



## PUBLIC HEALTH COMMITTEE

### Public Hearing

February 24, 2016

### Written testimony of State Ombudsman, Nancy Shaffer

Good morning Senator Gerratana and Representative Ritter, Senator Crisco and Representative Riley and esteemed members of the Public Health Committee. My name is Nancy Shaffer and I am the Connecticut State Long-Term Care Ombudsman. Per the Older American's Act and CT General Statutes 17a-405-422 inclusive, it is the duty of the State Ombudsman to provide services to protect the health safety, welfare and rights of individuals who reside in skilled nursing facilities, residential care homes and managed residential communities/assisted living facilities. The Ombudsman Program serves approximately 35,000 residents in the state of Connecticut who reside in one of these facilities for either a short or long-term stay. It is our responsibility, as Long-Term Care Ombudsmen to respond to concerns of residents and their families about their care and services and to resolve their complaints at the facility level and to the resident's satisfaction.

#### S.B. No. 209 (RAISED) AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING THE PROTECTION OF RESIDENTS IN HEALTH CARE INSTITUTIONS

The Long-Term Care Ombudsman Program supports the recommendations proposed by the Department of Public Health in S.B No. 209. The additional action this proposal provides to the Commissioner of Public Health to "Appoint temporary management for a facility in accordance with the provisions of 42 CFR 488.415, as amended from time to time, for a period of time to be determined by the commissioner" is an appropriate discretionary action when a nursing home facility is in violation of statutory or regulatory requirements. By definition, a Class A or B violation has either put resident(s) in immediate danger of death or serious harm or presents a probability of death or serious harm in the reasonably foreseeable future. When a violation rises to either level of harm the Department of Public Health may determine the violation is the result of systemic deficiencies and appointment of a temporary manager may be in the best interest of the resident population in order to correct the deficiencies.



We must remember that skilled nursing facility residents in particular are frail and vulnerable. They and their families depend on an adequate and well-trained staff to meet their care needs. Policies and procedures are foundational to supporting and directing the staff to provide good care. In federal fiscal year 2015, the largest numbers of complaints received by the Office of the State Ombudsman were in the category of resident care. This includes such issues as accidental or injury of unknown origin, falls, improper handling, failure to respond to requests for assistance, symptoms unattended, inadequate resident assessment, failure to follow plan of care or physician orders, medications/administration, organization.

The Ombudsman Program supports providing the Commissioner of Public Health the tools necessary to ensure sufficient remedies are available, including appointment of temporary management, to protect the health and welfare of residents.

I appreciate this opportunity to provide the Public Health Committee written testimony regarding S.B. No. 209 and I am available to answer your questions.

Respectfully,

A handwritten signature in cursive script that reads "Nancy Shaffer".

Nancy Shaffer, State Ombudsman

[Nancy.shaffer@ct.gov](mailto:Nancy.shaffer@ct.gov) or 860-424-5239