



HOUSING AUTHORITY OF THE TOWN OF SIMSBURY

1600 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

**TESTIMONY BEFORE THE SELECT COMMITTEE ON AGING
REGARDING H.B. 5110, AN ACT CONCERNING CRIMINAL
BACKGROUND CHECKS FOR EMPLOYEES OF HOMEMAKER-
COMPANION AGENCIES AND HOME HEALTH AGENCIES.**

February 16, 2010

Senator Prague, Representative Serra and members of the Committee:

My name is Joe Loewy. I am the Executive Director of the Housing Authority of the Town of Simsbury. I am also a member of the Executive Board of the Connecticut Chapter of the National Association of Housing and Redevelopment Officials, commonly known as CONN-NAHRO.

I am pleased to present comments to you in support of H.B. 5110, regarding Comprehensive Background Checks, specifically including Criminal Checks on employees of Health Care Providers.

It is the stated mission of Connecticut Public Housing Authorities to provide safe, decent, sanitary and drug free housing. To that end the more than 100 Public Housing Authorities and Non-profit Housing Agencies as represented by CONN-NAHRO passed a resolution encouraging the adoption of statutory authority requiring criminal background checks for home health aids entering Public Housing Authorities and nonprofit affordable housing developments. The resolution further encouraged our direct contact with the Attorney General's Office to explore how we can work to get legislation passed requiring such checks.

In September, 2008 David Keyser, our fellow CONN NAHRO Board Member and Executive Director of the Seymour Housing Authority received a letter from Attorney General Blumenthal supporting mandatory background checks and sharing our "commitment to improving health care in Connecticut and protecting our most vulnerable citizens from harm and exploitation." The Attorney General followed up this commitment by testimony on February 17, 2009 before the Select Committee on Housing urging the committee to consider a "comprehensive approach by requiring all agencies that employ home health care aides, homemaker-companion service aides and homemaker-home health aides to conduct comprehensive background checks..."



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The problem of thefts and abuse by Home Health Aids has been well documented. Attached are just two samples of this from articles in the *New Haven Register* last year. Our own Housing Authority in Simsbury manages a 40 unit Assisted Living Facility, the Virginia Connolly Residence for elderly residents who have limited financial resources. The average age of our residents is 86 with the eldest being 99. The vast majority of our residents are from a generation that is very trusting, particularly of those who are providing them with assistance in their declining years. Many have admitted if something were missing from their apartment or if they had been threatened that they would be reluctant to report it to management.

A few years ago we did have some instances of theft that were reported to us and we suspected a Health Aid. The Simsbury Police Department investigated and was unable to bring charges against the suspected thief, which is common since there is rarely evidence of the crime other than a resident's word that money or property is missing. The Health Aide was reassigned from our facility by her Health Care Agency. Shortly before the aide left she told a member of our staff that she had a prior criminal conviction for a felony. Had her Health Care Agency been aware of this they may not have hired her in the first place or at a minimum, not assigned her to work in our facility.

This Bill includes the requirement that a criminal background check be performed by the Health Care Agencies. This is no different than the standard that the vast majority of Housing Authorities have for applicants. Our Housing Authority performs a credit and criminal background check for every single applicant offered housing. In addition, we require the same of our outside contract Housekeeping staff. It would be sufficient that Health Care agencies be allowed to use private, affordable and timely methods to conduct these checks. Considering the current economic climate we feel that this is practical and would avoid unnecessary expense and loss of time. This approach is supported as noted in the attached remarks by the President & CEO of the Connecticut Association for Home Care & Hospice (CAHCH) to another Committee of the State Legislature.

In conclusion, it is our hope that you will approve this proposed legislation. It is supported by those of us who are responsible for caring for the elderly, those who service the elderly, our State's Attorney General and many of your colleagues. It directly impacts one of the fastest growing and most vulnerable groups in our state; the elderly and disabled, particularly those with limited resources!

Thank you.

RICHARD BLUMENTHAL
ATTORNEY GENERAL



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Office of The Attorney General
State of Connecticut

September 4, 2008

David Keyser
Connecticut Chapter
National Association of Housing and Redevelopment Officials
Post Office Box 822
Canton, CT 06019

Dear Mr. Keyser:

Thank you for your recent correspondence regarding the need to mandate criminal background checks on home health aides. I am sorry to hear of the unfortunate instances of criminal and inappropriate conduct by home health aides against residents of Connecticut housing authorities.

As you note, I have consistently supported mandatory background checks for home health aides. In 2006, background checks were mandated for employees of homemaker-companion agencies. I support extending these requirements to home health aides and home health agencies. I encourage your organization to contact members of the General Assembly during the upcoming session to support legislation to accomplish this goal. As in the past, I will support the adoption of legislation to mandate background checks for home health aides.

I share your commitment to improving health care in Connecticut and protecting our most vulnerable citizens from harm and exploitation. By working with legislators to achieve these needed improvements in the law, you contribute to our efforts to protect the health and welfare of health care consumers in Connecticut.

If you would still like to meet with me, please contact my executive assistant, Patricia Sullivan, at 860-808-5318, and she will make appropriate arrangements.

Very truly yours,

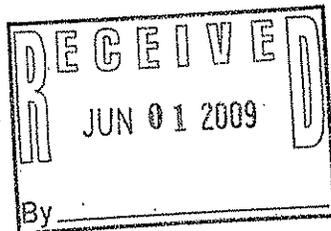
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Office of The Attorney General
State of Connecticut

*TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE SELECT COMMITTEE ON HOUSING
FEBRUARY 17, 2009*

I appreciate the opportunity to support House Bill 5583, An Act Concerning Criminal History Background Checks for Home Health Aides with a significant broadening amendment.

This legislation authorizes public housing authorities to conduct criminal history background checks on home health aides providing services to tenants in their public housing. I strongly share the concern of local housing authority officials for the safety of their tenants. We have seen several recent examples of home health aides assaulting seniors in their home or stealing from them.

I urge the committee to consider a more comprehensive approach by requiring all agencies that employ home health care aides, homemaker companion service aides and homemaker-home health aides to conduct comprehensive background checks that include a state and national criminal history records check, verification of state or federal licenses, a check of the state's sex offender registry and other appropriate information.

I have attached proposed language for the committee's consideration. My office is continuing to work with the industry on developing a standard for background checks that ensures the safety of the individuals in their care. Local housing authorities can provide additional consumer education to their tenants so they may carefully choose the most appropriate aide.

I am willing to work with the committee and local housing authorities on this important issue.

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EDITORIAL

Check background of home aides

Thefts from elderly, disabled
are a continuing problem.

Thefts by home health aides from their frail and often helpless clients remain a continuing problem in Connecticut.

Early this year, two home health aides were arrested in Milford after allegedly stealing \$122,000 from a stroke victim. In 2006, a home health aide was convicted of stealing \$384,000 from an elderly Ansonia man.

Not all of the thefts have been large, nor result in arrests. Indeed, many thefts may go unreported or undetected.

Carole Gillispie learned of the theft of checks from her West Haven home when an alert employee at a New Haven bank branch called after a man tried to cash checks supposedly endorsed by her. A home health aide Gillispie had hired to care for her mother had brought a man into her home the day before the attempt to cash the checks.

West Haven police decided it could not be proved the man in the bank and the man who entered Gillispie's home were the same person. The investigating officer concluded that the man at the New Haven bank had "attempted to commit the crime of larceny" with a forged check. However, New Haven police refused to investigate, saying it was a West Haven crime, Gillispie said.

The New Haven police also arrested no one in a 2006 theft that has attracted the interest of Richard Blumenthal, the state's attorney general.

The day after a new health aide arrived to care for his 91-year-old mother, Eddie Monocchi, discovered \$50 to \$100 in coins were missing. Police found the aide had been evicted three weeks before from the residence where she had told her home care agency she lived. After the theft, the aide was convicted in 2007 of criminal mischief and first-degree reckless endangerment.

The state does not require background criminal checks of home health aides. Blumenthal has urged the checks since another aide stole \$340,000 from an elderly client in 1999.

Complaints about thefts by unlicensed homemaker companion agencies resulted in a 1996 law requiring them to register with the state Department of Consumer Protection. That is not enough. For the protection of the frail for whom home aides care, criminal background checks should be required.

News

Background checks for home health aides gets victims' support

Saturday, January 24, 2009 6:43 AM EST

By Randall Beach, Register Staff

Victims of thefts by home health aides are applauding a legislative proposal announced Wednesday by state Attorney General Richard Blumenthal to require that home health agencies conduct criminal background checks on their aides.

Blumenthal began working on the issue about 10 years ago but renewed his effort last year after the New Haven Register contacted him about increased reports of such thefts, including a robbery at the home of 91-year-old Angelina Monocchi near New Haven's Wooster Square.

Her son, Eddie Monocchi, told the Register that a home health aide stole \$50 to \$100 in coins as well as household cleaning products.

After Monocchi complained to police, an officer investigated and wrote in a case incident report that the aide had been evicted from her residence because she had stolen something from a neighbor.

"These aides shouldn't just go into old people's houses without being checked," Monocchi said Thursday when told of Blumenthal's proposal.

"They're robbing senior citizens," Monocchi said. "Something has to be done."

The Register subsequently reported on a theft at the West Haven home of Carole Gillispie, who is blind.

Gillispie said she was unaware anything was wrong until she received a phone call from a Bank of American employee, asking if she were missing any checks and whether she knew the man who was trying to cash two of her checks. The man had said Gillispie endorsed the checks.

After telling the employee she had never heard of the man and that the checks should not be cashed, Gillispie asked her sister-in-law's niece to look at her checkbook and see if any checks were missing. Indeed, they were gone.

Gillispie had hired the aide through a home care agency to take care of her mother, Eugenia Esposito, who has Alzheimer's disease. The aide brought a male friend into the house without Gillispie's knowledge or permission.

When she was told of Blumenthal's idea, Gillispie said, "That's wonderful. I think it's long overdue and I'm not the only one that this has happened to."

Blumenthal's proposal also would prohibit the agencies from hiring anyone convicted of a felony within the past 10 years.

In addition to requiring background checks, the proposal would compel agencies to have their employees sign a form asking whether they have ever been convicted of a violent or dishonest crime in any state. They would also be asked if they have been disciplined by a licensing agency in any state.

"Home health and homemaker aides are entrusted with profound responsibilities and should be held to powerful standards," Blumenthal said. "A criminal background check for home health aides is not only reasonable, but common sense."

Blumenthal's proposal would cover any licensed home health care agencies, homemaker companion service agencies and homemaker-home health aide agencies. It would require criminal background checks on home health and homemaker-health aides that they employ or contract with to perform services.

The Connecticut Association for Home Care Inc. has said 90 percent to 95 percent of licensed agencies already do criminal background checks.

Randall Beach can be reached at rbeach@nhregister.com or 789-5766.

URL: http://www.nhregister.com/articles/2009/01/24/news/a3-health_aides.prf

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Connecticut Association for
**HOME CARE
& HOSPICE**

Leadership | Education | Advocacy | Information | Collaboration

TESTIMONY BEFORE THE SELECT COMMITTEE ON AGING
REGARDING H.B. 5312
AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR EMPLOYEES OF
HOMEMAKER-COMPANION AGENCIES

January 27, 2009

Senator Prague, Representative Serra, members of the Aging Committee, my name is Brian Ellsworth and I am President & CEO of the Connecticut Association for Home Care & Hospice (CAHCH), whose members serve over 100,000 elderly, disabled and terminally ill Connecticut citizens. We are pleased to provide comments today on H.B. 5312, regarding criminal background checks for employees of homemaker-companion agencies.

The Association is a long-time supporter of requirements for criminal background checks as one part of a strategy to help ensure that our most vulnerable citizens are receiving high quality care and protected to the maximum extent feasible. This past Friday, our Association's Board of Directors re-affirmed that commitment by adopting guidelines for all types of home care providers in CT, as well as for use by the general public in selecting an agency, entitled "Best Practices in Hiring Unlicensed Personal Caregivers" (summary attached). For two reasons outlined below, the Association opposes H.B. 5312.

First, H.B. 5312 would narrow the existing requirement for homemaker-companion agencies from conducting a "comprehensive background check" to a requirement for only a criminal history check using the state police system. Our Best Practice guidelines describe this as the minimum component of a comprehensive background check, and only one part of an array of employment practices that agencies should utilize and the public should expect.

Secondly, under current law, homemaker-companion agencies can use private, affordable and timely methods to conduct background checks. For example, one CT-based vendor

(www.arresthistory.com) provides for unlimited, comprehensive background checks for an annual fee of \$250 per year and the results of the background check are instantaneous. This is in stark contrast to the thousands of dollars a State-driven procedure would cost an average-sized agency, and the lengthy turnaround time that could cost agencies already scarce workers.

The CT Association for Home Care & Hospice was pleased to be an active supporter of the 2006 legislation that created the registration requirements for homemaker-companion agencies. These agencies are a growing and important part of the home and community-based care delivery system. According to a report released last year by the Department of Consumer Protection, there are now 144 such agencies registered in CT. That same report declares the initial implementation of the new homemaker-companion agency registration law "a success" and made two minor recommendations for statutory changes, with which we concur.

Looking to the future and considering our current economic environment, we need to make sure that costs are not needlessly driven up while failing to provide real protection to the consumer or worse yet, creating a false sense of security.

In closing, we think the best strategy is to combine broad statutory requirements with industry standard setting, enough flexibility to use private & affordable vendors and consumer education. In addition, the requirement for a comprehensive background check (as written in current law) should be expanded to include currently unregulated forms of home care, including direct caregivers in private-pay agencies providing care to chronic & stable patients, registries and personal care assistants paid for with public funds.

Thank you for consideration of our comments on this important issue.