



## Testimony to the Aging Committee

Presented by Mag Morelli, President, LeadingAge Connecticut

February 5, 2013

### Regarding

- **Senate Bill 79**, An Act Requiring Electrical Power Generators At State-Assisted Senior Housing Developments
- **Senate Bill 518**, An Act Creating A Task Force To Study Employment Issues Concerning Registries In The Homemaker And Companion Services Industry
- **Senate Bill 519**, An Act Concerning Training Nursing Home Staff About Residents' Fear Of Retaliation
- **Senate Bill 522**, An Act Increasing Funding For Elderly Nutrition
- **Senate Bill 523**, An Act Concerning The Return Of A Gift To A Person In Need Of Long-Term Care Services
- **House Bill 5757**, An Act Increasing Eligibility For The Connecticut Home-Care Program For The Elderly
- **House Bill 5758**, An Act Concerning An Income Tax Deduction For Long-Term Care Insurance Premiums
- **House Bill 5760**, An Act Increasing The Personal Needs Allowance
- **House Bill 5761**, An Act Concerning Notification To Potential And Existing Nursing Home Owners
- **House Bill 5762**, An Act Concerning A Study Of Funding And Support For Home And Community-Based Care For The Elderly And Alzheimer's Patients
- **House Bill 5763**, An Act Concerning Grievance Committees In Nursing Home Facilities
- **House Bill 5765**, An Act Expanding Eligibility For The Alzheimer's Disease Respite Care Program
- **House Bill 5766**, An Act Concerning Nursing Home Compliance With Comfortable And Safe Temperature Standards

Good morning Senator Ayala, 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 including senior housing.

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 79, An Act Requiring Electrical Power Generators at State-Assisted Senior Housing Developments**

LeadingAge Connecticut represents many affordable senior housing organizations including several state-assisted housing developments. We appreciate what we believe to be the intent of this proposal which is to ensure that the elderly residents of state-assisted housing developments are sheltered and protected during electrical power outages. We agree that emergency preparedness plans must be in place for all senior housing sites and that such plans should be established in coordination with local municipal authorities.

We are however concerned about the fiscal impact of this proposal requiring purchase of back-up generators. The cost of installing and maintaining a backup generator that provides limited power to a housing community is very high. The initial cost can be anywhere from \$50,000 to \$150,000 for a typical elderly housing site of 30 to 50 units. The cost is dependent on the size of the facility and the anticipated electrical load. For example, one of our members recently installed a generator in a forty unit community at a cost of approximately \$125,000 and that generator can provide power to the building systems, common areas and limited power to each unit.

Senior housing sites should work with municipal agencies to plan for long term power outages and it would be extremely helpful for the state to offer low cost or no cost loans or grants to housing providers who choose to install back-up generators as part of their plans. However, mandating the purchase of back-up generators without providing the funding for such purchases would be unachievable for many elderly housing communities.

### **Senate Bill 518, An Act Creating a Task Force to Study Employment Issues Concerning Registries in the Homemaker and Companion Services Industry**

Navigating the options for homemakers, companions, and direct caregivers can be a very confusing process and we support every effort to make that decision making process easier and more transparent for consumers. In 2011 the state enacted Public Act 11-230, An Act Concerning Homemaker Services and Homemaker-Companion Agencies, which requires homemaker service and homemaker-companion agency registries to notify a consumer within seven days of providing a referral or placement, if he or she may be considered the employer of the homemaker or companion and thus responsible for withholding applicable taxes or making other payments. We supported that legislation because we thought it would serve a vital role in providing consumers with the information needed to make an informed decision regarding employment of long term care workers in their homes. It was anticipated that if a consumer did not want to be

considered the employer, than they would not agree to such an arrangement with the agency.

The proposal before you today would now establish a task force to study whether these registries should take over the full responsibility for the unemployment insurances and workers' compensation coverage for all persons placed through that agency. We would be supportive of such a study as it would inform decision makers when they are considering future regulatory decisions regarding this segment of the continuum. We would also be interested in participating on the task force or assisting in any manner that would be helpful.

*Please note: An excellent consumer guide entitled, "What Consumers Should Consider When Hiring a Personal Caregiver," was prepared collaboratively by The Home Health Legislative Workgroup of the Connecticut General Assembly and The Connecticut Association for Home Care & Hospice now named The Connecticut Association of Health Care at Home and can be found on their website at [www.cahch.org](http://www.cahch.org).*

#### **Senate Bill 519, An Act Concerning Training Nursing Home Staff About Residents' Fear Of Retaliation**

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.

There is another provision proposed in this bill that would require the State Ombudsman to create, and periodically update as needed, a training manual for nursing home facilities that provides guidance on structuring and implementing the required in-service training. We have no objection to this proposal as long as this training manual is intended to provide guidance and is not considered a mandate as to how nursing home facilities structure and implement their required in-service training. We support nursing facilities continuing to be able to utilize in-service training programs that best fit their training needs and that incorporate best practices and updated training modules and we are concerned that all such options may not be included in a single manual that is only periodically updated.

#### **Senate Bill 522, An Act Increasing Funding for Elderly Nutrition**

Thank you for raising this bill that acknowledges the need to increase funding for elderly nutrition programs. The costs associated with the delivery of congregate and home delivered meals have dramatically increased over the last several years which has unfortunately caused a reduction in the ability to provide the same level of service to our elderly. It is critical that we restore and maintain an adequate level of service because affordable, nutritious meals for seniors are essential for their health and well-being. For many, the meal they receive at the congregate meal sites or through home delivery is the only nutritious meal they can afford. That is why we strongly support an increase in funding.

Helping people to stay in the community is a basic goal of our state's long term care plan

and a strong elderly nutrition program is central to the success of that goal. We urge the Committee to support the elderly nutrition program and to increase the funding for this vital community support for our elderly.

**Senate Bill 523, An Act Concerning the Return of a Gift to a Person in Need of Long-Term Care Services**

LeadingAge Connecticut supports the intent of this proposal which is to lessen the financial burden that a nursing home resident's Medicaid penalty period places on the nursing home by allowing the partial return of a transfer asset to reduce the imposed time of the penalty period.

Medicaid penalty periods are imposed on individuals residing in nursing homes when there is an inappropriately transferred asset discovered during the eligibility process. The penalty period creates a length of time when Medicaid will not pay and the resident therefore has no payer source. This creates a tremendous financial strain on the nursing home as they are required to provide the resident with care that they are not compensated for throughout the entire penalty period.

We urge the state to recognize and alleviate this and other financial burdens that nursing homes currently bear regarding uncompensated care. The nursing home is the only segment of the long term care continuum that is required to provide unlimited periods of uncompensated care to residents who are in Medicaid penalty periods, residents with pending Medicaid applications and residents who are withholding applied income payments. While the bill before you today would provide some relief, we would also propose that the state take steps to ease the burden of uncompensated care by improving the eligibility process and strengthening the nursing home's ability to recover assets and collect applied income payments.

**House Bill 5757, An Act Increasing Eligibility for the Connecticut Home-Care Program for the Elderly**

**House Bill 5765, An Act Expanding Eligibility for the Alzheimer's Disease Respite Care Program**

LeadingAge Connecticut believes in the principle of ensuring choice for persons seeking long term services and supports and we know 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 strongly support both the Connecticut Home Care Program for the Elderly and the Alzheimer's Respite Care Program.

While we would always support expansion of these programs, we are right now very concerned about the ability to serve those currently enrolled in the programs. Unfortunately, the funding for both programs was affected by the 2012 budget rescissions and many elderly clients have seen their services reduced as a result. We encourage the Committee to place a priority on restoring the funding to these programs so that the elderly that are currently eligible and enrolled can receive the services and supports they need to remain in the community.

**House Bill 5758, An Act Concerning an Income Tax Deduction 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.

**House Bill 5760, An Act Increasing the Personal Needs Allowance**

LeadingAge Connecticut supports the effort to increase the personal needs allowance for nursing home residents. The additional amount of allowance can enhance an individual's personal experience and quality of life as a resident of a skilled nursing facility.

**House Bill 5761, An Act Concerning Notification to Potential and Existing Nursing Home Owners**

LeadingAge Connecticut objects to this proposed bill as it is written. The bill 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, assistant administrator, medical director, director of nursing or assistant director of nursing, "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.

**House Bill 5762, An Act Concerning a Study of Funding and Support for Home and Community-based Care for the Elderly and Alzheimer's Patients**

We support this proposed study and would offer our assistance to the Commission on Aging if they are indeed charged with conducting the study. As we move toward rebalancing our long term care system and enhancing our home and community based network, we must look to strengthen the resources available in the community to individuals and their caretakers in need of dementia care services and supports. We all must work toward meeting this growing need.

**House Bill 5763, An Act Concerning Grievance Committees in Nursing Home Facilities**

The proposed language of this bill reflects suggestions made by LeadingAge Connecticut when this concept was proposed in previous sessions and we appreciate the Committee making these 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. We also would recommend that the language of the bill be modify to reflect the current Resident Bill of Rights which provides the resident with the right to prompt *efforts to resolve* grievances. The current bill language would require that the grievance actually *be resolved* which we all understand cannot always be achieved.

We continue to maintain that a mandated grievance committee structure many not be necessary as 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 including the 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.

**House Bill 5766, An Act Concerning Nursing Home Compliance with Comfortable and Safe Temperature Standards**

We do not object to this proposed bill which would establish an administrative process for the enforcement of the minimum temperature standards when non-compliance is due to inadequate physical plant that is in need of repair or improvements.

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

**Mag Morelli, LeadingAge Connecticut, 1340 Worthington Ridge, Berlin, CT 06037  
(860)828-2903 [mmorelli@leadingagect.org](mailto:mmorelli@leadingagect.org)**