

STATEWIDE COALITION OF PRESIDENTS OF RESIDENT COUNCILS

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Testimony by
Brian Capshaw, Executive Board Member of
Statewide Coalition of Presidents of Resident Council
Aging Committee
February 5, 2013
Brian Capshaw

Hello, my name is Brian Capshaw and I live at Aurora Senior Living Center of East Hartford a nursing home. I'm testifying on behalf of the Statewide Coalition of Presidents of Resident Councils representing all 26,000 Connecticut nursing home residents.

Senator Ayala, Representative Serra and distinguished members of the Aging Committee. I like to thank you for putting forth SB 519, fear of retaliation training in nursing homes, HB 5766, comfortable and safe temperatures in nursing homes and HB 5763, establishment of grievance committees in nursing homes, HB 5761 liability of owners for neglect and abuse, and HB 5760, an increase in the personal needs allowance for nursing home residents on Medicaid.

HB 5760, which would increase the personal needs allowance for 16,000 nursing home residents from \$60 to \$72.75, is exactly the correct amount. In the 2011 budget the nursing home residents on Medicaid took a 13% or \$9 reduction in their personal needs allowance to save the state 1.7 million dollars, this reduction was listed as temporary in the budget.

Effective January 1st 2012, all social security recipients received a 3.6% increase in their monthly benefit, and again in 2013 another 1.7% increase to their benefit was given. As nursing home residents we will turn these increases over to the nursing home owners as cost of care. These results show the state contributing less Medicaid dollars to nursing homes, saving the state \$4 million in Medicaid spending in 2012 and \$6 million in 2013. The \$12.75 increase comes at a cost of only \$2 million, still leaving the state with \$4 million in net Medicaid savings for 2013. We would also like to see the language in the bill changed so future increases are not tied to an increase in the consumer price index but when social security recipients receive a cost of living adjustment, the personal needs allowance is also adjusted. We feel this change will give the bill a better chance of passing.

Fear of retaliation is real and does exist. SB 519 is an excellent follow up to the groundbreaking video "Voices Speak Out Against Retaliation" created by the Long Term Care Ombudsman Program.

I feel strongly that this training needs to be required to alleviate our fear of the staff members that care for us on a daily basis. Nursing home staff may feel they are acting in a proper manner, but to a resident it may be just the opposite.

A simple example, when an aide does not recharge residents' electric chair overnight because the resident has been labeled a "trouble maker" because they've written a formal grievance against an aide, this is a form of retaliation.

HB 5763 would require that each nursing home establish a grievance committee consisting of one resident and two staff members. The person filing the grievance has the option to send their grievance to the committee or kept it private with the administrator. All nursing homes provide a grievance form, but many times they seem to go into a black hole and get lost. By requiring all nursing homes to have a grievance committee, grievances can be resolved in a timely manner and residents will get a resolution to their grievance.

HB 5761, which holds nursing home owners and certain staff members criminally liable, in addition to civil and administrative sanctions for neglect and abuse of nursing home residents. We are a vulnerable population, and as nursing home residents we and are family members should be able to hold the owners and staff of a nursing home liable in the event that they or a loved one have been abused or neglected. We would also like to see the legislation go further in that each nursing home must send a form to the coroner's office when a resident passes away, so the coroner can determine if abuse or neglect may have been the cause of death as is the law in Arkansas and Missouri.

HB 5766, which requires nursing homes to keep safe and comfortable temperatures in rooms and common areas in the nursing homes in which we live. Residents of nursing homes are highly susceptible to problems with temperature issues. If our facilities are too hot in the summer months we are susceptible to dehydration and in winter months if our facilities are too cold influenza becomes an issue.

In conclusion, I urge the Senate and the House and both parties to find common ground and pass these bills.

I'd to thank the Aging Committee for your time and consideration. I respectfully urge you to support Connecticut's nursing home residents who need quality facilities where they can live without fear, in a comfortable environment and know our owners will be held criminally liable for neglect and abuse, as well as have their grievances resolved in a timely manner. The increase in the personal needs allowance will help to provide for the simple extras that maintain our quality of lives, such as clothing, cable TV, a meal ordered out, telephone, haircuts or just a snack from the vending machine.

Thank you

Brian Capshaw

Statewide Coalition of Presidents of Resident Council