

Lawsuit Takes on Nursing Facility Chain for Illegally Dumping Vulnerable Nursing Facility Residents into Hospitals

Sacramento, CA – Eighty-two-year-old nursing facility resident Gloria Single filed an explosive lawsuit against Pioneer House nursing facility, RHF Foundation, and their corporate affiliates, charging that they illegally dumped her into a hospital, and are willfully violating a State order requiring that they allow her to return home. She is seeking an injunction so she can return to Pioneer House to be with her husband, who still lives there.

Ms. Single is joined as a plaintiff by the public interest organization California Long Term Care Ombudsman Association (CLTCOA). According to the complaint, CLTCOA “has taken the extreme measure of bringing this case because nursing facilities, such as Pioneer House, routinely ignore State Readmission Orders because the State refuses to enforce them itself.”

Pioneer House sent Ms. Single to a hospital, then refused to allow her to return home after the hospital medically cleared her to leave. In response, Ms. Single exercised her right to an administrative hearing before the California Department of Health Care Services (DHCS), where both sides submitted evidence and sworn testimony. After she prevailed at that hearing and DHCS ordered the facility to readmit Ms. Single, Pioneer House and RHF Foundation continued to refuse to readmit her.

According to the complaint, California nursing facilities have been dumping Medi-Cal residents, such as Ms. Single, into hospitals and refusing to allow them to return in an effort to increase revenues and make space for more lucrative Medicare and private pay residents. “As a result, Ms. Single is spending what may be the last days of her life separated from her husband, who lives at Pioneer House. Each day this occurs, Defendants are imposing irreparable and cruel injury on Ms. Single and her family,” the complaint states.

Under federal law, states must provide a “fair hearing” for nursing facility residents who claim that they have been illegally evicted. The suit alleges that because California has failed to enforce the readmission orders resulting from such hearings, facilities like Pioneer House see no downside in disobeying the orders. The Complaint and Motion for Preliminary Injunction filed with the Court state that RHF Foundation and Pioneer House “claim to be part of a ‘faith-based’ organization, rooted in the ideals of the United Church of Christ. RHF’s website also claims that part of RHF’s “concern for the whole person includes residents, their families and staff and RHF strives to be fair in all relationships.”

“This is a tragic situation,” said Plaintiffs’ counsel Matthew Borden of BraunHagey & Borden. “Everyone deserves to spend their last days with their loved ones. The worst part is that there’s no legal defense for this case. Ms. Single has an order from the California Department of Health Care Services requiring Defendants to allow her back home. They know what they’re doing is wrong.”

“The problem is that no state agency will take responsibility for enforcing these orders,” said Kelly Bagby of AARP Foundation Litigation, who also represents Plaintiffs. “Resident dumping is a growing trend and serious danger to seniors in California. Until the State does something, our only recourse is going to be filing suits like this. Three years ago the federal government told California that it had to enforce these orders, and it has done nothing. The time has come for the State to protect its elderly citizens and stop this abusive practice.”

AARP and AARP Foundation filed a complaint with the Office for Civil Rights in 2016 asking the federal government to compel California to enforce its own readmission orders. As a result of that complaint, the Centers for Medicare and Medicaid Services again directed the State of California to enforce administrative law judges' decisions for people like Mrs. Single. Mr. Borden's firm previously filed a separate lawsuit against the State of California for failing to enforce its own readmission orders.

"We're going to have to do it over and over until facilities get the message. If you dump people, you're going to get sued and enjoined," said Mr. Borden. "The State can and must protect people like Mrs. Single from this illegal practice," Ms. Bagby added.

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BraunHagey & Borden LLP is San Francisco and New York litigation boutique that represents businesses, investors and entrepreneurs in high-stakes legal disputes. The firm also actively pursues pro bono and impact litigation in cases that make a significant positive impact in the world.

About AARP Foundation

AARP Foundation works to ensure that low-income older adults have nutritious food, affordable housing, a steady income and strong and sustaining bonds. We collaborate with individuals and organizations who share our commitment to innovation and our passion for problem solving. Supported by vigorous legal advocacy, we create and advance effective solutions that help struggling older adults transform their lives. AARP Foundation is the affiliated charity of AARP.

About AARP

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