

TROMBETTA LAW, PC

When Excellence is Non-Negotiable — Trust Trombetta

KNOW YOUR RIGHTS

Elder Abuse & Neglect in Nursing Homes and Care Facilities

As featured on "Senior Moments" — 99.3 The Vine, Napa • Presented with Molly's Angels

Free Consultations • (707) 965-4004 • ¡Se Habla Español! • conor@trombetta.law

Every Resident Has Legally Protected Rights

California law guarantees nursing home residents a **Patients' Bill of Rights**: dignity and respect, an individualized care plan, participation in care decisions, privacy, visitors, control over personal affairs, freedom from abuse and unnecessary restraints, and freedom from retaliation for speaking up. The facility must provide and explain these rights at admission.

A facility **cannot make you waive your right to sue** for violations of these rights — any such waiver is void. Residents and their representatives can bring a civil action, with statutory damages of up to \$500 per violation plus attorney fees for violations occurring on or after March 1, 2021.

Sources: Cal. Code Regs., tit. 22, § 72527; Health & Saf. Code, §§ 1599 et seq., 1430(b); 42 C.F.R. § 483.10.

Before You Sign: Admission Paperwork

- ✓ **Arbitration agreements are optional.** A facility cannot require arbitration as a condition of admission or treatment. The agreement must be a separate form with its own signature line and a bold warning.
- ✓ **You have 30 days to change your mind.** A signed arbitration agreement can be rescinded by written notice to the facility within 30 days of signing.
- ✓ **Cognitive decline, Alzheimer's, or dementia?** The resident should not be signing anything. The agent under a durable power of attorney or another legal representative signs — and in 2024 the California Supreme Court held that a health care agent's signature on an optional arbitration agreement does not bind the resident.
- ✓ **Plan early.** Set up durable powers of attorney for health care and finances with an attorney before a crisis, while your loved one can still choose their agent.

Sources: Health & Saf. Code, § 1599.81; Cal. Code Regs., tit. 22, § 72516; Code Civ. Proc., § 1295(c); 42 C.F.R. § 483.70; Harrod v. Country Oaks Partners, LLC (2024) 15 Cal.5th 939.

Staffing: The Minimums California Requires

- ✓ Nursing homes must provide at least **3.5 hours of direct nursing care per resident per day**, with at least 2.4 of those hours from certified nursing assistants. This is a facility-wide daily average — and a floor, not a ceiling: staffing must rise with residents' needs.
- ✓ A licensed nurse must be on duty **24 hours a day**; facilities with 100 or more beds must have a registered nurse on duty at all times.
- ✓ **Why state law matters now:** in February 2026 the federal government repealed its 2024 minimum staffing rule. California's stronger standards still fully apply.
- ✓ Chronic understaffing is a root cause of preventable falls, missed meals, dehydration, and untreated bedsores. Ask any facility: "How do you meet or exceed the 3.5-hour minimum — including nights and weekends?"

Sources: Health & Saf. Code, § 1276.65; Cal. Code Regs., tit. 22, §§ 72329, 72329.2; 90 Fed. Reg. 55688 (Dec. 3, 2025).

Red Flags Families Should Watch For

- | | |
|--|---|
| ✓ Unexplained injuries — fractures, bruises, burns, bedsores | ✓ Emotional withdrawal or behavioral changes |
| ✓ Poor hygiene or unsanitary living conditions | ✓ Overmedication — drowsiness without medical cause |
| ✓ Sudden weight loss, dehydration, malnutrition | ✓ Financial exploitation; changed legal documents |
| ✓ Frequent falls or lack of supervision | ✓ Care plan promises not being followed |

The most serious problems arise with memory care residents, falls, and wound care. The care plan must be updated after any significant change — a fall, weight loss, skin breakdown, or cognitive decline — and reassessed at least quarterly. Compare what the plan promises to what is actually happening at the bedside.

Research a Facility Before You Choose

- ✓ **Nursing homes:** cdph.ca.gov → Cal Health Find — inspections, citations, and staffing audits.
- ✓ **Assisted living (RCFEs):** cdss.ca.gov → Facility Search.
- ✓ **Cross-check:** Medicare Care Compare — medicare.gov/care-compare.
- ✓ **Local knowledge:** the Napa Long-Term Care Ombudsman maintains lists of local facilities — napaombudsman.org.

IF YOU SUSPECT ABUSE OR NEGLECT — ACT FAST

- 1. Document.** Photos, notes, dates, staff names, emails. Visit often, at different times of day.
- 2. Emergency or immediate danger:** call **911**.
- 3. Abuse in a nursing home or care facility:** Napa Long-Term Care Ombudsman — **707-255-4236** (free & confidential)
 - Statewide 24-hour crisis line **800-231-4024** • File a complaint with CDPH (nursing homes) or CDSS Community Care Licensing (assisted living).
- 4. Abuse at home or in the community:** Napa Adult Protective Services — **707-253-4398** or toll-free **888-619-6913**.
- 5. Get legal advice early.** Deadlines apply, and records, video, and staffing data disappear quickly.

Free Consultation — Speak to a Napa Elder Abuse Lawyer Today

Conor Trombetta • Trombetta Law, PC • 1032 Walnut St, Napa, CA 94559 •
¡Se Habla Español!

707-965-4004
trombetta.law