love. To preserve the financial integrity of our community, we must work efficiently and profitably. Commitment to these ideals will provide each of us more enjoyment, new opportunities and will make our communities the best available.

## CALCRA WEBSITE

Every CCRC resident should be familiar with the CALCRA website, [www.calcra.org](http://www.calcra.org) because it contains many items of interest. It includes information about our mission, board members and how to contact them, our legislative accomplishments, copies of recent newsletters and links to other senior-oriented websites. Through these links you can easily access AARP and other senior organizations, health resources, the

Continuing Care Contracts Branch of the Department of Social Services, the California legislature and the Ombudsman program.

If you are computer literate spend some time getting familiar with the site and accessing the related sites. You will be surprised at the amount of information available and the ease of access. If you are really good at the computer you may even come up with an inspiration on how the site

can be improved and figure out how to communicate that back to us.

If you do not have the ability to use a computer you may be able to sit next to one of your fellow residents who has a computer while he/she accesses the site. Alternatively, next time one of your grandchildren visits ask him/her go with you to the computer available for residents at your community or, perhaps, he/she can bring a lap top.

**WWW.CALCRA.ORG**  
**We're on the Web!!!**

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