



Testimony to the Aging Committee

Presented by Mag Morelli, President, LeadingAge Connecticut

February 28, 2012

Regarding

- **Senate Bill 137, An Act Concerning Fear of Retaliation Training in Nursing Home Facilities**
- **Senate Bill 138, An Act Establishing a Task Force To Study "Aging in Place"**
- **Senate Bill 139, An Act Concerning Notification of Financial Stability of Nursing Home Facilities and Managed Residential Communities to Patients and Residents**
- **Senate Bill 140, An Act Concerning Grievance Committees in Nursing Home Facilities**
- **Senate Bill 142, An Act Increasing Eligibility for the Connecticut Home-care Program for the Elderly**
- **Senate Bill 143, An Act Increasing Eligibility and Funding for the Alzheimer Respite Care Program**
- **Senate Bill 176, An Act Concerning Air Conditioning in Nursing Homes**
- **Senate Bill 177, An Act Concerning Liability of Nursing Home Owners for Neglect and Abuse of Nursing Home Residents**
- **Senate Bill 178, An Act Concerning Income Tax Deductions for Long-term Care Insurance Premiums**
- **House Bill 5215, An Act Increasing the Personal Needs Allowance**

Good morning Senator Prague, Representative Serra, and members of the Aging Committee. My name is Mag Morelli and I am the president of LeadingAge Connecticut, a membership organization representing over 130 mission-driven and not-for-profit provider organizations serving older adults across the continuum of long term care. (LeadingAge Connecticut was formerly named the *Connecticut Association of Not-for-profit Providers for the Aging or CANPFA*.)

Our members are sponsored by religious, fraternal, community, and governmental organizations that are committed to providing quality care and services to their residents and clients. Our member organizations, many of which have served their communities for generations, are dedicated to expanding the world of possibilities for aging.

On behalf of LeadingAge Connecticut, I would like to testify on several of the bills that are before you today and offer the Committee our assistance as you consider these various issues.

Senate Bill 137, An Act Concerning Fear of Retaliation Training in Nursing Home Facilities

We support the Long Term Care Ombudsman's Office and the Statewide Resident Council's proposal to incorporate fear of retaliation training into the annual in-service training requirements for skilled nursing employees, but would respectfully suggest that a one hour minimum training on this topic may be an excessive minimum time period for employees who have been trained in previous years. The Committee should also note that this requirement is being proposed for all employees and not just direct care employees.

Senate Bill 138, An Act Establishing A Task Force to Study Aging in Place

LeadingAge Connecticut promotes a vision in which every community offers an integrated and coordinated continuum of high quality and affordable long term health care, housing and community based services – including services and supports beyond the health care continuum. So we support the concept of this study which will broaden our understanding of the needs of our older population as they strive to maintain their independence and "age in place." Many of our state's efforts in this area have been focused on the Medicaid program and it is important to expand our focus and develop a better understanding of how we can meet the aging needs of everyone within our communities.

Senate Bill 139, An Act Concerning Notification of Financial Stability of Nursing Home Facilities and Managed Residential Communities to Patients and Residents

LeadingAge Connecticut supports the concept of transparency and informed decision making and we do not object to this bill.

Senate Bill 140, An Act Concerning Grievance Committees in Nursing Home Facilities

The proposed language of this bill reflects suggestions made by LeadingAge Connecticut when the concept was proposed last session and we appreciate the Committee making those changes. We continue to have a concern that it may be difficult to find a resident capable of serving on such a committee in every nursing home. In such cases, we would suggest that the nursing home be able to consult with the Ombudsman's office and be permitted to offer an alternative committee structure.

For the committee's information, current law, Resident Bill of Rights 19a-550(b)(5) and (6), provides that a resident "may voice grievances...free from restraint, discrimination, etc.." The resident also has the right to "have prompt efforts made by the facility to resolve grievances the patient may have, including

those with respect to the behavior of other patients." Federal OBRA regulations contain similar requirements -- right to voice grievances and have them resolved promptly. (42 CFR 483.10(f).) Due to these existing resident rights provisions, facilities have grievance policies in place already and this proposal would be adding an additional layer of requirements.

Senate Bill 142, An Act Increasing Eligibility for the Connecticut Home Care Program for the Elderly

Senate Bill 143, An Act Increasing Eligibility and Funding for the Alzheimer's Respite Care Program

LeadingAge Connecticut believes in the principle of ensuring choice for our seniors regardless of where they fall on the continuum of care. And we believe that a strong and balanced continuum of care that provides the right care, in the place, at the right time will lead to a more efficient and effective care delivery system. It is for these reasons that we continue our support and encourage your support for these valuable funding sources for community based long term care services.

Senate Bill 176, An Act Concerning Air Conditioning in Nursing Homes

LeadingAge Connecticut cannot support this bill as written. The bill before you today proposes to mandate that within little more than a year, all nursing homes must have an air conditioning system in all resident rooms. It is our opinion that this mandate is overreaching and will impose an expensive requirement on many nursing homes that already have adequate cooling systems and emergency hot weather plans, but that do not specifically have air conditioning systems *in every resident room*.

The concern should be that every nursing home has an adequate cooling or climate control system to provide for the comfort, health and safety of their residents and an adequate plan in place for extreme heat or hot weather emergencies. Each nursing home's cooling or climate control system and hot weather plan should be reviewed with regulators and steps taken to upgrade or install additional equipment as necessary to ensure the comfort, health and safety of residents during hot weather conditions. This would be a more practical way to effectively approach this concern considering the diverse array of nursing home buildings in this state.

The Department of Public Health conducted a survey of the state's nursing homes in 2010 and found that all Connecticut nursing homes have some level of air conditioning in their facilities. These findings are very positive, especially when you consider the age of most of our nursing homes. Reviewing the Department's survey results, it appears that this proposal for air conditioning systems in every room would have a significant fiscal impact on *at least* seventy-four nursing homes that are considered to be "air conditioned," but which do not have a system in each resident room. Many of these homes have air conditioning in hallways and common spaces. Many have individual window units in resident

rooms as needed. I know that at least fifteen of our forty-six member nursing homes would be affected by this mandate at costs of tens of thousands and up to hundreds of thousands of dollars each, and yet none of these homes has a hot weather cooling concern.

The reports of heat emergencies in isolated nursing homes should not be ignored. We agree that nursing homes should plan for extreme weather conditions, as they do for other emergency scenarios and we believe that all nursing homes do have such a plan. In addition, the Department of Public Health is very diligent about sending out recommendations for management of nursing home residents during hot weather. These recommendations are routinely incorporated into nursing homes' emergency operations plans. We would support enhancing the planning requirements so that all such plans are submitted annually to the Department of Public Health on a date specific and prior to the months of potential hot weather and we would welcome and encourage a dialogue with the Department on other ways nursing homes can prepare for weather related emergencies in a proactive manner.

We do appreciate the loan proposal contained in the bill to provide assistance to nursing homes seeking to finance air conditioning installations, enhancements or upgrades. However, we must point out that this is a loan program and not a direct reimbursement. State reimbursement for physical plant improvements has been frozen and remains frozen throughout this biennial budget.

Senate Bill 177, An Act Concerning Liability of Nursing Home Owners for Neglect and Abuse of Nursing Home Residents

LeadingAge Connecticut objects to this proposed bill that would require that the Department of Public Health include a notice on all nursing home change of ownership applications stating that any nursing home licensee or owner (including officers and directors), administrator, medical director, director of nursing and assistant administrator, "may be subject to criminal liability, in addition to civil and administrative sanctions under federal and state law, for the abuse or neglect of a resident of the nursing home perpetrated by an employee of the nursing home." The bill also would require that this same notice be sent to all existing nursing home licensees or owners and that it be printed in **18 point type.**

Elder abuse is inexcusable, and those who break the public's trust should be harshly punished. This is why the federal government established the Elder Justice Act in the Patient Protection and Affordable Care Act of 2010. However, in condemning and combating abuse, we must also acknowledge the many geriatric professionals and frontline caregivers in this state who provide exemplary, compassionate care for the very frail nursing home residents. A threatening notice such as the one proposed is hardly the message that needs to be sent to these professionals and caregivers.

To the extent the notice is intended to summarize criminal liability that already exists under state law, it is wrong. There is no state statute that provides for criminal liability of any of the categories of individuals enumerated in the proposed bill in connection with an employee's abuse or neglect of a nursing home resident.

Senate Bill 178, An Act Concerning Income Tax Deductions for Long-Term Care Insurance Premiums

LeadingAge Connecticut supports this effort to encourage individuals to purchase long term care insurance and to take personal responsibility for the financing of their future long term care expenses.

Senate Bill 5215, An Act Increasing the Personal Needs Allowance

LeadingAge Connecticut supports this effort to increase the personal needs allowance by \$5 per month. The additional amount of money can enhance an individual's personal experience and quality of life as a resident of a skilled nursing facility.

Thank you for this opportunity to provide this testimony and I would be happy to answer any questions.

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