

## Settlement delivers reprieve for adult day health

By Tom Kisken

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A settlement announced Thursday pushes California's adult day health care centers, which serve more than 1,000 seniors and disabled Ventura County residents, away from a life-threatening precipice toward a new safety net.

Medi-Cal funding for programs that provide nursing care, physical therapy and other services was set to be terminated on Dec. 1, meaning some programs would close while others would scramble for funding. But on the day of a hearing for a preliminary injunction to block the elimination, the California Department of Health Care Services and the group suing the state, Disability Rights California, announced a deal for a scaled-down version of adult day health care.

Under the settlement, which still has to be approved by a federal judge, current Medi-Cal funding of the program will continue through the end of February, doing away with the December deadline. In March, the state's adult day health care program will evolve into a new entity, Community-Based Adult Services, designed to provide the same kind of services to people with the greatest need.

State officials said the new centers will serve about half of the 35,000 people currently in adult day health care, including people with Alzheimer's, traumatic brain injuries or conditions that require a level of protective and supportive care.

Elissa Gershon, a lawyer with Disability Rights California, said the program will be tailored to people who otherwise would be at the greatest risk of being sent to a nursing home or similar facility. She said it's uncertain how many people will be eligible for the new program until the assessments, which will begin almost immediately.

Despite the state's projections, there will be no cap on enrollment, Gershon said. She predicted far more than half of the people in adult day health centers could be eligible.

People who fall short of the new standards will be funneled through a case management system into other existing health programs depending on their needs.

Cynthia Martinez of Santa Paula greeted the news warily. She's 43, lives in a wheelchair because of a litany of conditions including cerebral palsy and goes to Ventura County Adult Day Health Care Center five days a week. She's glad some people will continue to get care but wishes no one would be left out.

"I still love this place," she said, then referring both to relatives in the center's program and her many friends. "I have my family here."

The new centers will likely be based at the existing adult day health care centers and run by the same administrators, Gershon said. Officials at several Ventura County operators plan to apply for the new program. They view the settlement as a reprieve.

"I think it's great news," said Mark Kovalik, administrator of Among Friends Adult Day Health Care Center in Oxnard. "It beats the alternative."

Kiana Bahadoran, program director for Advanced Adult Day Health Care, said she had felt like she was on death row. The settlement delivers hope.

"Of course, it's good news," she said, adding program operators still need more details about the transition and the assessments. "It's not death row but things are not as clear as we want them to be."

In addition to court approval, the federal government will have to sign off on Medi-Cal funding of the new program.

The planned Dec. 1 elimination of the state's adult day health care plan was pushed by California's budget crisis. State officials say the new system will still bring an estimated savings \$28 million in the current budget year and \$92 million in 2012-2013.

California Department of Health Care Services spokesman Norman Williams said money will be saved because the new program will be run through Medi-Cal managed care plans designed to bring financial efficiency. Also fewer people will be in the program.

Williams said many people don't meet the medical necessity standard but still end up getting in the existing program. They won't be eligible in the new system, he said.

Advocates of adult day health care describe the new plan as similar to the old one, suggesting the settlement means people will continue to get care without interruption and jobs at centers will be saved. Lydia Missaelides, executive director for the California Association for Adult Day Services, called it "the very best fair deal for everyone."

The settlement was announced before a hearing in a lawsuit filed against the state. Judge Sandra Brown Armstrong, set to rule in the case, granted two previous injunctions to block other cuts to adult day health care.

Mary Sargema, 89, goes to the Oxnard Family Circle Adult Day Health Care Center five days a week. She thinks the new system will work well for the people deemed eligible for the care. But she worries about the people who aren't eligible.

"If we couldn't go over there," she said, "if we had to stay at home, what would we do?"