

# Safe Seniors

Newsletter for the Prevention of Elder Abuse and Consumer Fraud in San Diego County

## New Program Helps Families, Rates Assisted Living Facilities


Older adults and caregivers in San Diego now have a new tool to help them in their search for quality, local assisted living facilities. The program is called Choose Well ([www.choosewellsandiego.org](http://www.choosewellsandiego.org)) and it is a web-based, voluntary rating system. Residential Care Facility for the Elderly (RCFE) providers “opt in” to be rated using an objective scoring method based on 11 quality measures such as “Facility Maintenance & Safety” and “Resident Rights.”

The program was envisioned back in 2014 by County Supervisor Dianne Jacob. Supervisor Jacob was alarmed after learning about the issue of abuse and neglect in residential care facilities for the elderly (RCFEs) that was spotlighted in the San Diego Union-Tribune’s “Deadly Neglect” series. Along with fellow Supervisor Greg Cox, she set out to create

*(CHOOSE WELL-- Continued on Page 3)*



*County Supervisor Dianne Jacob (left) unveils the new Choose Well program at the launch event on August 1. Health and Human Services Agency Director Nick Macchione (right) addresses attendees at the launch. He is joined by, from left to right, Chris Murphy of CARR, Interim Director for Aging & Independence Services Chuck Matthews, Deputy District Attorney Paul Greenwood, and Supervisor Greg Cox.*

**Choose Well**  
Helping Families Find Distinguished Assisted Living Facilities

**Choose Well is the County’s program to help consumers identify assisted living facilities that are willing to be transparent about the care and services they provide. Look for the Choose Well emblem (above) in the window of local assisted living facilities. Or, visit [www.choosewellsandiego.org](http://www.choosewellsandiego.org) to find a provider.**

## ‘Don’t Get Hooked’ Scam Event

Seniors and caregivers are invited to a special presentation in Rancho San Diego on how to avoid financial scammers. Supervisor Dianne Jacob is sponsoring the “Don’t Get Hooked” seminar on **Wednesday, November 1 from 9-11 a.m.** at Skyline Church, 11330 Campo Rd., La Mesa 91941.

Deputy District Attorney Paul Greenwood and others will offer tips on how to avoid becoming a victim of the “grandmother scam,” “IRS scam,” and more. Breakfast will be provided.

To RSVP, call **(844) 899-1597** or visit [www.surveymonkey.com/r/dontgethooked](http://www.surveymonkey.com/r/dontgethooked) by October 30.



To Report Suspected Abuse, Call: 1-800-510-2020

# Extended Warranties: Piece of Mind With a Price

*From the California Department of Consumer Affairs  
Consumer Connection, Vol. 13, Ed. 1*

Let's face it. We often give in to our emotional side when it comes to consumerism. We buy things we think—and hope—will keep us happy and satisfied. Purchasing extended warranties feeds into our emotions as well, since we buy them for peace of mind.

Also known as service contracts or protection policies, extended warranties can be bought from stores or manufacturers when you purchase items such as appliances, cars, and computers. They are marketed as ways to cover repair costs over a certain period of time, just in case the item you bought breaks down.

## *Is it worth it to buy an extended warranty?*

According to Consumer Reports' May 2016 extended Warranty Buying Guide, extended warranties are basically cash cows for retailers and stores. Stores keep about 50 percent or more of what they charge for the contracts. Although the money gained isn't necessarily the issue, the large financial incentives can't be ignored. Many problems with extended warranties stem from their fine print. The service contracts often exclude essential parts; for example, regarding a typical service contract that Consumer Reports reviewed, a refrigerator's icemaker, beverage dispenser, door seals and gaskets, hinges, lighting, and handles were not covered. The review of an auto extended warranty revealed that excluded items such as brake drums, air bags, door handles, the exhaust system, and body panels were not covered. The Federal Trade Commission (FTC) warns that additional expenses may be hidden in the fine print: large shipping costs, a deductible, or a fee each time the item is repaired.

Service contracts may include other unwanted surprises, such as the exclusion of "pre-existing" conditions, the denial of coverage if you didn't follow a company's instructions for routine maintenance, as well as terms that make it difficult to get repairs done. Outside the language of the service contracts, there are many reasons to avoid them.

Because of the general reliability these days of products and vehicles from reputable companies, it's not worth it to buy extended warranties, and the warranties already provided with these products often duplicate what's offered in a service contract. Additionally, technology changes quickly—you may want to buy a replacement before your appliance, car, or computer needs repairs.

With the help of the internet, you can even sometimes

complete repairs yourself. However, if you do need to hire a service dealer for a repair, be sure to use a licensed and reputable service dealer. For repairs of appliances and electronic equipment, check a service dealer's license on the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal insulation's website at [www.bearhfti.ca.gov](http://www.bearhfti.ca.gov). For the repair of vehicles, check a repair station's license on the Bureau of Automotive Repair's website, [www.bar.ca.gov](http://www.bar.ca.gov).

Be aware there are options and consumer rights that don't involve additional costs; for example, many credit cards can extend a manufacturer's written warranty on products if you buy using a credit card. Some reputable companies offer goodwill programs for repairs or product replacement. Check a business' return policy as well; it may allow you to return the product if it breaks down after purchase.

California's lemon law protects vehicle buyers and lessees from serious warranty defects that the dealer or manufacturer can't repair. Learn more from the department of Consumer Affairs' Lemon-aid for Consumers booklet ([www.dca.ca.gov/acp/pdf\\_files/englemn.pdf](http://www.dca.ca.gov/acp/pdf_files/englemn.pdf)).

Another way to avoid being tempted to buy an extended warranty is to purchase reliable products from reputable companies. Do thorough research and ask around for recommendations. Consumer advocates advise that instead of buying a service contract, put that money in a savings account, and if you need repairs or a replacement, you can take it out of those funds.

If in the end, you still want to buy an extended warranty, carefully consider a company's financial situation and its reputation. Be extremely wary of third-party sellers of service contracts, any high-pressure sales tactics, and unsolicited offers via mail or e-mail. Also, make sure you fully understand what is actually covered and that you're getting a good price on your extended warranty, which oftentimes can be negotiable.

## Resources

- Bureau of Automotive Repair:  
[www.bar.ca.gov](http://www.bar.ca.gov)
- Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation:  
[www.bearhfti.ca.gov](http://www.bearhfti.ca.gov)
- Federal Trade Commission:  
[www.ftc.gov](http://www.ftc.gov)
- Consumer Reports:  
[www.consumerreports.org](http://www.consumerreports.org)

(CHOOSE WELL -- Continued from Page 1)

a tool that would allow families to identify facilities that agree to transparency and provide quality care, as evidenced by their state compliance history. While details on nursing homes have been available online for many years, until the launch of Choose Well, information was not easily accessible to the public on the safety and compliance history of assisted living facilities.

Consumer Advocates for RCFE Reform (CARR) is the local non-profit that was selected to design and administrate the program. In order to design a scoring system that would be embraced by consumers and providers alike, CARR brought consumers, providers, and other experts to the table for focus groups and consensus building.

Although the program is in its infancy, word is getting out. Of the more than 600 RCFE's in San Diego County, 120 have agreed to be rated. Many have already provided full details about their services on the Choose Well website. As consumer demand for transparency and accountability grows, so too will the demand for facilities to be Choose Well providers.

To learn more about the Choose Well program, visit [www.choosewellsandiego.org](http://www.choosewellsandiego.org). Click on the "Facility Search" tab to discover Choose Well providers or to see the compliance history of any RCFE in the county.

To contact Choose Well program staff, call (619) 795-2165 or email: [choosewellsandiego@gmail.com](mailto:choosewellsandiego@gmail.com).

## Become an Ombudsman Volunteer

Do you want to make a difference in the lives of seniors or persons with disabilities who live in nursing homes and other long-term care facilities? Become an advocate for them.

### How you can make a difference:

- Visit and monitor local facilities on a regular basis
- Inform residents of their rights
- Investigate allegations of abuse and neglect
- Advocate to improve resident quality of life

### What it takes to get started:

- Attend a 36-hour certification training
- Make a 1-year commitment of about 5 hours per week
- Pass a medical and background check
- Have access to reliable transportation

To find out more about the Long-Term Care Ombudsman program and how you can start making a difference, call (800) 640-4661 or email **Kristin Rigsbee** at [Rigsbee@sdcountry.ca.gov](mailto:Rigsbee@sdcountry.ca.gov).

## Beware of 'Free Trial' Offers

By Carolyn Reilly, Esq., Executive Director  
Elder Law & Advocacy

*Are you 'on the Internet?' There are many tempting offers for products, services and even jobs, but many are a financial trap! Here is one of the most popular, with tips on how to avoid getting stuck with a recurring charge.*

**The Offer:** Want to try an anti-aging cream, a product that promises to whiten teeth, or pills that speed up weight loss, for free?

**The Problem:** You sign up for a "free trial" and end up with an automatic shipment contract.

**How This Can Happen:** If you want to receive that "free trial" product or service, you will be required to give credit card information to cover shipping and handling.

A small price to pay, right? Not really, because you only have a short amount of time to send the product back at your own expense. If you don't, the company has your credit card information and will start a monthly product subscription/shipment. Those shipments aren't cheap! For instance:

- Skin care cream for \$90.99 per month
- Teeth whitening system for \$119.99 per month

- Diet pills for \$39.99 per month
- Hair growth vitamins for \$49.99 per month

You may not have noticed the part of the internet ad that told you your credit card would be charged not only for shipping and handling, but also for an automatic monthly shipment program unless you act to cancel within the "free trial" period.

The time period to cancel can be very short, coming just a few days after the product is shipped out or received by you. You may have to call their so-called "customer care number" to stop the monthly shipments, and sometimes those companies don't make it easy for you to cancel.

**What to Do:** Beware! Before you complete the online check-out process, make sure you know what you have actually agreed to--read the terms and conditions carefully. If you decide to proceed, check your next credit statement to make sure that only the charges you agreed to are listed. If you see unauthorized charges, contact your credit card company immediately to dispute them.

For more information, visit the Federal Trade Commission website: [www.consumer.ftc.gov/scam-alerts](http://www.consumer.ftc.gov/scam-alerts)  
*Elder Law & Advocacy is a nonprofit organization providing no-cost legal services and Medicare counseling to older adults in San Diego and Imperial Counties. For assistance, call: (858) 565-1392 (San Diego County) or (760) 353-0223 (Imperial County).*



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## Elder Abuse Prosecutions-District Attorney's Office

The District Attorney's Office had 68 adjudicated elder abuse cases from March-May 2017. Here are three cases:

**Ryan McMinn:** Pled guilty to Burglary. The defendant entered the occupied home of the 83-year-old, disabled, and mostly bedridden victim. The victim was asleep in his bedroom when McMinn entered. McMinn stole a flat screen television and an airsoft rifle. McMinn also stole an air compressor and a moving dolly from the victim's garage. A neighbor called the police when he saw McMinn removing the items from the garage. During the arrest, police found a stolen check from a different victim, and drug paraphernalia. The defendant was sentenced to four years in prison.

**Gretchen Ficek:** Pled guilty to Theft from an Elder over \$950 and Burglary. Prior to this case, Gretchen Ficek had been convicted of elder and vehicular theft with her elderly parents as the victims. In this case, Ficek returned to her parents' house, stole a debit card from her 78-year-old mother, and made \$613 worth of purchases and ATM withdrawals using the card. Two days later, she returned to the home and stole a credit card and \$80 in cash. That evening, she again returned to their home requesting to use the restroom. She was allowed in. Instead of going to the restroom, the defendant went directly into her parents'

bedroom and stole her 78-year-old father's money clip containing \$340. She attempted to run out of the apartment with the cash but was stopped by her father who held her until the police arrived. The defendant was sentenced to five years in jail.

**Cathy Le:** Pled guilty to Willful Cruelty to an Elder or Dependent Adult and Disobeying a Court Order. Cathy Le was already on probation for elder abuse, yet she continued to verbally and physically abuse her disabled 68-year-old mother. Her parents allow her to return to their home because Le was homeless, but Le would scream at them. For three days in a row, Le proceeded to repeatedly slap her mother with an open hand, causing pain, fear, and redness to her face. During one of the episodes of assault, Le told her mother that she was old, she hated her, and she hoped she would die. Out of fear, the victim fled to the bathroom. When she opened the door slightly, Le pushed the door causing the victim to fall backward. During this same weekend, \$300 was stolen from the victim's purse. The week before, \$500 was stolen from the victim's nightstand. The defendant was sentenced to 365 days custody, three years formal probation with a five year criminal protective order.