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LABOR COMMISSIONER CITES RESIDENTIAL CARE FACILITY $2.2 MILLION FOR WAGE THEFT: CAREGIVERS WORKED 24-HOUR SHIFTS FOR LESS THAN $2 AN HOUR

California Labor Commissioner Julie A. Suis sued more than $2.2 million in citations to the owners of three residential care facilities in San Diego County for egregious wage theft violations. The investigation revealed that nine caregivers were forced to work 24-hour shifts, six to seven days a week, for $1.25 to $1.80 per hour. The citations were issued to Fairhill Castle LLC and its owners, Lamberto "June" and Jesusan Deleon of Spring Valley for minimum wage, overtime, meal period and workers' compensation violations from September 2013 to August 2014. They must pay $1,332,129 for underpaid wages and premiums, $716,846 for liquidated damages and $171,305 in civil penalties.

"These caregivers deserve to be paid everything they are owed for their work," said Christine Baker, Director of the Department of Industrial Relations (DIR). "Employers who deny their workers the pay they are rightfully owed will be held accountable to remedy the issue and restore wages due." Investigators discovered that the Deleons employed two people, typically a husband-wife team, at each of their facilities located on Fairhill Drive, Prather Place and San Diego Street in Spring Valley. They were charged to provide round-the-clock care for elderly residents who suffered from advanced stage dementia or Alzheimer's, many of them bedridden or receiving hospice care. The caregivers worked 24-hour shifts, six to seven days a week, but were only paid between $900 and $1,300 each month in cash. The investigation also found that the Deleons had neither reported wages to the proper state, federal and local agencies, nor did they have a history of workers' compensation coverage during their eight years' operating the facilities. Although the business entity is typically cited for labor law violations, in this case, Mr. Deleon, the LLC Managing Member, was also cited as an individual because he caused the violations through his daily control of the facilities' operations.

Featured Facilities

North Orange County
6 Bed RCFE For Lease
ARG93335606 -- $3,500
$9,790 Monthly Income
1,936 Sf Living Space
7,240 Sf Lot

North San Diego County
ARF Level 4I For Sale
ARG124550470 – $440,000
$33,462 Monthly Income
5 Bed+2Baths
2,275 Sf Living Space

Huntington Beach
5 Bed RCFE For Sale
ARG108930835 - $825,000
$19,000 Monthly Income
2,100 Sf Living Space
6,060 Sf Lot

Hesperia Property
For Lease
ARG156188543-- $1,500
4 Bed+2Baths
1,859 Sf Living Space
7,500 Sf Lot

Cerritos
6 Bed RCFE L4I For lease
ARG125556478-- $3,500
$22,108 Monthly Income
1,544 Sf Living Space
5,002 Sf Lot

San Bernardino County
ARF Level 4I For Lease
ARG124556049-- $2,500
$27,600 Monthly Income
$2,100 Sf Living Space
7,519 Sf Lot

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611 S. Euclid St., Fullerton, CA 92832

Before the conclusion of the appeals hearing in this case earlier this year, the Deleons closed the residential care facilities under the Fairhill Castle business name. The Fairhill Drive location was subsequently reopened under a new name, Jade House, with their eldest daughter, Emmercelle M. DeLeon, named as the owner and sole proprietor.

"This is a classic example of the steps scofflaw employers will take to avoid paying exploited workers for wages owed," said Labor Commissioner Julie Su. "That is why we are holding individuals who engage in wage theft responsible, so they cannot hide behind a corporate shell and will have a difficult time avoiding liability to workers."

The Wage Theft is a Crime public awareness campaign, launched last year by DIR and its Labor Commissioner's Office, has helped inform workers of their rights.

Source: http://www.prnewswire.com/

CITIZENS GROUP SUES CALIFORNIA OVER NURSING HOME 'PATIENT DUMPING'

A California citizens group has filed a lawsuit against the state over its alleged failure to combat "patient dumping," in which nursing homes elbow out Medi-Cal, the state's Medicaid program, beneficiaries in favor of more lucrative Medicare and private pay patients.

In its lawsuit, filed Monday, the California Advocates for Nursing Home Reform claim the state has turned a blind eye to a federal law that requires nursing homes to offer readmission hearings for patients who wish to return to the facility after a hospital stay. Refusing to enforce readmission orders violates the Nursing Home Reform Act, but the practice has persisted for years, the lawsuit claims.

CANHR's suit was filed on behalf of three nursing home residents from across the state, who won their readmission hearings this summer but were refused readmission to their previous nursing homes. Those residents either sought admission at other skilled nursing facilities, or remain in the hospital. The total cost to the state for Medi-Cal patients who were left in a hospital, rather than being discharged into a skilled nursing facility, is over $70 million, the suit claims.

"In the strongest terms possible, we reject allegations that patient admissions or discharges are tied to payor sources," Deborah Pacyna, director of public affairs for the California Association of Health Facilities told McKnight's. "In California that argument doesn't hold water, particularly because 66% of our nursing home residents are on Medi-Cal. In this state we are required to keep a bed open for seven days if a patient is hospitalized, and after that they are still entitled to return to the facility."

CANHR seeks an injunction against the state Department of Health and Human Services' lack of readmission order enforcement, and unspecified damages.

Source: http://www.mcknights.com/

Residential Care Facilities Expand Training Requirements

Effective January 1, 2016, California Assembly Bill 1570 increases the training requirements of Residential Care Facilities for the Elderly (RCFE) administrators and direct care staff. This law mandates that before working with residents, staff members who assist with activities of daily living receive as much as 40 hours of initial training and complete an additional 20 hours of continuing education in subsequent years. Administrators must receive up to 100 hours of course work and complete a state-administered exam of no less than 100 questions (from the2013-2014 California Assisted Living Association Bill Chart, 12/16/15).

The phase-in of requirements for substantially more staff training in Senior Care facilities in 2016 is an important change that can be addressed through new technologies, including online CEU-accredited courses. Succeed offers a wide assortment of training titles that satisfy the AB 1570 requirements through their new Aging Services Rx Risk Management Center software platform. These training courses have been endorsed by the Alzheimer's Association as appropriate training materials for senior care staff. Ongoing training in Residential Care Facilities is crucial to ensure better communication, well-being, and overall safety for patients and residents.

http://www.newschannel10.com/

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