



FOR IMMEDIATE RELEASE

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Local DA Helps Identify Innovative Solutions for Caring for Our Elderly

On Tuesday, February 22, 2011, Humboldt County District Attorney Paul Gallegos spoke at a joint hearing of the California Assembly Committees on Public Safety and Aging and Long-Term Care. The focus of the hearing was elder and adult abuse in California.

“In California we continue to pay a lot of money, both privately and with state funds, for the care of the elderly. Yet too many elderly still aren’t receiving the care they deserve. These assembly committees are looking for solutions to this pervasive and unjust situation,” Gallegos said.

In 2004, private attorneys filed a suit against Skilled Healthcare, Inc. alleging intentional understaffing, which lead to substandard patient care. After understanding how pervasive the problems were, Humboldt County District Attorney Paul Gallegos joined the effort by filing an unfair competition lawsuit on behalf of the People of California.

After a prolonged legal battle, a Humboldt County jury found that Skilled Healthcare, Inc. intentionally understaffed their facilities to cut costs and increase profits. Among other problems, understaffing left patient wounds and dressings unattended, increased the incidents of patient falls and injuries and sometimes forced elderly patients to go days without showers or other basic care.

“This was an untenable situation,” Gallegos stressed. “Our elderly population is vulnerable and growing and they deserve so much more.”

The lawsuit resulted in a negotiated settlement that included a monetary award as well as an injunction that ensures Skilled Healthcare staffing levels meet or exceed the minimum levels required by California law. The defendants must also fund a court approved auditor who will monitor their compliance with that injunction.

In part because of his role in securing an injunction against Skilled Healthcare, which Pat McGinnis, executive director of CANHR (California Advocates for Nursing Home Reform) noted as the first of its kind, Gallegos was invited to speak to the Assembly committees. He focused on identifying innovative legal tools that can be used to obtain justice for elderly victims of abuse and protect public finances.

The assembly hearing also focused on other strategies that can be employed to better protect the elderly from financial, emotional and physical abuse and how law enforcement, service providers, senior advocates and others can be more effective in protecting the elderly population.

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