

FATE

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Newsletter of Foundation Aiding The Elderly

PRESIDENT'S MESSAGE

By Carole Herman



Carole Herman

It was indeed a pleasure this past year to continue to serve the public all over the country regarding abuses in long-term care, assisted living facilities, acute hospitals and hospice care and just being able to direct the consumers on how to get the help they seek. In addition to these issues, we received an alarming number of complaints from all over the country pertaining to conservatorship/guardianship abuses, mostly by private parties. Unlike California, most states do not have oversight agencies pertaining to private guardians/conservators. Conservators/guardians are either family members, friends or in some cases, public guardians who are mostly county government employees. Cases are heard in Probate Courts within every court system in the country. Unfortunately, we have discovered the courts have little to no oversight and unscrupulous conservators/guardians are getting away with mismanaging and grifting off of conservatees' estates and frequently denying them visits with family members who complain about how these conservators are treating their loved ones. Wills and trusts, designated heirs and wishes by the consumer are being over-turned in the courts, some rightfully so, but an alarming amount are not.

As we age as a society, conservatorships, both private and public, are growing at a rapid rate. I first became aware of conservatorship abuse back in 1986 when I met Isabel Miller, a nursing home patient who was conserved by the Placer County Public Guardian's Office. That case, which I believe was the first public guardianship abuse, as well as nursing home abuse, ever exposed, brought about a national awareness when I appeared on the Geraldo Rivera Show which focused on her untimely death while under a conservatorship. That video can be viewed on our web page at www.4fate.org.

Another area of our work this past year focused on bringing about awareness of how to avoid being abused, or taken advantage of by facilities, phone scammers or by other means. Unfortunately, the system occasionally discounts us seniors when it comes to protecting our rights and how we can hold those accountable for violating such rights. **FATE** has been a leader in working with the press nationally to get the word out and to empower consumers to know what to do in the event one has a loved one in a long-term care facility, acute hospital, under hospice care or just to protect oneself from any type of exploitation. The press publishing these types of stories has made a huge difference over the years to empower the public to know their rights and how to exercise those rights.

FATE has been able to avoid bureaucratic controls and meddling because we accept no subsidy from the government. By remaining staunchly independent, we are able

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JUSTICE MATTERS

Over the past 40 plus years, **FATE** has maintained that insufficient staffing in care facilities is the number one cause of neglect. The operators of these facilities are also committing crimes of fraud by billing Medicare, Medicaid and Medical in California for staffing services that are not being met per regulations which causes harm to the patients. Following are some examples.

Michigan

In June of 2026, Michigan Attorney General Dana Nessel announced a civil cause of action filed against Fahim Uddin, Pioneer Health Care Management doing business as Legacy Healthcare Management, with facilities located throughout southwest Michigan for violations of the Michigan Medicaid False Claim Act. The complaint alleges Uddin and his companies accepted more than $111 million in Medicaid reimbursements while failing to maintain staffing levels necessary to provide the services for which they billed. Attorney General Nessel contends that this intentional failure of care placed hundreds of nursing home patients at risk of harm while Uddin operated related companies to enrich himself. The civil complaint follows a 2-year investigation that began in October of 2024 into chronic and severe understaffing at the Michigan facilities owned and operated by Uddin, namely, Asley Healthcare Center, Heritage Manor Nursing & Rehab Center, Lakeside Manor Nursing and Rehab Center, Regency Manor Nursing and Rehab Center, Oakland Manor and Oakridge Manor Nursing And Rehab Center.

California

On July 28, 2026, CA Attorney General Rob Bonta announced securing a $15 million settlement with Sweetwater Care Resources, LLC and affiliates, a licensed skilled nursing facility that violated state staffing requirements laws. The settlement includes $12.5 million in penalties and costs and $2.5 million in funds toward improving staffing and securing a compliance monitor. **FATE** previously reported that from 2021 to 2024, while Sweetwater accepted tens of millions of dollars to care for Medi-Cal patients in skilled nursing facilities, an investigation by the CA Division of MediCal Fraud and Elder Abuse concluded understaffing in Sweetwater nursing homes was rampant. Staffing data indicated that in over 14,126 instances, Sweetwater nursing homes were staffed below the mandatory minimum staffing levels for nursing homes.



Colorado

Complaints and violations mount at Colorado's understaffed nursing homes and assisted living facilities amid nearly 50% workforce turnover rates. According to the Centers for Medicare and Medicaid Services, in 2025, 40% of nursing homes in Colorado had severe deficiencies for understaffing, which can threaten resident's lives. Meanwhile, the rules governing care have been relaxed. The estimated 38,069 residents in Colorado's 210 nursing homes and 675 assisted living centers are filing formal complaints at a rate of 20 per day with the Colorado Department of Human Services. This equates to a complaint for about one in five residents of these facilities. The only states with higher nursing home deficiency rates were Illinois, South Dakota , Delaware and Rhode Island.

If you or someone you know, needs information in other states, call **FATE** and we will provide you with the information needed about the intended facility the person will be placed. Knowledge is powerful and one needs all the information that can be gather about a facility whether it is for short term rehabilitation or for long-term care.

FATE'S MISSION

"Assuring our elders are treated with care, dignity and the utmost respect during their final years when they can no longer take care of themselves."

SERVICES FATE PROVIDES

- Direct & On Site Advocacy
- Patient & Family Rights Advice
- Elderly Service Referrals
- Long Term Care Facility Evaluation

FATE'S GOALS

- Protect the elderly in their remaining years.
- Enhance national awareness of abuse in elderly care institutions.
- Initiate action to improve care.
- Report violations, malpractice and criminal actions to appropriate federal and state authorities.
- Follow-up to see that corrections and redress occur.
- Educate the public of their rights.

SUCCESS STORIES

FATE received a call from a consumer who holds the power of attorney for her 93-year-old mother who had been declared incompetent. The consumer attempted to access her mother's bank account in order to pay medical cost, etc. and the Bank told her that they required a second opinion. The consumer contacted Kaiser Hospital and was told that a neurologist would not evaluate her mother. That's when she contacted **FATE** for assistance. **FATE** called the doctor and after explaining that **FATE** has many Kaiser clients and that it is known that Kaiser can give a neurological evaluation, the doctor changed his position. The consumer was then able to get a neurologist to evaluate her mother. We received numerous calls from consumers who were being denied copies of their loved ones' medical records. **FATE** was able to intervene in all cases and copies of the requested medical records were then provided to the family members or one entitled to such records. Note that one has to have standings in order to get copies of medical records, such as, holder of the Power of Attorney, an heir of a decedent or the successor trustee of the estate of a decedent. Before requesting such records, make sure you have the right to such information.

Nursing Home Rating System… Consumers Beware

Nursing homes all over the country are being rated by the government and most consumers believe it's conducted from surveys by consumers who have been patients in these facilities or have loved ones who have been or are patients in these facilities. However, that is not the case. MediCare rates nursing homes based on input mostly reported by the operators of the nursing home. Self-reporting by this industry does not give a clear picture of the conditions, how many complaints have been filed with the regulatory agencies monitoring and licensing them and what types of complaints are being filed.

Several years ago, **FATE** participated in a study conducted by the New York Times, which resulted in the Times publishing the story both in the newspaper and the Times on-line edition warning the public that the MediCare rating system is not accurate and consumers whose loved ones need placement should not depend on this rating system.

Go to the facility nearest to the person who is responsible for the care and oversight of the patient and observe what the facility looks like, how it smells, how many staff are on duty, talk to other family members of patients and review the facility's annual recertification document, which must be posted for viewing by the public. The first impression one gets should speak volumes and listen to your gut feelings. If further assistance is necessary before placement, call **FATE** and we will help you obtain the past history of the facility, how many complaints have been filed, what violations and sanctions were levied, if any, and what your rights are before placement.

President's Message

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to act accordingly whenever and wherever abuse and neglect is found. From the day **FATE** was formed, it has never been an easy task as the system does not willingly accept those of us who work from the outside.

I want to again thank **FATE's** dedicated staff for another year of their commitment to assist our most vulnerable citizens and their families. I also want to express our deep appreciation to our list of donors who make it possible for us to continue our much-needed advocacy. As well, we appreciate the law firms all over the country for bringing civil cases against facilities. Since our experience clearly shows that regulators all over the country are laxed in sanctioning facilities, civil cases have certainly sent a message to the industry to cease abusing our vulnerable citizens.

FATE continues to fight the fight to bring about better care with dignity to our most vulnerable citizens and their families.

"Justice delayed,
is Justice denied"

- British Prime Minister
William Gladstone, 1868

"Our prime purpose in this life is to help others.
And, if you can't help them, at least don't hurt them."

- Dalai Lama

Success Stories

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Know Your Rights

We all have the right to make decisions regarding our medical treatment. The doctor will give information and advice about treatment but we all have the right to agree to the treatment or not agree to the treatment. Many treatments have "side effects" so your doctor must offer you information about serious problems that medical treatment may cause, especially with medications. If you can't make treatment decisions, your doctor will ask your surrogate decision maker to help decide for you. It's best to have a Durable Power of Attorney for Healthcare in the event you can't speak for yourself. This is an advance directive that allows you to name someone to make health decisions for you. Talk to your doctor about your wishes and give a copy of your directive to the doctor and the person named as your surrogate decision maker. When possible, take this form with you when you go into a hospital, nursing home or other types of treatment facilities. This will help the medical professionals to know your wishes.

Nursing Homes — Business As Usual

Back in 1987, President Ronald Reagan signed into law the Omnibus Budget Reconciliation Act (OBRA),the first major version of the Federal standards for nursing home care since the 1965 creation of both Medicare and Medicaid (Medical in California). Long-term care facilities wanting Medicare and Medicaid funding were to provide services so that each nursing home patient could attain and maintain the highest physical, mental, and psycho-social wellbeing. Unfortunately, after almost 40 years later, poor care and abuse are still too common an occurrence in the approximately 18,000+ nursing homes in the United States.

Why is this poor care and abuse still occurring? There are many reasons why and at the top of the list is that state agencies responsible for overseeing nursing home care often fail to make sure problems in these facilities are corrected. A huge qualifier is staffing requirements. If the facility is insufficiently staffed, as most are, odds are that care is not being provided and our most vulnerable consumers are suffering because of it.

Twenty years ago in 2006, a study by Consumer Report concluded that nursing homes are not much better off than they were in 1987. This report also found that the state agencies responsible for overseeing nursing home care often failed to correct problems. Fast forward 20 years and the problem still exists. The monies the industry receives from our tax dollars continues to climb, the operators' bottom- line profits continue to grow, investor's return on the financial investment continues to rise all at the expense of the nursing home patient. Critics also claim that the inspection process has been corrupted by the industry and as a result, the large for-profit chains are escaping punishment for blatant violations of federal and state regulations.

Over the years, **FATE** has reached the opinion that these facilities are only being held accountable for their egregious acts, unfortunately, is by filing civil lawsuits. The industry pays attention when such cases bring to light what is going on under the sheets in their facility. Not every abuse case is a civil matter, but far too many are.

FILING COMPLAINTS

The **FATE** web page at www.4fate.org offers information on where to file an official complaint if one is experiencing poor care in a nursing home. Click on Consumer Information and then U.S. Departments of Health for Aging and the to the state where the nursing home is located. If you use this method of filing a complaint, be sure to make a copy of your complaint and follow-up with the agency to ensure resolution. The state agency is obligated to contact you for an interview and to get any documents and/or records that may be in one's possession, such as pictures, medical records, statement from witnesses, etc.

FATE files complaints all over the country and will do this for any consumer who would rather not file on their own. Call our office and we will help you.

"Bad men need nothing more to compass their ends, than that good men should look on and do nothing.

- British Philosopher John Stuart Mill

"Elder abuse is like child abuse, except the victims never grow up to testify."

- American Journalist, Brett Arends

Success Stories

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California Nursing Homes On Waiver Program

CA nursing homes may seek a waiver of the 35 direct care service hours requirement and/or the 2.4 Certified Nursing Assistant hours requirement due to a workforce shortage in the area of their facility. For fiscal year 2026-2027, the CA Department of Public Health (CDPH) approved the Waiver Program for 182 CA nursing homes and rehabilitation centers.

FATE participated in several meetings with CDPH management and members of the California Association of Health Facilities, the nursing home lobby group, prior to establishment of the waiver policy. **FATE** was in total opposition of this waiver program believing that such a waiver would favor the industry and not benefit the patients. **FATE** suggested to CDPH that if facilities were not able to staff according to regulations and could not meet the needs of the patients, they should stop admissions until they could meet the minimum staffing requirements. The nursing home lobby group argued that point, stating such a mandate would have a negative impact on their businesses. CDPH agreed and the CA Waiver Program was put into policy. Operators are to notify the public that the facility is on this Waiver Program by placing a notice of such clearly visible for visitors to see.

For information on a particular nursing facility and whether that facility is on the Waiver Program, contact **FATE**.

Know Your Medications

It is not a mystery that we are a society taking way too many medications. Since cigarette and alcohol advertisements were taken off television many years ago, ads for medications have increased dramatically. Consumers should heed the warnings given with these medication ads instead of just looking for quick relief. In particular, the adverse side effects of antipsychotic medications are very serious and are being prescribed way too often to nursing home patients. Keep in mind, that prior to the administration of these antipsychotics, one must give informed consent.

Long-Term Care Facility Complaints

One of FATE's services is filing complaints with the state regulator agencies on behalf of patients and residents in a nursing home, assisted living facility, residential care home or acute care hospital. Although we get complaints on a daily basis, some do not result in an actual filing with the state regulators. Over the past several years, FATE has averaged four to six complaints a month. Although a prompt response is required, state agencies can extend the process for years. Some complaints FATE files do result in the appropriate state department citing these facilities for violations of federal and state regulations. The following are results from some of those complaints:

AUTUMN CREEK POST ACUTE…Chico, CA…Deficiencies. The facility failed to ensure patient's responsible party had the right to retrieve the decedent's personal belongings following death. This failure by the facility had the potential to impact further property transfers. This complaint was filed by the daughter of the patient. **FATE** assisted the family in obtaining copies of the decedent's medical records, which the facility had failed to provide according to the federal regulations.

BROOKDALE/FOLSOM…Folsom, CA…Class B Citation. The facility failed to ensure resident had documentation on file indicating their annual routine visit with a licensed medical professional, which posed a potential health, safety and personal rights risk to the resident. **FATE** challenged these findings as the resident died from an unwitnessed fall and the facility did not monitor her, did not notify her Power of Attorney of a change of condition as she had developed pneumonia, hypoxia, developed two bed sores and was dehydrated. The agency that monitors Assisted Living Facilities is the CA Community Care Licensing and there are no appeal rights for complainant; however, the department allows appeal rights for the facilities. **FATE's** position on this is that you can't give one party a right and not the other. Thus, the complainant should be entitled to an appeal the same as the facility.

CARE MERIDIAN, Sacramento, CA…Federal Deficiencies. Facility failed to report an abuse allegation to the Department of Health and law enforcement within 24 hours when the patient's G-tube was allegedly cut; failed to provide the ombudsman with a copy of the facility-initiated notice of discharge; failed to notify the Department of Health in writing of any changes in the information provided in the facility's licensure and certification application within 10 days of the changes; failed to follow infection control practices when a certified nursing assistant carried full trash bags through the patients' rooms and through an emergency exit; failed to ensure patient's discharge notice was provided and failed to ensure safe administration of medications and feeding formulas. These failures had the potential to compromise the safety of the patients in this facility.

CORIG OF FOLSOM SENIOR LIVING… Folsom, CA…Deficiencies. The facility was cited for lack of supervision causing the resident serious bodily injuries resulting in the death of the resident. The death was investigated by the coroner's office and resulted in the facility being issued a citation with a maximum fine of $15,000.00 by the state regulators.

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Long-Term Care Facility Complaints

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CORONA REGIONAL MEDICAL CENTER D/P SNF, Corona, CA…Four (4) Federal deficiencies. The facility failed to notify the patient's responsible party of a change of medications; failure to access the current medical status of the patient; failed to report and identify abnormal fold skin tear to wound care nurse and failed to ensure that the interdisciplinary Team notes accurately reflected the patient's current status. These failures had the potential to lead to improper care planning and inaccurate communication between disciplines. **FATE** appealed the findings as allegations of bed sores, dehydration and malnutrition were not addressed by the Department of Public Health.

DELTA OAKS POST ACUTE (previously known as Windsor Elmhaven Care), Stockton, CA…Deficiencies. The facility failed to ensure interventions listed on the patient's centered comprehensive care plan were specific to the care and services when the gastrostomy tube (G-tube) care plan intervention indicated to provide dressing to the G-tube but no physician order in regards to the G-tube skin care and dressing; failure to ensure appropriate treatment and services were provided to prevent potential further decline in range of motion, the extent to which a joint can be moved without pain. These failures had the potential for the patient to experience skin breakdown and infection from the G-tube site. **FATE** requested an Informal Conference based on the State's failure to address the Stage 4 bed sores that developed as a result of these failures.

GOLDEN HEIGHTS HEALTHCARE…Daly City, CA…Federal Deficiencies and a CA Class B Citation with a $3,000.00 Fine. The facility failed to ensure the patient received a nursing assessment after a fall and prior to being assisted back to her wheelchair. A physical therapist and a housekeeper moved the patient back to her wheelchair without waiting for a nurse to assess the patient. This failure contributed to worsening patient's right femur facture. The CA Class B Citation with the $3,000 penalty was for the facility's failure to provide the necessary nursing assessment after a fall and did not have qualified and trained staff to move the patient to the wheelchair which caused a new fracture to the patient's right femur. These violations jointly had a direct or immediate relationship to the health, safety and security of the patient.

GRAMERCY COURT…Sacramento, CA… Deficiencies. The facility did not ensure that the resident's room was kept clean and sanitary; failure to provide necessary laundry services and did not ensure that the responsible party was provided resident's medical records in a timely manner. Other allegations of multiple falls causing injuries, administration of unauthorized medications, insufficient staffing and failure to meet residents needs which resulted in death were all unsubstantiated. The CA department that regulates assisted living facilities does not allow the consumer the right to appeal a decision by the department or **FATE** would have appealed the department's lack of findings regarding these allegations.

GRAMERCY COURT…Sacramento, CA…Citation. The facility was issued a Class A citation based on violating HIPAA regulations when they included some confidential medical records of another patient when sending medical records to the family of another patient.

HEIGHT STREET SKILLED NURSING… Bakersfield, CA…Federal Deficiencies. The facility failed to follow its own resident rights policy by not notifying the physician of medication concerns; failed to carry out physician orders, which resulted in the failure to administer liquid nutrition via a gastrostomy tube, which failure had the potential for patient's caloric and nutritional needs to not be met and failure to notify the responsible party of a change of condition, which eventually led to the death of the patient. These results were contested as **FATE's** position is that the facility should have been issued a violation under CA Title 22 regulations with a fine imposed due to the patient's death.

RANCHO SECO CARE CENTER…Galt, CA… Federal deficiency. Facility failed to ensure that patients were free from abuse when one patient physically grabbed the other patient's arm, kicked the patient in the leg and made threatening remarks. This failure decreased the facility's potential to protect the resident from physical and verbal abuse.

RIVERWOOD HEALTH CARE…Stockton, CA…Federal deficiencies. The facility failed to exercise reasonable care to protect personal property of the patient; failed to ensure treatment and care in accordance with professional standards of practice; failed to implement the communication care plan intervention to assist with hearing aid placement and maintenance of hearing aids. **FATE** filed for an appeal hearing as all allegations were not addressed by the department.

SEVILLE CARE CENTER, Roseville, CA… Deficiencies. The facility failed to follow their policy and procedure for reporting an allegation of abuse when the patient reported to the nursing staff that she was injured by a facility staff member during patient care. The failure placed patient and other patients in the facility at risk for potential physical abuse and/or psychosocial harm. **FATE** appealed the findings because all allegations were not investigated and the harm caused to the patient warranted a citation and possible fine for harm. The regulators only issued a deficiency for failing to report the incident to the state regulators and there was no citation issued for the harm caused.

DONATE TO OUR CAUSE

Again this year, problems in long-term care facilities, acute hospitals, assisted living facilities, and residential care homes were on-going and our work load continued to increase. Yet we stayed on our path to serve the most vulnerable and their families. We hope that you will consider donating to our most-worthy and much needed cause. **FATE** takes no government money and relies solely on the public for tax deductible donations. Our services are in great demand and we need your support to continue to serve. Make a donation by using the enclosed **FATE** envelope or go to **www.4fate.org** and donate via Pay Pal.
Your tax-deductible contribution will certainly be appreciated.

Special Thanks to our Donors

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