

Laguna Honda Residents Can Stay at Laguna Honda

The Current Situation

Due to continued quality of care violations, Laguna Honda has been threatened with loss of its ability to get paid by Medicare and Medi-Cal. Most Laguna Honda residents have their care paid for by Medicare or Medi-Cal. But nothing is settled at this point.

Laguna Honda announced that it is filing a new application to be paid by Medicare and Medi-Cal. It remains open and licensed and is currently being paid for residents' care. Medicare and Medi-Cal payments for current residents are expected to continue for several months while Laguna Honda reapplies to get back into these payment programs.

Laguna Honda prepared a plan to transfer residents and close the facility, as required by law. The plan does not mean Laguna Honda is going to close. Preparing the plan allows Laguna Honda to continue to receive federal funds to care for residents while it seeks recertification by Medicare and Medi-Cal.

What Should Residents Do?

Don't panic. The process may take a few months, and there is a good chance that Laguna Honda will be paid by Medicare and Medi-Cal into 2023 and beyond.

Can Residents Be Evicted?

At this time, no. Under federal law, the only possible reasons for eviction in this situation would be 1) failure to pay or 2) the facility is "ceasing to operate." Neither of these reasons apply at this time. If a resident pays through Medi-Cal, for example, Medi-Cal can pay Laguna Honda the same way that it always has. And the facility is not "ceasing to operate" — for now it is paid by Medicare and Medi-Cal for current residents and it will be seeking to continue Medicare and Medi-Cal billing into 2023 and beyond.

As mentioned above, Laguna Honda is required by law to develop a closure plan. Its closure plan calls for residents to be transferred or discharged within the next several months.

Any closure plan, however, cannot override the eviction protections discussed in the preceding paragraph. A resident cannot be evicted for nonpayment when the resident's bill is still paid, and similarly cannot be evicted for "facility ceasing to operate" when the facility in fact is still operating with plans to operate into the future.

How Can a Resident Appeal an Eviction Notice?

A resident can appeal an eviction notice through a hearing in front of a state hearing officer. Request an appeal hearing by calling the Transfer Discharge and Refusal to Readmit Unit of the California Department of Health Care Services at 916-445-9775.

Read CANHR's [fact sheet on Transfer and Discharge Rights](#) to learn more about your eviction rights.