

Testimony of Deborah Chernoff

Communications Director, New England Health Care Employees Union, District 1199, SEIU

Before the Committee on Human Services

RE: SB 852, ***AN ACT CONCERNING NURSING HOME OVERSIGHT AND COMMUNITY-BASED PLACEMENTS***

Senator Slossberg, Representative Abercrombie and distinguished members of the Human Services Committee:

My name is Deborah Chernoff and I am here today representing the 25,000 health care workers in our union, District 1199, especially the 7,000 nurses, nursing assistants and support staff in Connecticut's nursing homes. I also serve on the state's Long Term Care Advisory Committee, so I am deeply familiar with the issues this bill attempts to address.

I would like to suggest that there are critical missing components in the language as written that should be added to make this bill more effective and responsive to the broad public interest in nursing home stability and community-based placements

### **Add employee and Department of Labor representation to the Nursing Home Financial Advisory Committee membership**

The Nursing Home Financial Advisory Committee membership proposed lacks the insight, input and deep on-the-ground working knowledge of key stakeholders: our members, the caregivers in the facilities who know from their daily work experience when and if a particular nursing home is struggling financially, long before the Cost Reports roll into DSS. Whether it's bouncing paychecks, unpaid medical benefits, shortages on supplies, lower-quality food or cuts to working hours, our nurses, aides, dietary workers, housekeepers and receptionists are canaries in the coal mine of nursing home financial fragility. Our jobs and care for the nursing home residents we love is on the line here. I respectfully suggest that the language of Section (a) be amended to include a representative of workers covered under collective bargaining agreements in for- or non-profit skilled nursing facilities.

I would also suggest that a representative from the Department of Labor be added to the Committee. This is also a critical jobs and workforce issue. Around 30,000 people work directly in the nursing home industry—far more have jobs indirectly linked. Closures, bankruptcies and receiverships affect all of those people, their families and their communities. We can't just put those issues away in a separate silo and pretend they are some other body's responsibility to consider and plan for.

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### **Include consideration of workforce issues created by nursing home financial instability in Committee's mandate**

Nor should we delude ourselves that all of these displaced nursing home employees will simply and easily transition to providing home care services. As advocates for our residents, the members of 1199 strongly support Home and Community Based Placements for every person who wants and is eligible to be cared for outside a nursing home. But we are talking about women and men who now earn a decent wage, have regularly scheduled hours, access to medical benefits and are covered by Worker's Comp insurance moving to working for \$9-\$12 per hour with no benefits, no full-time hours and, in most cases, no Worker's Comp coverage. Until and unless we address those issues, we're fooling ourselves and worse, promising services to people we can't deliver because we won't have the stable workforce to meet the demand. So representation on this Committee from the DOL is also essential.

### **Expand early notification of intent to file Certificate of Need to DOL and employees**

Similarly, and based on the same fundamental concerns, I propose a friendly amendment to Section 3 (b). An earlier indication that a facility intends to expand, contract or close services is of critical concern to employees and to the Department of Labor in planning and appropriately responding to the possibility of such an event. I would therefore amend the language to include written notification of any proposed action pursuant to Section 17b-400 at least 30 days prior to the facility submitting a Letter of Intent for a Certificate of Need (CON) to the designated representative of nursing home employees of the facility and to the Department of Labor.

This is necessary because we have all seen what happens when a nursing home files for a CON to close. Families, residents and employees panic; many immediately assume the worst and move to another facility, lowering the census beyond sustainability so closure becomes a self-fulfilling prophecy. Given adequate notice makes for a calmer, more objective analysis of the situation, allows for planning not based on panic, and would give our members, who know the needs and wishes of their residents more intimately than anyone else, the opportunity of contributing their voice and knowledge to the process of helping those who can transition to home care.

Thank you for this opportunity to speak to ways this bill can be more effective in improving the lives, care and stability of Connecticut citizens who need services and support, whether at home or in nursing facilities.