Connecticut Department of Social Services
Making a Difference

Testimony before the Human Services Committee
Kathleen M. Brennan, Deputy Commissioner
January 29, 2015

Good afternoon, Senator Moore, Representative Abercrombie and distinguished members of the Human Services Committee. My name is Kathleen Brennan and I am the Deputy Commissioner of the Department of Social Services. I am here before you today to testify on bills that have impact on the Department.

PROPOSED H.B. No. 5257 AN ACT REQUIRING NOTICE OF NURSING HOME RESIDENT ABUSE

This proposal requires the Commissioner of Department of Social Services to immediately notify relatives or other persons designated to receive such notice of any substantiated abuse of a nursing home resident.

The Department maintains a procedure that allows for the notification to designated family members or other authorized individuals when the Department receives notification of a substantiated report of abuse while maintaining the client's privacy. The client or the client's personal representative (someone with legal authority to sign on behalf of the client) may sign an authorization that permits the Department to notify specific individuals in the event of a substantiated report of abuse. The Department's current procedure permits the type of notification provided for under the proposed bill, while allowing the client to retain control over the extent of the release of the protected information.

The proposed bill does not sufficiently protect a client's privacy as it fails to limit the extent of the notification requiring notification to the general term "relatives" which would expand the distribution of the notice to any relative of the client, rather than limiting the disclosure to those specifically identified by the client or the client's authorized representative. The bill also does not account for the fact that relatives often are abusers and would, in effect, require DSS to notify the abuser of the claim.

Further, the bill places a burden on the Department of finding and notifying all relatives, even those who are estranged from or uninvolved in the client's life.

While the e Department is and remains fully committed to ensuring the safety and protection of our nursing home community, for the reasons I have stated, we are unable to support proposed H.B. 5257.