



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

LONG TERM CARE OMBUDSMAN PROGRAM

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HUMAN SERVICES COMMITTEE

Public Hearing

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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. On behalf of the long term care consumers of Connecticut I appreciate the opportunity to comment today on proposed legislation.

Raised Bill No. 5232 AN ACT CONCERNING TRANSFER OR DISCHARGE OF RESIDENTIAL CARE HOME PATIENTS.

The Long Term Care Ombudsman Program supports this bill.

Raised Bill No. 5232 provides safeguards to residents of residential care homes regarding their rights when given a notice of involuntary discharge. Over the years, the Ombudsman Program has voiced its long-standing belief that residential care home residents should be afforded the same rights as nursing home residents when served involuntary discharge notice. The current statute which governs residential care home involuntary transfers and discharges, CT General Statute 19a-535a, does not provide for a discharge notice with contact information of advocacy organizations. This is a very important piece of information and is absolutely necessary to ensure the resident's rights are upheld throughout the process. Without this contact information the resident may be left in a quandary about where to turn for assistance. For many residents of residential care homes it can be difficult to "navigate" the system on their own, to access an advocate, to know where and how to begin the appeals process. Often times in the experience of the Ombudsman Program, the resident struggles with dealing with the discharge/transfer notice amidst a variety of other factors, including minimal resources and disability limitations. Many times we do not learn of the notice until it is nearly, if not too late, to request an appeal.

The bill before you also allows non-attorney advocates to represent individuals at appeals hearings. Advocacy Unlimited provides peer advocate services and the Connecticut Legal Rights Project also maintains a corps of paralegal advocates to serve in this capacity. In some instances the resident may turn to a family member to represent them. It is also possible for the Regional Long Term Care Ombudsman to act on behalf of the resident, ensuring the resident's best interests are represented, just as the Ombudsman Program does for the nursing home resident.

Lastly, this bill extends the timeframe in which the resident must file request for an appeals hearing. For many reasons this is appropriate and does not seem to be an unreasonable expectation. Again, the resident may experience difficulty initiating the appeals process due to mental health, medical or resource limitations. The bill before you only changes the appeal notice timeframe from "within ten days of receipt of the notice to not later than fifteen business days after the date of receipt of such notice." And the hearing itself now will be heard "not later than seven business days after receipt of such request" rather than within seven days of the request.

On behalf of the nearly three thousand residential care home residents in Connecticut the Long Term Care Ombudsman Program appreciates your consideration and support of Raised Bill No. 5232.