

## Adult day care rejection rate questioned

Marisa Lagos

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California health officials fielded pointed questions Monday from legislators angry over the way the state has handled the transition from Adult Day Health Care into a new, smaller version of the program for the elderly and disabled, with one East Bay lawmaker saying that Bay Area seniors are being turned away at far higher rates than in other regions.

Adult Day Health Care and its new incarnation, Community-Based Adult Services, are meant to keep low-income elderly, disabled and frail adults out of nursing homes and hospitals by offering medical care, physical therapy, counseling and exercise at hundreds of centers throughout the state. The new program is the result of a legal settlement reached after the state tried to eliminate adult day care entirely as a way to save the state about \$90 million a year.

On Monday, at a hearing of the Assembly Committee on Aging and Long-Term Care, Assemblywoman Nancy Skinner, D-Berkeley, grilled Department of Health Care Services Director Toby Douglas over discrepancies between the percentage of seniors being accepted into the new medical program in the Bay Area and statewide. Douglas said about 80 percent of the clients who participated in Adult Day Health Care are being accepted; Skinner said centers in Contra Costa, Alameda and San Francisco are reporting just 20 to 40 percent acceptance rates.

"If you have 80 percent statewide, why is it that the majority of providers I have talked to have rejection rates of 80 percent? To have 80 percent statewide, you must have some counties with 120 percent acceptance," Skinner said. "Are you saying that every provider in my county is doing things wrong?"

Douglas said the discrepancies may exist because individual centers have different ways of determining eligibility. He refused to provide a county-by-county breakdown of eligibility rates, citing federal health care privacy laws, but said the state has implemented "many checks and balances" to ensure everyone who should be eligible under the legal settlement has access to the program.

But representatives for nonprofit organizations that run adult day care centers told lawmakers that different state employees appear to have different interpretations of who should be eligible. Additionally, said Debbie Toth, CEO of Rehabilitation Services of Northern California, the state is spending "a tremendous amount of resources," conducting hearings when people object to being turned away. Just 100 hearings have been conducted so far, but Toth said more than 90 percent have resulted in administrative law judges determining that the state made a mistake by deeming the clients ineligible.

Another 2,400 people are waiting for appeal hearings, according to Douglas.

Several lawmakers said they regretted voting to eliminate Adult Day Health Care, and questioned whether the state is even going to save any money. Skinner said if savings are not achieved, the Legislature may need to revisit the issue in the coming year.

"There are 2,400 appeals, and administrative law judges are paid by the state," she said. "If 94 to 96 percent of those appeals are upheld, we haven't saved any money. ... It could be possible that we are spending more."

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