

California Commission on Aging

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GAVIN NEWSOM, Governor

Executive Director
Karol Swartzlander

May 13, 2020

The Honorable Gavin Newsom
Governor of California
State Capitol
Sacramento, CA 95814

RE: Health Care Industry request for immunity from liability during the COVID-19 pandemic

Dear Governor Newsom:

The California Commission on Aging (CCoA) is grateful for your Administration's commitment to protect vulnerable Californians before and during the COVID-19 crisis, and the particular focus you have shown toward protecting the elderly and persons with disabilities.

CCoA shares this commitment and has already shared our deep concerns about the effects of COVID-19 on the vulnerable residents of nursing homes, assisted living facilities and adult residential facilities. Hopefully, you have received copies of our previous letters addressed to Secretary Ghaly and CDPH Director Angell regarding the CDPH Crisis Care Guidelines and urging the adoption of practices to protect both staff and residents of residential care facilities.

We now write to urge your rejection of a request from the health care and residential care industry for an Executive Order granting immunity from liability during the COVID-19 pandemic.

Infection control and compliance with staffing requirements are common shortfalls identified by state nursing facility regulators. Often civil remedies are the only means available for families to obtain justice for egregious violations since these issues are rarely handled in the criminal courts. Additionally, the threat of civil action is one of the few tools available to incentivize facility operators to meet required staffing ratios.

CCoA concurs with the California Long-Term Care Ombudsman Association, Justice in Aging and others in the belief that current law is sufficient to address the concerns of residential facility operators who act in good faith to protect residents through this pandemic.

Sincerely,



Betsy Butler
Chair

cc: Kim McCoy Wade, California Department of Aging