

Aging Committee JOINT FAVORABLE REPORT

Bill No.: SB-804

AN ACT REQUIRING THE STATE OMBUDSMAN TO INVESTIGATE COMPLAINTS CONCERNING RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

Title: BASED SERVICES.

Vote Date: 2/26/2019

Vote Action: Joint Favorable Substitute

PH Date: 2/19/2019

File No.:

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

This bill would expand the investigatory oversight of the State Ombudsman to include home and community-based services. It authorizes the Ombudsman to appoint an Assistant Ombudsman to help in carrying out the duties outlined in this act. It defines what home and community-based services in the expanded act. It also specifies that providers of home and community-based services provide recipients with a list of residents advocates with the names, addresses and phone numbers of the appropriate regional ombudsmen. It also indicates that the expanded duties be done within available appropriations.

The **Joint Favorable Substitute (LCO 4618)** language required the Ombudsman to develop a Community Ombudsman program with the Dept. of Social Services to investigate complaints by recipients of home and community based services. The Ombudsman and Commissioner of the Dept. of Social Services are directed to report back to the aging and Human Services Committee no later than September 1 on the scope of services, persons to be served and appropriations required. This language addresses a problem with the original language in that federal funds received by the State Ombudsman program cannot be used on home and community-based services.

RESPONSE FROM ADMINISTRATION/AGENCY:

Amy Porter, Commissioner of Rehabilitation Services: She testified in opposition to the proposed legislation because it would significantly add to the duties of the State Ombudsman and it would create an Assistant Ombudsman position for the office for which they do not

have sufficient funds. She also points out that no federal funds may be used for any Ombudsman services in this area of advocacy.

Mairead Painter, Dept. of Rehabilitation Services, Long Term Care Ombudsman: She testified in opposition to this proposal. She believes that further evaluation is needed to determine how to provide such advocacy for individuals receiving HCBS in the community. She points out that LTCOP receives federal funding that may not be used to support individuals in the community and expanding the authority, oversight and services delivered by the LTCOP to persons receiving HCBS would require defining the population to be served as well as the additional appropriation to be dedicated. Currently there are workgroups within the National Ombudsman Resource Center and the National Association of State Ombudsman looking at the changes in the long term care system and shift related to where people are choosing to receive their long term services and support. She would welcome the opportunity to explore this further.

NATURE AND SOURCES OF SUPPORT:

Ms. Mag Morelli, President of LeadingAge Connecticut: She testified in support of the concept of this bill. The role of the Ombudsman is very valuable to nursing home residents and they would like to see it expanded to reflect the rebalancing of the long term care field. They are concerned that the definition of home and community-based services contained in this bill is extremely broad and potentially overwhelming. The committee might consider limiting or phasing in the expansion of duties for the Ombudsman such as starting with home and community-based services that are funded through Medicaid waiver Programs. She thinks it would be helpful to define the duties of the Ombudsman statute and the Office of Elderly Protective Services with regards to these investigations.

Ms. Melissa Marshall, Coordinator, Cross Disability Lifespan Alliance: They support this bill and point out that abuse and neglect occurs among people receiving home and community-based support. They feel it is important that an Ombudsman be in place to investigate and document abuse and neglect in the community.

Ms. Anna Doroghazi, Advocacy Director, AARP Connecticut: She testified in support of this legislation. It is estimated that 1 in 10 Americans over the age of 60 have experienced some form of abuse that can include physical abuse, psychological or emotional abuse, sexual abuse, financial exploitation or neglect that can have long term consequences for the victims. The state has made progress in providing recipients with opportunities to receive services in settings that best meet their needs and many have chosen to receive home and community-based services. Many of the programs have allowed recipients to receive home and community based services and they applaud State and Federal efforts to help more people remain in their homes to receive long-term care. They believe that the Ombudsman does important work to investigate complaints in nursing homes, residential care homes, and assisted living communities and as more people receive long-term care in home and community settings, it is necessary that they have the same access to safety and advocacy as people who receive care in an institutional setting.

NATURE AND SOURCES OF OPPOSITION:

Ms. Marie Allen, Executive Director, Connecticut Area Agencies on Aging (C4A): Their testimony was submitted in opposition to this proposal. They believe that this bill will create confusion in the community as the Dept. of Public Health has cognizance and responds to complaints made against nursing , skilled therapies and home health services. The Dept. of Consumer Protection and, in the case of CT Home Care Programs, Allied Community Resources have the responsibility to respond to complaints against non-skilled and homemaker/companion agencies. Additional complaints related to abuse, neglect or thefts with an elderly victim are reviewed by the Dept. of Social Services, Protective Services for the Elderly. They feel that consumers may become confused as to where and how they can learn about offenses committed by home and community-based service providers.

**Reported by: Gaia McDermott, Clerk
Richard Ferrari, Assistant Clerk**

2/28/19