



## Testimony before the Aging Committee

March 8, 2018

Good morning Senator McCrory, Senator Kelly, Representative Serra and distinguished members of the Aging Committee. My name is Amy Porter, Commissioner of the Department of Rehabilitation Services (DORS), and I thank you for the opportunity to offer testimony on Senate Bill 309, An Act Aligning the Office of the Long-Term Care Ombudsman with the Older Americans Act. We support the proposal and thank the Committee for raising this bill, which our agency needs in order to conform our Ombudsman program to federal requirements. I also provide comments on Senate Bill 235, An Act Concerning Ombudsman Volunteers; Senate Bill 257, An Act Concerning the Office of the Long-Term Care Ombudsman; Senate Bill 259, An Act Concerning Senior Centers; and House Bill 5243, An Act Increasing Funding for Aging-In-Place Initiatives.

Senate Bill 309 is proposed to enable Connecticut's Long-Term Care Ombudsman Program to conform to a number of federal regulations and requirements that have been handed down to all of the states by the Administration for Community Living (ACL) under the authority of the Older Americans Act (OAA). Failure to adopt the bill's provisions could jeopardize the state's continuing receipt of significant federal OAA funding.

The proposed legislation accomplishes several important goals. Most significantly, Senate Bill 309 makes it clear that the State Long-Term Care (LTC) Ombudsman works to protect and advocate for all residents of long-term care facilities regardless of age. The bill therefore removes references to older persons or persons over sixty years of age within Chapter 319h of the general statutes. The activities and priorities of the Office will not vary in any way based on the age of a resident of these facilities. This is a recent federal requirement.

The bill also adds to or clarifies various definitions; states that the advocacy activities of the State Ombudsman or representatives of the Office are not "lobbying" under federal law and thus do not fall under certain lobbying restrictions; and instructs the LTC Ombudsman to adopt policies for obtaining informed consent from residents regarding their complaints and provides for those cases where such a resident may have a barrier or disability preventing consent in its traditional form. Also included in the bill's language is a new, stricter conflict-of-interest provision to prevent the appointment of an Ombudsman who has worked in a long-term care facility in the previous twelve months. Lastly, the bill codifies in statute the transfer of the State Ombudsman to the Department of Rehabilitation Services.

We do want to bring the Committee's attention to one part of the bill that we understand is an inadvertent addition. Sections 6 and 7 (lines 226-351) would transfer the Protective Services program from the Department of Social Services (DSS) to DORS. While this is a program designed to protect residents of long-term care facilities, it is entirely separate and

distinct from the work of the State Ombudsman and so should remain in DSS. We respectfully request that these two sections be removed before the Committee takes final action.

We ask that the Committee pass Senate Bill 309 so that we may demonstrate to our federal partner that we are in compliance with all pertinent federal rules and regulations.

In the matter of the other bills mentioned above, I want first and foremost to acknowledge the very good intentions of the bills' authors and supporters. However, because of the state's difficult budget circumstances, we are not in a position to endorse any proposals that require increased appropriations. In addition, the current state of the agency's resources and staffing levels would not allow us to undertake new or expanded assignments within our current appropriation.

Senate Bill 257, An Act Concerning the Office of the Long-Term Care Ombudsman, would add significantly to the duties of the State LTC Ombudsman. If oversight of "home and community-based services" is added to the work of the Office, more employees would have to be hired. The bill also creates an "Assistant Ombudsman" for the Office, again requiring a new expenditure for which our agency does not have the funds. It should also be noted that no federal funds may be used for any Ombudsman services in this area of advocacy.

Senate Bill 259, An Act Concerning Senior Centers, is another well-intentioned bill that, in Sections 3 and 4, would expand the work of the agency well beyond our current resources, and therefore cannot be supported. We also want to point out that Section 2 utilizes the term "multipurpose senior center" but defines the term in a manner that differs slightly from the federal definition. If the bill moves forward we recommend that it incorporate the definition of multipurpose senior center that is used in the Older Americans Act. We feel that such a change would avoid any unnecessary confusion.

While House Bill 5243, An Act Increasing Funding for Aging-In-Place Initiatives, does not include a specific dollar appropriation, we cannot support any increase beyond what is already proposed in our agency's budget for the upcoming fiscal year.

Lastly, should Senate Bill 235, An Act Concerning Ombudsman Volunteers, be enacted, we would do all we could within our current resources to ramp up the recruitment of volunteers in the Ombudsman Program. We recognize, as the bill does, the importance of the work and assistance provided by these dedicated volunteers.

I thank the Committee for your time and attention. I look forward to working with you on an ongoing basis and would be happy to answer any questions you may have.