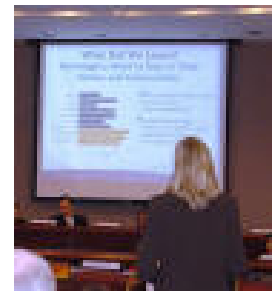


CoA Inside the Dome Report Legislative Session 2008

The summer and fall of 2007 were marked by two events that would shape the 2008 Legislative Session. In the summer, a brutal home invasion in Cheshire left three family members dead and the state and nation wondering how two career criminals were allowed to receive parole and commit these acts. In the late fall, the *Hartford Courant* published a series of articles detailing financial improprieties and quality concerns throughout the Haven Healthcare nursing home chain.

These two occurrences pushed criminal justice reform and nursing home reform to the top of the Governor's and legislators' priority lists for the Session. Media attention to the passing of Dora Stango, whose son Joe has been a leading voice for the Money Follows the Person initiative, expanded the focus from nursing home reform to sweeping reform of the long-term care system.

In mid-January, four legislative committees hosted a briefing of the recently completed Long-Term Care Needs Assessment. With the hearing room filled to capacity, thirty-three legislators listened attentively as Julia Evans Starr provided historical backdrop to the comprehensive study and Dr. Julie Robison from UConn Health Center's Center on Aging presented the results. Among the highlights: most residents are not planning for their long-term care needs; significant gaps remain in services; and major system reform is needed to enhance choice and flexibility. By the end of the two-hour briefing, several legislators remained in the room asking Dr. Robison and colleague Noreen Shugrue detailed questions about long-term care system reform.



Dr. Robison at the Needs Assessment briefing

The session began in February with high hopes for a major criminal justice reform bill; increased financial oversight and improved staffing in nursing homes; long-term care system reform; and the potential for an economic stimulus package utilizing some of the state's projected \$230 million surplus for the 2008 Fiscal Year.

Commission Priorities

The Commission on Aging's (CoA) legislative subcommittee includes Chris Lewis, Don Dimenstein, Bill Eddy, Ray Guenter, Mary Ellen Klinck and Dick Memmott. Incorporating ideas from the full CoA and collaborating with partners, the subcommittee created, regularly updated and distributed a Legislative Priorities pamphlet for legislators, administration officials and others throughout the session. *The document can be found on the CoA website @ www.cga.ct.gov/coa.*

The priorities expressed a major commitment to long-term care system reform and included, but were not limited to:

- reinvestment of the enhanced match to be received under the Money Follows the Person program;
- establishment of Single Points of Entry/Aging and Disability Resource Centers statewide;
- efforts to address workforce shortages;
- funding for vital programs such as elderly nutrition and energy assistance;
- enhancement of the SLMB program for low-income Medicare recipients; and,
- addition of a hospice benefit under Medicaid.

Early Session

On the Session's opening day, Governor Rell presented her budget adjustment proposal for Fiscal Year 2009 (July 1, 2008-June 30, 2009—the second year of a two-year budget adopted last spring). The Governor's proposal and accompanying legislative initiatives included more financial oversight of nursing homes and additional inspection staff; added hospice as a Medicaid benefit; removed \$500,000 for a falls prevention program; and, removed \$1 million for CHOICES.



Governor Rell's budget address

Senate Democrats held an early-session press conference outlining plans for nursing home reform, including increased staffing, a state nursing home report card and increased financial oversight. Additionally, a coalition of stakeholders formed specifically to advance increased staffing levels.

Due to this session's short timeframe (in even-numbered years, the Legislative session runs from early February through early May), committees generally held few public hearings. However, they managed to hear hundreds of bills on a wide range of topics. The CoA testified at several hearings in person and submitted written testimony on 25 bills, including many rebalancing initiatives.



Julia Evans Starr testifying before the Human Services Committee

Throughout the session, legislators referred to the Long-Term Care Needs Assessment as a “road map for reform” of our long-term care system. Legislators on both sides of the aisle pledged to work to reform the system in Connecticut—to simplify it, to allow more choice and flexibility and to remove barriers to care. Bob Veillette, a 62-year-old with locked-in syndrome, helped advance the cause of “Money Follows the Person 2” (MFP2), an expansion of Money Follows the Person that would remove the requirement that participants be institutionalized for six months before accessing services. AARP and other advocates prioritized the establishment of a statewide Single Point of Entry system as a critical component of Money Follows the Person and other rebalancing efforts.

Many bills addressing CoA priorities advanced through the committee process. All signs were positive as the Appropriations Committee presented its budget proposal in late March, rejecting the Governor's proposed cuts to vital services and endorsing many of her rebalancing initiatives.

Around that time, legislative leaders publicly expressed commitment to increasing nursing home staffing levels, establishing MFP2 and a Single Point of Entry and enhancing the SLMB and QMB programs for ConnPACE and Medicare recipients (“ConnPACE Plus”).



Democratic leaders and advocates announced agreement on nursing home staffing levels



Rep. DeGobbo looked on as advocate and CoA friend Joe Stango testified on MFP2 in front of the Human Services Committee



Representative Villano and Senator Harris at the Single Point of Entry press conference

CoA staff and members met with dozens of legislators and staff from the governor's office and relevant state agencies throughout the session to discuss legislative priorities, the Long-Term Care Needs Assessment and our report on Property Tax Relief programs in the state.

The CoA also worked to resolve two issues that affected the original grantees for Independent Transportation Networks. When administrative solutions were deemed infeasible, Commission staff worked with stakeholders, legislators and agency staff to craft two amendments: to exempt ITN volunteers from livery license requirements and to ensure that automobile insurance companies would not penalize them. The livery license amendment was successfully attached to a larger bill which became law; unfortunately, the insurance amendment did not pass before the end of session.

State departmental structure for older adults arose again. The UConn Needs Assessment recommended greater integration of aging and long-term care services (across the lifespan) within the state Medicaid department (the Department of Social Services, DSS). A separate report also funded by the Legislature to design a separate Department on Aging recommended a 12-branch office, \$240 million Department, transferring many, but not all, of the programs serving older adults. The latter report (the Sirico Center study) was delivered to the Legislature on March 18, 2008, with an attached memo from DSS Commissioner Michael Starkowski, expressing concerns over the recommendations. Due to the timing of the report's release, no legislative briefing or hearing was held.

"The transplantation of several extremely complicated yet successful direct-service programs from DSS into a new agency could be a prescription for confusion and disorganization over the coming years."

Cmsr. Starkowski's memo

The Commission on Aging voted at its April, 2008 board meeting in support of the following motion: 1) Advise the legislature to delay the implementation of the Dept on Aging to allow time to digest the newly released reports and to come to a resolution by July 1, 2009; and, 2) Work with the legislature to come up with a recommendation for the future.

CoA staff and members spoke with key legislators and administration officials about a delay, offering to connect them with national experts during the off-session, to discuss best practices and trends. This delay was discussed as a potential item for budget negotiations. Many legislators, agency officials and stakeholders were receptive to the idea of a delay.

Late Session

As mid-April approached, state revenue estimates began dropping. Within a few weeks, projections went from a surplus of over \$230 million for the current fiscal year to no surplus at all and, by the end of the month, to a projected deficit of up to \$68 million. Governor Rell issued clear directives to state agency heads to curtail spending wherever possible.



Legislative Republicans offered their "Do Something" budget proposal

House and Senate Democratic leadership and Governor Rell agreed to leave the current year's budget as-is, and further, to leave the budget untouched for the 2009 Fiscal Year. Legislative Republicans released a "Do Something" budget proposal that relied heavily on a state employee early retirement incentive plan and had no programmatic cuts.

As a result of the agreement not to revise the 2009 budget, and Legislative Republicans' known intentions to attempt to amend their budget proposal onto many bills, countless legislation stalled in both the House and Senate. All bills with fiscal impact—even those which would result in budget savings—were

deemed “dead.” Despite continued bipartisan agreement on rebalancing initiatives like expanding Money Follows the Person and Single Point of Entry, these proposals seemed at-risk of death by inaction. Even the criminal justice reform measure passed by both chambers was in jeopardy, as the Governor threatened to veto the \$10 million measure (on the last day of session, the Governor did make an exception and agreed to sign the bill). The excitement and enthusiasm of earlier in the session dissipated as the mandatory May 7 adjournment date approached. As the session drew to a close, an unusually high number of legislators announced that they would not be seeking re-election, including Speaker of the House Jim Amann.

Throughout the session, CoA worked closely with its partners to educate legislators and administration officials, advocate and, occasionally, compromise to ensure passage of initiatives we had prioritized. Through the efforts of many, we believe we made a strong impact in advocating for good public policy for older adults of today and tomorrow.

Session Successes

Long-Term Care System Reform

Money Follows the Person: SB 561—passed both Houses in concurrence

This bill: 1) allows DSS to expand MFP from 700 to up to 5000 people; 2) requires the development of a plan for an “MFP2” pilot program (for individuals who have not been institutionalized for 6 months); and 3) establishes a Long-Term Care Trust Fund, to reinvest the new federal money that Connecticut will receive under MFP. Getting the Trust Fund established in this year’s budget climate was remarkable and will bring in a projected \$7 million over five years. These initiatives were major priorities for CoA and its partner organizations and are a giant step forward in systematic reform of long-term care.

Home Care Program for the Disabled: SB 414—passed both Houses in concurrence

The CT Home Care Program for the Disabled is a state-funded pilot program that provides home and community based care to adults with disabilities. The MS Society led efforts this session to increase the asset limits for the program to match those of the state funded Connecticut Home Care Program for Elders (CHCPE). This worthy program serves individuals who are under age 65 but otherwise eligible for CHCPE, providing greater choice and flexibility, and helping to keep them out of institutions.

Small House Nursing Homes: SB 559—passed both Houses in concurrence

“Small House” nursing homes are small, home-like facilities that provide the same level of care as nursing homes but incorporate a philosophy of individualized care. This bill directs the state Department of Social Services to establish a program to help develop up to ten of these “deinstitutionalized” homes throughout the state.

Medicaid Hospice Option: SB 558—passed both Houses in concurrence

Connecticut currently offers hospice care to Medicaid recipients on a limited basis, tied to Medicare allowances. This bill directs the state Department of Social Services to amend the state Medicaid plan and add hospice as a full benefit. Receiving broad bipartisan support, including that of the Governor, the hospice benefit is a small way that the state can help people who are at the very end of their lives.

Housing:

HB 5127—passed both Houses in concurrence

CoA and other advocates supported a bill, championed by CT Legal Services, to remove barriers for entry into low-cost housing. This bill will allow older adults and persons with disabilities to provide landlords with 30 days’ notice and terminate their leases prematurely if they are accepted into

subsidized housing. It will eliminate the Catch-22 situation that many find themselves in when they are accepted into subsidized housing but are committed to a more expensive lease elsewhere.

Transportation

ITN fix: HB 5746—passed both Houses in concurrence

This bill exempts volunteer drivers for community-based regional transportation networks (such as ITNs) from needing a livery license. This fix was essential to helping to get ITNs off the ground in Connecticut. Unfortunately, SB 664, which would have prohibited insurance companies from raising the rates of volunteer drivers or refusing to renew their policies, did not pass both Houses by the session adjournment.

The Fiscal Year 2009 budget

The 2009 budget was set last spring and was not adjusted this session.

Some Highlights:

- \$1 million for CHOICES;
- an extra \$1 million for Alzheimer's Respite Care;
- \$500,000 for a falls prevention program;
- \$1 million for residential service coordinators;
- Rate increases for hospitals to help ensure their financial stability; and,
- The creation of an online licensure system for nurses, an important first step towards addressing statewide worker shortages.

Missed Opportunities:

- Increased rates for nursing homes and home and community-based providers;
- Additional staff for inspection of nursing homes;
- Delaying the re-establishment of the State Department on Aging and working toward more progressive state structure;
- Additional funding for elderly nutrition;
- The addition of Personal Care Assistants to the CT Home Care Program;
- Additional slots in the CT Home Care Program for Disabled, the Acquired Brain Injury Waiver and other programs; and,
- Funding for benchmarks DSS set for Money Follows the Person.

Looking Ahead: Creative thinking in challenging times; continued commitment to long-term care reform (MFP Benchmarks, streamlined waiver system, workforce enhancement, Single Point of Entry) and continued partnership among aging and disability stakeholders.

The CoA thanks its many partners for their collaboration, advocacy and dedication this session.



What it's about!

Gertrude Noone, age 109, expressed her political views to reporters at the annual Centenarian Luncheon, hosted by the Agency on Aging of South Central CT on the last day of session.



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