



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

LONG TERM CARE OMBUDSMAN PROGRAM

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AGING COMMITTEE

Public Hearing

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Submitted by

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State Long Term Care Ombudsman

Good morning Senator Prague and Representative Serra and honorable members of the Aging Committee. My name is Nancy Shaffer. I am the State Long Term Care Ombudsman. Thank you for this opportunity to testify about the proposed legislation before you today. The Long Term Care Ombudsman Program is mandated by the Older American's Act and by Connecticut General Statute 17b-400 to protect the health, safety, welfare and rights of residents of long term care facilities. The Ombudsman Program represents the approximate 35,000 residents living in Connecticut's skilled nursing facilities, residential care homes and assisted living facilities.

The proposed legislation upon which I comment today promotes the concepts of the federal Patient Protection and Affordable Care Act (PPACA) regarding nursing home reforms. The strengths promoted by the PPACA are 1) to enhance the availability of information about the operation of nursing facilities, 2) to create ways to enhance compliance with federal regulations, and 3) to increase responsiveness to residents' concerns. The passage of the following legislation supports these goals.

Raised Bill No. 1064 AN ACT CONCERNING NOTIFICATION OF FINANCIAL STABILITY OF NURSING HOME FACILITIES AND MANAGED RESIDENTIAL COMMUNITIES TO PATIENTS AND RESIDENTS.

The Long Term Care Ombudsman Program wholly supports this bill. The Ombudsman Program promotes educating consumers and providing them with complete information at all levels along the continuum of long term care in order that they may make the best decisions for themselves or their loved one.

As you are aware, the State of Connecticut has experienced a large number of nursing home bankruptcies, receiverships and closings in the past few years. The Ombudsman Program has had a number of complaints from consumers regarding lack of public information and/or notification prior to admission about the financial status of that nursing home. While I believe it has been the best practice of state receivers in recent years to inform consumers prior to admission of the business status of the home, they are not obligated by law to do so. Further, when a home is in bankruptcy there is no

requirement to inform prospective residents that the home they are considering is in bankruptcy reorganization. Once the resident has been admitted and settled into a new surrounding, it can be unsettling to learn of these financial issues and the consumer feels as if they have been misled or duped by not having full disclosure regarding the home's financial status. And in turn, it is not generally in the resident's best interest to put them through a transfer to another facility when the resident or family are not comfortable with the facility's financial issues or believe deficient care and services may result or have resulted from those financial issues.

The financial status and overall financial health of a health care facility is always important to the care and services that a nursing home or a managed residential community provides. Full disclosure of financial information related to either bankruptcy reorganization or to a home in state receivership, provides prospective individuals with appropriate information during their decision-making process. Whether the consumer chooses a facility after learning of a state receivership or bankruptcy reorganization can be based on many factors. But, it's important they have opportunity to make that decision based on all available information. The very best information is often obtained when the consumer visits a facility and sees for themselves the kind of care provided and the environment in which it is provided. They can assess for themselves the impact of the financial status on the care and services as well as research the financial viability of the business. The bankruptcy reorganization or state receivership information should be readily accessible and visible, conveyed to the consumer by a posting at the home and a notification in the admission information packet. Individuals already residing in the nursing home are provided written notification of the business entity's change in financial status in both a receivership and bankruptcy reorganization. However, the residents of managed residential communities do not have the same protections and should be included and assigned the same rights to information as residents of nursing homes.

It is so difficult to move into a nursing home or assisted living facility and it is equally difficult to place a loved one in a nursing home or assisted living facility, but imagine admitting your loved one to an institution and then finding out the home is in bankruptcy reorganization and later to learn you must relocate your loved one due to the home's closing. This has happened to Connecticut nursing home residents in the past few years. To be sure, many bankruptcy reorganizations and receiverships do not end in the home closing, but it should be the consumer's right to have all of the information prior to making an admission decision. This bill will enhance public information about the operation and financial status of nursing homes. I respectfully urge the legislators to pass this legislation.

Raised Bill No. 1065 AN ACT CONCERNING FEAR OF RETALIATION TRAINING IN NURSING HOME FACILITIES

The Connecticut General Statute, 19a-550 (b) (5), the Patient Bill of Rights specifically states that the resident "may voice grievances and recommend changes in policies and

services to facility staff or to outside representatives of the patient's choice, free from restraint, interference, coercion, discrimination or reprisal..."

Prompted by a resident question at the VOICES Forum in 2005, Connecticut's Long Term Care Ombudsman Program (LTCOP) initiated a statewide work group and also commissioned the University of Connecticut Health Center to study Fear of Retaliation in skilled nursing facilities. That study concluded that **Retaliation** and the **Fear of Retaliation** is a reality in any supportive housing situation. Retaliation can be either egregious or subtle; many forms of retaliation may not even be recognized by residents or staff. It is essential then that staff and caregivers be educated about retaliation and that they are sensitive to how this is experienced by the resident and that they learn how to recognize and alleviate resident concerns about retaliation. Each nursing home administrator must assure that all federal and state requirements are met by his or her facility. In order to comply, most nursing homes provide annual training on Residents' Rights to their staff. This legislation would require that a component of that training be specific to Retaliation and Fear of Retaliation. A component about Fear of Retaliation in the Residents' Rights training complements and enhances the education of the staff on this subject. As a result, the resident's experience and their ability to voice their concerns and grievances is improved.

The Ombudsman Program strongly believes that at the foundation of Residents' Rights is the resident's ability to voice their concerns without fear of reprisal. The proposed legislation provides the opportunity for greater understanding of retaliation and fear of retaliation through staff training. On behalf of Connecticut's Statewide Coalition of Presidents of Resident Councils and all Connecticut nursing home residents we ask that you pass this legislation. This bill will provide an enhancement to the federal and state protections of Residents' Rights, thus promoting a goal of the PPACA.

Raised Bill No. 6452 AN ACT CONCERNING GRIEVANCE COMMITTEES IN NURSING HOME FACILITIES

A suitable conduit for residents to voice their grievances in the nursing home setting is a Grievance Committee. Residents must be assured their concerns will be heard and they should have a means by which to express those concerns as well as be provided a mechanism for resolution. A Grievance Committee is a suitable tool by which residents have the ability to channel their concerns. And a Grievance Committee which includes one of their peers is especially empowering and gives opportunity for a resident to participate in the grievance resolution process as well as inform the facility's grievance policy from the perspective of a resident.

This bill further enhances Federal and State Residents' Rights protections and also achieves the PPACA goal of increasing responsiveness to residents' concerns.

Thank you for this opportunity to comment on three important proposals which will further improve the quality of life for Connecticut long term care consumers.

