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MEDIA ADVISORY

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FOR IMMEDIATE RELEASE
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Re: District Attorney Cynthia Zimmer Announces Civil Suit Against Nursing Home Chain for Misrepresenting its Quality of Care and Putting Seniors, People with Disabilities at Risk

March 15, 2021– Today, a coalition led by Kern County District Attorney Cynthia Zimmer that includes several District Attorneys, City Attorneys, and California Attorney General Xavier Becerra, filed a lawsuit against Tennessee-based Brookdale Senior Living, Inc. (Brookdale), the nation’s largest senior living operator. Today’s lawsuit, which concerns Brookdale’s ten California skilled nursing facilities, alleges that Brookdale ignored laws that protect patients’ safety when they are discharged from a facility. The lawsuit also alleges that Brookdale gave false information to the Centers for Medicare & Medicaid (CMS), information which CMS uses to award “star ratings” to skilled nursing facilities so that consumers can choose a quality facility. By lying to CMS, Brookdale fraudulently increased its star rating in several categories to attract prospective patients and their families.

“Residents of Skilled Nursing facilities are often our mothers, our fathers, and our grandparents who are facing challenging times in their lives. Rules designed to protect nursing facility residents must be followed to ensure the dignity, respect, and compassion that residents deserve,” **said Kern County District Attorney Cynthia Zimmer**. “When companies fail to comply with these rules, they create environments that subject the most vulnerable among us to unnecessary victimization, stress, and even physical harm. This case seeks accountability for offenders and is a reminder to all skilled nursing facilities of the importance of following rules designed to ensure the protection of vulnerable residents.”

“We are holding Brookdale accountable for artificially increasing its profits by cutting corners when transferring or discharging its patients. It lured individuals to its facilities through false promises about providing the highest quality care,” **said Attorney General Xavier Becerra**. “Choosing a skilled nursing facility is no simple task. Seniors, people with disabilities and their families rely heavily on accurate data to make that decision. Californians have been directly impacted by Brookdale’s behavior. We will ensure that they face consequences for violating the public’s trust.”

“Protecting the elderly and disabled is one of the highest priorities for the Santa Cruz County District

Attorney's Office.” **said Santa Cruz County District Attorney Jeffrey Rosell.** “This action will ensure that the most vulnerable members of our community are protected. Participating in this case is part of our ongoing efforts to hold skilled nursing facilities and their owners accountable.”

“Skilled nursing homes are responsible for protecting and serving our most vulnerable populations,” **said Alameda County District Attorney Nancy O’Malley.** “My Office will always join in the effort to prevent fraud and damaging practices that cause significant harm to the residents of these facilities.”

“Coming in the wake of the settlement we just announced in a major case against a different nursing home—alleging unlawful discharge of patients during COVID, and patient neglect—this action underscores that we’re deeply committed to the safety and protection of these patients,” **said Los Angeles City Attorney Mike Feuer.** “They could be *our* parents or grandparents. Today, prosecutors up and down the state emphasize we’ll hold nursing home operators accountable for how they treat their patients, who are more vulnerable than ever during the pandemic.”

The lawsuit alleges that Brookdale failed to properly notify its patients and families of transfers and discharges. Skilled nursing facilities are required to give notice of transfer or discharge at least 30 days in advance, or as soon as practicable. Brookdale failed to timely provide this required notice to its patients, with a copy to the local ombudsmen. Brookdale also failed to properly prepare its patients for transfer or discharge. As a result of these actions, Brookdale endangered the health of its patients and left families scrambling to find other places to care for their loved ones.

The lawsuit also alleges that Brookdale misrepresented the quality of its care to the public by reporting false information to CMS. As a means of helping the public to choose a skilled nursing facility, CMS rates facilities on several quality measures on a scale of one to five stars, which are then posted to the CMS website. The lawsuit alleges that Brookdale over-reported its nursing staffing hours to CMS, and by doing so, Brookdale was awarded undeserved four-and five-star ratings. In the lawsuit, the coalition argues that by engaging in these unfair business practices, Brookdale violated both the Unfair Competition Law and False Advertising Law.

In filing today’s lawsuit, Cynthia Zimmer partners with Attorney General Becerra and the District Attorneys of Alameda, San Diego, and Santa Cruz Counties, as well as the Los Angeles City Attorney.