



**LIZA HORVATH**  
**SENIOR ADVOCATE**



### **Part 3: Seniors in Homes**

*hell-hound (noun) 1. supernatural dog of myth possessing great strength or speed, phantom characteristics, and unstoppable veracity; 2. some lawyers.*

Leslie Finnegan and Mike Masuda are hellhounds.

This is the third column of a three part series on Seniors in Homes. The first column reviewed the use of antipsychotic drugs in senior care facilities and the second provided an overview of facility services. In this column we review issues to consider when moving into a facility and the ongoing needed oversight to ensure a positive experience for your loved one. If the stay turns into a nightmare, however, the senior needs your advocacy. Enter the hounds of hell - also known as your lawyers.

Ms. Finnegan and Mr. Masuda are two local lawyers who successfully sued care facilities for crimes against seniors. They are exactly the type of attorney you need if your loved one has been harmed by neglect or abuse while residing in a care facility.

Undeniably, in certain situations care facilities are the best choice. For a senior that needs constant supervision or who suffers from dementia a well run facility can be a godsend. When checking into a facility the senior or their representative will be required to sign an Admission Agreement. If a senior is unable to represent themselves, California law provides that a conservator, agent designated under an advance health care directive or the next of kin can act on their behalf.

The Admission Agreement is a legal and enforceable contract and must be completely understood before it is signed. Consider having an attorney review the document with you and, if you do not have an attorney, Legal Services for Seniors in Seaside and Salinas can help – for free. The Agreement should outline the rights of the resident and the facility's policies about visitation, eviction, theft or loss, and termination. Fees should be clearly explained and, unless otherwise stated, the contract will terminate on the death of the resident.

Next, work with the facility in developing an effective care plan for the senior. This individualized, written plan includes an assessment of the resident's needs and how those needs will be addressed. The care plan should be reviewed at least quarterly and again any time the resident's condition changes.



Once the senior is settled in, periodically request a copy of the resident's oversight notes or progress reports. These facility reports reflect the activities of the resident, medications and dosage, physical therapy received and general observations by staff. The resident or their representative is entitled to these reports and copies must be provided within two business days of the request. Keep these reports as you may need them at a later date. If you have questions about the contents, ask the staff for clarification.

When problems come up discuss them with the staff or a supervisor. If satisfactory changes are not made or if you suspect abuse, call the Ombudsman's Office, 655-7560. If your loved one is in jeopardy, move them to another facility and get an attorney. The attorney should be one with experience in the investigation and prosecution of senior care facilities. As with most areas of the law, complaints against care facilities can be technical and highly specialized. Don't be shy - your loved one needs your help and if they have been harmed you want a lawyer who is frothing at the mouth and armed with the necessary "hellhound" fierceness to get results.

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