



**Testimony of AARP Opposing H.B. 6543**  
**AN ACT AMELIORATING THE DEBT OWED TO NURSING FACILITIES.**  
**Human Services Committee**  
**March 5<sup>th</sup>, 2013**

AARP is a nonprofit, nonpartisan organization, with a membership of more than 37 million, nearly 600,000 of whom live right here in Connecticut, which helps people age 50 and up turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment security and retirement planning.

AARP opposes H.B. 6543. This proposal would allow nursing homes to discharge what are many times frail elderly nursing home residents from their homes by making changes to the nursing home discharge statute. The nursing home industry is seeking the authority to discharge residents for failure to pay applied income, even if nonpayment is beyond their control.

For example:

- Family members may be competing in probate court for appointment as conservator or for the removal of the current conservator or guardian. Until that dispute is resolved, it may be legally impossible for anyone to direct applied income to the nursing home. Such dispute may well go past the time limit required by the proposal;
- There may be a dispute with DSS as to the amount of the applied income. This is most often the case where there is a community spouse, who is entitled to some or all of the resident's income as a community spousal allowance and where the law allows the community spouse to seek more than the statutory minimal allowance. These appeals typically take longer than 60 days at the agency level and much longer if a Superior Court appeal is needed;
- There may be other valid legal claims against the resident's income. Some, such as federal taxes, may have superior legal claim to this income;
- The delay in paying the applied income may be caused by delays or mistakes in the probate court system.

The proposal increases State Medicaid costs. If discharged, the resident would need to be transferred to another nursing home or a hospital. Since no nursing home would accept a patient unable to pay their applied income, transfer to a hospital would be the only option. Patients transferred to a hospital would have to remain there until the applied income issue was resolved, at a significantly higher cost to Medicaid and the State.

Nursing facilities already have several remedies at their disposal to collect money owed to them under existing laws, nursing homes can, and routinely do, seek payment of applied income through the Probate and Superior Courts. The nursing facility could also request a resident to designate them as their Representative Payee for Social Security. Nursing facilities also have the option to go after a responsible party for fraud.

AARP CT is happy to work with the General Assembly and/or the nursing home industry to ensure that they are able to receive full payment, without discharging frail elderly residents to inappropriately higher levels of care, or potentially much worse.

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