



Testimony to the Human Services Committee

Presented by Mag Morelli, President of LeadingAge Connecticut

March 3, 2016

Regarding

SB 278, An Act Concerning Nursing Home Facility Minimum Staffing Levels

SB 280, An Act Concerning the Long-term Care Ombudsman's Notice to Nursing Home Residents

HB 5437, An Act Concerning Nonemergency Medical Transportation for Medicaid Recipients

HB 5257, An Act Concerning Medicaid Provider Audits

Good afternoon Senator Moore, Representative Abercrombie, and members of the Human Services Committee. My name is Mag Morelli and I am the President of LeadingAge Connecticut, a membership association of 130 not-for-profit organizations representing the entire field of aging services and senior housing. On behalf of LeadingAge Connecticut, I would like to testify on several bills before you today that are related to long term services and supports and aging services.

SB 278, An Act Concerning Nursing Home Facility Minimum Staffing Levels

Section 1:

LeadingAge Connecticut can support this section of the bill which would raise the minimum nursing home staffing requirements for licensed and certified nursing staff. While we support this bill, we do want to be sure that the Committee understands that both the Public Health Code and federal oversight regulations currently require nursing homes to staff at a level that meets the needs of residents. These same regulations authorize the Department of Public Health to assess penalties in certain cases when facilities fall short of staffing requirements and fail to employ sufficient staff to meet resident needs.

The bill also updates the manner in which we will measure the staffing level for nursing by proposing a daily minimum ratio which is the same calculation currently used by the Centers for Medicare and Medicaid Services (CMS) on the Nursing Home Compare website and which recognizes the necessity to staff to the needs of the residents over a full day of care.

We appreciate the request to defer to the Department of Public Health (DPH) to amend the regulations to implement the provisions of this section. Doing so will provide an opportunity to thoughtfully establish the state requirements to be in coordination and compliance with the federal CMS requirements, including the forthcoming electronic submission of staffing data through the Payroll-Based Journal (PBJ) that will be required of nursing homes later this year.

Finally, in that the term "direct care" is used elsewhere in the statutes, we would ask that DPH be requested to define the term specifically for the purpose of this statute.

We are pleased to lend our support to this section of the bill.

Section 2:

LeadingAge Connecticut cannot support this section of the bill which would mandate an increase in minimum staffing ratios and employment requirements for social workers in nursing homes. We ask that the Committee not move forward with this section of the bill.

The Public Health Code currently requires that social work service staff be employed in each facility sufficient *to meet the needs of the patients*. We are not aware of any concern from the regulatory authority that this current standard is not being met.

To forecast out to the year 2020 and implement additional increases in social work employment mandates is very concerning as we cannot count on the resources – either private or public – to pay for that mandate. If there was a demonstrated need or a commitment to fund this mandate, we may look upon it in a different light. But we cannot support the proposal at this time as written.

LeadingAge Connecticut nursing home members do staff to meet the needs of their residents and may also exceed that standard in different areas of the nursing home depending on the level of care provided. Raising the minimum ratios may require such nursing homes to reallocate social work staff in order to meet the new minimum ratio requirement throughout the building. In other homes, the future mandate for additional full-time employees will create a financial burden without a real demonstrated need to do so.

It is a very tumultuous time for nursing homes. They are adapting to a rapidly changing health care field while the state is facing a financial crisis. The public financing of long term resident care has been stagnant and the future of such financing is at risk.

A mandate to increase the number of social workers employed by nursing homes this year and then again in 2020 with the requirement that they be employed with full time status is prioritizing what employees will be hired or retained by nursing homes over the next five years.

Without additional resources, a mandate to increase the number and status of any one type of employee will most likely require the reallocation of resources and the reduction in expense or employment in other areas.

In such a changing and uncertain environment, any additional mandate that is proposed without additional funding must be thoroughly vetted and absolutely necessary. We do not feel that this is the case with the bill before you today.

SB 280, An Act Concerning the Long-term Care Ombudsman's Notice to Nursing Home Residents

LeadingAge Connecticut supports this effort to provide additional information to residents and their families when they are notified of the intent to close a nursing home. We agree that the letter should be specific to the resident's rights and the services available as they relate to the letter of intent and it is sensible to have the letter issued jointly from the Office of Long-Term Care Ombudsman and the State Department on Aging.

HB 5437, An Act Concerning Nonemergency Medical Transportation for Medicaid Recipients

The problems that have arisen from our current model for nonemergency medical transportation for Medicaid recipients have indeed affected older adults and particularly nursing home residents. We know that many people have earnestly attempted to find solutions to these problems and while we have seen improvement, we know that concerns remain. LeadingAge Connecticut would like to be helpful to the Committee and others who are seeking resolution to those concerns.

HB 5257, An Act Concerning Medicaid Provider Audits

LeadingAge Connecticut thanks the Committee for your continued attention to the issues surrounding Medicaid provider audits.

Thank you for the opportunity to testify. I would be happy to answer any questions.

Mag Morelli, President



(203) 678-4477, mmorelli@leadingagect.org
110 Barnes Road, Wallingford, CT 06492 www.leadingagect.org