



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

LONG TERM CARE OMBUDSMAN PROGRAM

25 SIGOURNEY STREET • HARTFORD, CONNECTICUT 06106-5033

Telephone Number: (860) 424-5200 Fax Number: (860) 424-4966

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HUMAN SERVICES COMMITTEE

Public Hearing

February 17, 2009

Good morning distinguished chairpersons and members of the Human Services Committee. My name is Nancy Shaffer and I am the State Long Term Care Ombudsman. I appreciate the opportunity to speak to you today on behalf of the aging and disabled long term care residents of our state. I comment today in strong support of two of the bills before you today and also encourage your support of a third bill.

Raised Bill No. 6418 AN ACT CONCERNING TRANSFER OR DISCHARGE OF RESIDENTIAL CARE HOME PATIENTS.

Raised Bill No. 6418 provides enhanced safeguards for Residential Care Home residents when they face notice of an involuntary discharge from their home. I respectfully urge your support of this legislation. This bill provides the Residential Care Home resident opportunity to file a request for a hearing up to fifteen days after receipt of notification, excluding Saturdays, Sundays and state holidays. And the bill requires that an appeals hearing be held not later than seven days, again excluding Saturdays, Sundays and state holidays after receipt of such request. The bill allows non-attorney advocates to represent individuals at hearings to appeal a transfer or discharge. Why is this so important? It is the experience of the Long Term Care Ombudsman Program that admissions, transfers, discharges and evictions complaints are second only to care complaints received from residents, their family members and other responsible parties. In Federal Fiscal Year 2008, for example, the total complaints of this nature from all Connecticut sources (skilled nursing facility, residential care home and assisted living facility) accounted for nearly 20% of all complaints received. Interestingly though, the complaints received from residential care home residents was only a very small fraction of that 20%. In part, this is reflective of the fact that there are many fewer Residential Care Home residents in the long term care continuum. But, I believe the reason for this is also that Residential Care Home residents, generally speaking and in the experience of the Ombudsman Program, do not always have the significant family involvement and support network that many other long term care residents enjoy (in fact most of the nursing home complaints of this nature come from family members or other sources rather than the resident). So, when the Residential Care Home resident receives an involuntary discharge notice, they do not always have someone readily available to advocate on their behalf. Frequently, the Ombudsman Program is called into the situation at the "eleventh hour", just prior to or even after the appeal hearing, when it is then difficult to develop an adequate advocacy effort on the resident's behalf.

Very importantly, I recommend the Committee includes language in this bill that mirrors the current language in Connecticut General Statute 19a-535, which states: "The notice shall also include the name, mailing address and telephone number of the State Long Term Care Ombudsman."

Raised Bill No. 6400 AN ACT CONCERNING THE STRENGTHENING OF NURSING HOME OVERSIGHT.

Connecticut must have clear expectations for quality care for the most vulnerable and frail members of our society. Both the government—who pays for the majority of care and the consumer—who requires the care, have the right to know who is providing that care as well as transparency related to fiscal solvency. When the entity who owns the actual physical asset of the nursing home has virtually no responsibility or accountability for finances or the adequacy of the care provided the system for expecting and providing quality care is broken. When the top priority for owners and investors is profit, rather than providing staffing and resources necessary to ensure quality care for our loved ones, we must implement appropriate safeguards.

It is therefore essential for Connecticut to provide greater nursing facility oversight. We must know about facility ownership, nursing management services and financial solvency. Greater oversight of nursing home facilities may be the single most effective approach to ensuring that another Haven Healthcare catastrophe is not repeated. As State Ombudsman I fully support legislation that will ensure the examination of financial solvency of our nursing homes on an ongoing basis. I urge you to give consideration to Raised Bill No. 6400 which establishes a Nursing Home Financial Advisory Committee

Raised Bill No. 854 AN ACT CONCERNING THE OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES

Lastly, I lend my support to Raised Bill No. 854. This bill protects the confidentiality of persons with disabilities and there is no question in any of our minds that all individuals should be afforded the same rights to confidentiality and protected health information.

I thank you for your consideration of my testimony.