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A T T O R N E Y S A T L A W

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To: Connecticut General Assembly Human Services Committee

Comments re: SB 116 AN ACT CONCERNING CAREGIVER AGREEMENT
REQUIREMENTS FOR MEDICAID APPLICANTS OR RECIPIENTS.

From: Malcolm F. Barlow, Manchester, Connecticut

I oppose this bill as written and offer the following.

I worked as a social worker in the 1960s, and as an attorney representing the elderly since the 1970s. One truth I have learned is that an elderly person values home and family above all else. National surveys of the elderly give the same truth: an elder wants to stay at home with family.

In my law practice, I found the most effective tool to help the elderly get what they want most is the Care Agreement. It is the most effective thing in my tool box to make this happen, to keep the elderly person at home and with family. An elder may be too frail to live in any home without help. Devoted help is most often given by loving family members. The usual family candidates to provide this help are the children of the elder, the "sandwich" people who are between caring for their own children, and caring for their parents – all while trying to make ends meet.

Most children of the elderly that I meet would do anything for their parents without pay. They feel it is time to reciprocate for the care and nurture given them as young children. However, these children, these "sandwich" people, often face crushing burdens of conflicting responsibilities. I advise my elderly clients to do what they can to ease those burdens. If they have some income, some funds available, I advise the elderly client to offer it to a child or children as at least some compensation for the sacrifices they will surely have to make to keep the elderly parent at home, with family.

Proof of this view of the Care Agreement can be seen in many obits printed in every newspaper. Checking a few will reveal a frequent line: Sadie Smith passed away last Friday at home surrounded by her loving family.

This SB 116 as now written will attack the benefits of the Care Agreement. Parts of it most damaging include the stiff detail required when the Agreement is first written. An elder may have a need or two when the agreement is first written. Time will surely add to those needs, often urgently. To force the elderly and family to revise their Care Agreement with every

change is to threaten its integrity and flexibility. The Bill's other detail demands ignore the real world.

I urge that anyone voting passage of this bill first remove its hard edges, make it something that an elderly person and their family members can understand, can work with as time and needs progress.

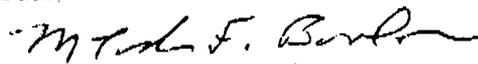
If this bill results in destroying the use of the Care Agreement as a tool of the elderly, it will hasten the forced move by the elderly into nursing homes. There the elderly person will not have the devoted care of a family member. There they will be in their most dreaded final residence, most often with minimal contact with family.

If a member of the General Assembly votes for this bill as written in order to save the State of Connecticut funds, I believe they will see the wrong result. Destroying the home and the family network will lead to more elderly moving into nursing homes. Once in a nursing home at nursing home rates the elderly will exhaust their funds and apply for Medicaid. Connecticut's already heavy burden will grow more rapidly.

Passage of this bill will bring misery to the elderly, force them out of their homes, deprive their family members of the ability to provide loving care to them, and drive the State's costs higher than ever.

I urge the General Assembly to either not vote in this bill, or to approve it only after making it take into account the real world. Help the elderly person find the best ways to stay at home, be with family, keep their costs within their income and assets, and safe the State money it surely needs.

Very Truly Yours,



Malcolm F. Barlow