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February 18, 2020
AGING COMMITTEE 2:30 p.m.
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CHAIRPERSON: Senator Derek Slap,
Representative Joseph
Serra

SENATORS: Daugherty Abrams, Kelly,
Maroney

REPRESENTATIVES: D'Amello, Fusco, Garibay,
Hampton, Hughes, Meskers,
Wilson

SENATOR SLAP (5TH): Good afternoon, everyone.
Welcome to the Committee on Aging Public Hearing. I
am going to read a short preamble here about safety.
And then we will get right to it.

So, in the interest of safety, I'd ask to note the
location of and access to the exits in the hearing
room. The two doors, to which you entered the room,
are two emergency exits, thank you, Senator, and are
marked with exit signs. In an emergency, the doors
behind legislators over there can be used. In the
event of an emergency, please walk quickly to the
nearest exit. After exiting the room, proceed to
the main stairs or follow the exit signs to one of
the fire stairs. Please quickly exit the building
and follow any instructions from the Capital Police.
Do not delay. Do not return unless you are advised
that it is safe to do so. In the event of a
lockdown announcement, please remain in this hearing
room, stay away from the exit doors, and seek
concealment behind desks and chairs until an all
clear announcement is heard. Okay.

So, with that bit of housekeeping out of the way,
we're going to begin the public hearing. For those

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of you who are new to this, you know, we have three minutes for -- for speakers and our Clerk will be keeping track of time. So, you'll hear that buzzer go off. And, you know, that helps us get people in and out and make sure that, you know, we're not here until 8:00, 9:00 o'clock at night, and everybody's voice is heard which is super important. So, Mr. Chairman, do you have any -- any words to kick us off or are you -- you ready to begin?

REP. SERRA (33RD): Nope. Let's begin.

SENATOR SLAP (5TH): Okay. Great. So, with that the first speaker we have is Commissioner Amy Porter, representing the Department of Aging and Disability and/or the Commissioner's designee, Andrew Norton. So, here we go. Good afternoon.

AMY PORTER: Good afternoon, Senator Slap, Representative Serra, Senator Kelly, Representative Wilson, and distinguished members of the Aging Committee. My name is Amy Porter and I'm the Commissioner of the Department of Aging and Disability Services. I want to thank you for the opportunity to -- to offer testimony on H.B. 5096, AN ACT EXPANDING ELIGIBILITY FOR THE ALZHEIMER'S DISEASE RESPITE CARE PROGRAM.

The Connecticut Statewide Respite Care Program is one of the programs within our State Unit on Aging, within our Department. The Program offers respite services to caregivers of individuals with Alzheimer's disease or related dementias. Our Program is typically utilized by those who don't qualify for any other program such as the Connecticut Homecare Program for Elders within Department of Social Services or folks that might be waiting to qualify for such a program.

The Respite Care Program is operated as a needs-based, non-entitlement program with services funded within available appropriations. The current statute allows the income and asset caps to grow each year to reflect the Social Security cost-of-living adjustments. The current thresholds are very close to what is being proposed in H.B. 5096.

If program eligibility is expanded without additional appropriation, it's our concern that the amount of funds available to serve our lower income clients will decrease. Simply put, the same amount of appropriation will be spread more thinly over a larger eligible population. And, therefore, we respectfully don't submit this -- support this proposal at this time.

We do thank you for your attention to this important issue and the important need, and for allowing me for the -- opportunity to testify today. I look forward to continuing to work with you in order to help caregivers get access to the supports they need. And I'd be happy to answer any questions you may have.

SENATOR SLAP (5TH): Thank you, Commissioner. I appreciate you -- you coming in and sharing your concerns about the legislation. Any of my colleagues have any -- yes, Representative Hughes.

REP. HUGHES (135TH): Thank you, Mr. Chair. So, I'm -- sorry, I just wanted to clarify, so you're against the expansion of the income tax deduction for -- I mean the eligibility -- you're against the -- I just want to clarify, is that what your --

AMY PORTER: Right. So, the --

REP. HUGHES (135TH): -- position is?

AMY PORTER: -- proposed legislation looks at expanding the income and eligibility -- the income and asset eligibility for the Program. And our concern is just as those thresholds are expanded with the same pool of resources. We're just going to have fewer resources -- the -- the amount of resources available to each individual being served by the Program will go down.

REP. HUGHES (135TH): Okay. So, would you -- through you, Mr. Chair, would you concurrently support an increase in resourcing that Program?

AMY PORTER: This Bill isn't about the appropriations, it's just about changing the --

REP. HUGHES (135TH): The threshold.

AMY PORTER: -- the particular the threshold. So --

REP. HUGHES (135TH): Okay. So, it's simply based not on anything else but the --

AMY PORTER: Right.

REP. HUGHES (135TH): -- available resources that that would limit the pool that is already accessing that?

AMY PORTER: Correct.

REP. HUGHES (135TH): Is that correct?

AMY PORTER: We're concerned --

REP. HUGHES (135H): Okay.

AMY PORTER: -- as -- as written instead of it would -- it would provide services to more individuals, but then each individual would get less services available to them with the current appropriations.

REP. HUGHES (135TH): Okay. I guess I just want to make a comment that, because the rate of people diagnosed with Alzheimer's is -- is skyrocketing in terms of the need, we're going to have to address that somehow. So, would you concur that the pool is rapidly growing of those who need the eligibility --

AMY PORTER: There -- there are many people --

REP. HUGHES (135TH): -- for respite?

AMY PORTER: -- who -- who need respite care services. Yes.

REP. HUGHES (135TH): Yeah.

AMY PORTER: But we don't currently -- on this Program, we don't currently have a waiting list.

REP. HUGHES (135TH): Oh, interesting. Okay. Okay. Thank you.

SENATOR SLAP (5TH): Great. Thank you. Representative.

REP. MESKERS (150TH): Thank you, Mr. Chair. So, the incremental increase is from 47 to 50 and from 126 to 127; right?

AMY PORTER: Correct.

REP. MESKERS (150TH): Is that what I'm understanding here or from 46 to 50, I guess is currently, and 124 to 127?

AMY PORTER: Right.

REP. MESKERS (150TH): Do you have any idea of how many additional people would fall under that category or where we would go with this?

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AMY PORTER: I don't have those numbers. I know that for fiscal year '19, we served 629 individuals in this program and the -- and their families. I don't have any information on how many more individuals would be eligible.

REP. MESKERS (150TH): And you stated earlier or you mentioned earlier just -- I guess, the question is, right now you seem to have adequate resources to address the 629 that you are currently serving?

AMY PORTER: Right. All of those individuals were able to get services.

REP. MESKERS (150TH): Right. And I guess that -- then a -- a combination of the question of how many incremental people would be covered, and how -- what further demand would -- on the services would it be? Is -- because the amount seem relatively small, but I don't know if it triggers a -- a -- a huge increase in qualified individuals?

AMY PORTER: Right. And that's information we can try to work -- to get -- gather some additional information there.

REP. MESKERS (150TH): That -- in terms of not agreeing to it, that's where I would -- I think it would be helpful to know how many more people were -- we would be looking to cover and what the incremental cost might potentially be. Thanks.

AMY PORTER: Thank you.

REP. FUSCO (81ST): Thank you. Mr. Chairman.

SENATOR SLAP: Yep.

REP. FUSCO (81ST): What is the -- let's see, I don't want to say standard term, what's the typical

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term of respite care, week, two weeks, 14 days? You know what I mean?

AMY PORTER: I think it varies --

REP. FUSCO (81ST): I know it varies, but --

AMY PORTER: -- because there are --

REP. FUSCO (81ST): -- give -- give me a range.

AMY PORTER: -- all different kinds of services that can be available. So, it may be adult daycare services, homemaker companion. So, it's -- it's not just respite in -- in the typical term that I think people think of -- of respite. So, each service is going to have a different range of time.

REP. FUSCO (81ST): All right. I don't want to put you on the spot, but would you think the longest term would be?

AMY PORTER: Oh.

REP FUSCO (81ST): And you don't -- really, you know, let's say, what's the longest care that you would see, typically?

AMY PORTER: I don't have that information, but I can certainly get that for the Committee.

REP. FUSCO (81ST): Okay.

AMY PORTER: I can find out what -- what's the longest time in -- in the last fiscal year for any of these services.

REP. FUSCO (81ST): Okay. Yeah. And how it relates to that service? Okay. Thank you.

AMY PORTER: Sure.

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REP. FUSCO (81ST): Thank you. Thank you, Mr. Chair.

SENATOR SLAP (5TH): All right. Well, thank you very much, Commissioner. I appreciate your time and --

AMY PORTER: Thank you.

SENATOR SLAP (5TH): -- thanks for your service.

AMY PORTER: Thank you.

SENATOR SLAP (5TH): Okay. Our next speaker is the State Long-Term Care Ombudsman. And if we could, when speakers come up, if you could announce your -- your name and your position, that would be helpful for us, as well. Thank you. Good afternoon.

MAIREAD PAINTER: Distinguished members of the Aging Committee, my name -- oh -- oh it's on. Yeah? Okay. She left it on for me. My name is Mairead Painter. I'm the State Long-Term Care Ombudsman. Thank you for this opportunity to testify before you today. As the State Long-Term Care Ombudsman, it's my responsibility to facilitate public comment and represent the interests of residents in Connecticut's nursing facilities, residential care homes, and managed residential communities. I'd like to testify before you today regarding a couple of bills. Bill -- S.B. 82, ESTABLISHING A TASK FORCE TO REVIEW THE VOLUNTEER NEEDS OF THE STATE OMBUDSMAN PROGRAM.

Although this bill is well intended, the Long-Term Care Ombudsman Program is not in support of a task force to study ways to ensure that the office has enough volunteers. We recognize the need for volunteers. However, I feel I'm able to come back

and report to the legislature annually on steps that we're taking in order to increase the number of volunteers that we have.

I have to work to balance the recruitment of volunteers as well as the training of the volunteers to meet the state and federal guidelines. We certify our -- our volunteers to a federal threshold. This is to protect the integrity of our program and it takes a lot of resources to do that. If we had a large group of volunteers all at once, we wouldn't be able to train them properly, and we want to make that individuals that are accessing the residents of nursing homes have the right quality and expertise in order to be in there and working with them.

This year, I did change the way that we've been looking at getting volunteers and we did get 26 new applications. We're working within our Department to collaborate and identify people who want to volunteer and see where they can best serve their -- their desire to that. So, we had 26 applications, 14 people sent in all of their paperwork, and eight completed the training. We will have a total of seven new certified RAs at the end of this month and the eighth will be getting certified next month and they will be in local nursing homes.

The next bill that I'd like to testify to is H.B. 5095, AN ACT ESTABLISHING A TASK FORCE TO STUDY A CONSERVED PERSON'S RIGHTS TO INTERACT WITH OTHERS. The Long-Term Care Ombudsman Program is in support of this bill, as all individuals, even individuals who are conserved have the right to visit who they'd like to visit with.

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Nursing home residents have rights, even if they are conserved, and they're guaranteed by the federal 1987 Nursing Home Reform Law. It requires homes to promote and protect the rights of each individual. These rights protect individuals' right to communicate with and interact with people of their choosing.

We acknowledge that there are issues and concerns related to safety. And that's why we'd be willing to explore this. However, we really want to make sure that those rights are protected.

The last bill that I'll be testifying on today is H.B. 5098, AN ACT RAISING THE PERSONAL NEEDS ALLOWANCE FOR CERTAIN RESIDENTS OF LONG-TERM CARE INSTITUTIONS. These are residents that receive Medicaid, that would be getting and a portion of their income back as their Personal Needs Allowance. I want to thank you for raising this bill. It's very important to the residents that we serve.

In 2010, the amount of money that residents received, as part of their Personal Needs Allowance, went from \$69 dollars a month down to \$60 dollars a month and this was a temporary reduction. This temporary reduction has never been reinstated back to the original amount. We are asking that this go up to \$72 dollars with a COLA, so that they get their annual increase.

Before you today, I have hundreds -- of 200 -- of two dollar bills that have been sent in by residents that talk about on \$2 dollars a day, the things that they're not able to get for themselves that include clothing, underwear, socks, pants, bras, deodorant, haircuts, shoes, hats, and some snacks or even a

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book, phone service to call family members. These are the items that individuals living in nursing homes often have to go without because they only have \$2 dollars a day.

So, I will submit these to you and you guys can look at them, if you would like. We would have loved to have had residents here today to testify on behalf of themselves. However, with transportation and other issues and concerns related to them coming, they're not able to be here. But they wanted you to know that they really appreciate you raising this and this is an incredibly important issue for them. Thank you for your time. And I'm available for any questions you might have.

REP. HAMPTON (16TH): Thank you. Good afternoon. Thanks for being here.

MAIREAD PAINTER: Good afternoon.

REP. HAMPTON (16TH): Relative to the bill regarding interaction with conservators and -- and patients, how -- what are your thoughts on those who are conserved with dementia and interacting with others? So, you might have a conservator or a family member who says, oh, it's not appropriate that said child or sibling visit mom at this time. And mom maybe can't correctly communicate at that time that she wants to see that person. Do you have any thoughts on that issue?

MAIREAD PAINTER: I do. The conservator laws here in Connecticut mean that it should be limited in scope. So, really the conservator should know what the jurisdiction is that they have to be able to

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say -- what they should be applying their authority to and not applying their authority to.

An individual has the right to visit with and have access to anyone of the choosing per the Older Americans Act. And so, I think we need to be very careful about limiting that, because of our feelings and what we think is best without an authority.

If there was a real concern, and there has been, there's been issues that have come up and there's been safety issues and concerns, and I think that needs to go to a Probate Judge, because Judges get to make those decisions when something rises to that threshold.

And otherwise, we have people -- we have family members, one may not like another, one could get information to a conservator and they could be biased. And so, if you're talking about relationships of any kind, even sometimes, as children to a paramour, you may have had a long-term relationship with someone who your children don't care for, and then, you have some dementia or an issue comes up and they bar that person. But that might not be your wish or the way that you would hope that your life would -- you have your last days and you'd want to spend with people, someone else is determining that for you. So, we want to make sure that it's very clear that a Judge makes that decision and that conservators really -- other than safety issues are making decisions only related to their scope of authority.

REP. HAMPTON (16TH): Great. Thank you. Thank you, Mr. Chairman.

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SENATOR SLAP (5TH): Yeah. Thank you. All right.
Good ahead, Representative.

REP. MESKERS (150TH): In relation to 5098, you
wouldn't, by chance, have any financials on that as
well -- as well as -- similar, I guess in -- in some
way to the other. So, it was reduced from 69 to 60.
Do you know what the line item expenditure is
currently or what the increment would represent
going from 60 to 72?

MAIREAD PAINTER: I do not know. It was looked at
several years ago. I don't know that it has been
looked at more recently, but that's something we
could ask to have done.

REP. MESKERS (150TH): Yeah. I mean it seems like a
reasonable request. I'm just trying to figure out
what are we talking about in the grand total of --
of schemes.

MAIREAD PAINTER: Right.

REP. MESKERS (150TH): Okay. Thank you.

SENATOR SLAP (5TH): Okay. Representative.

REP. HUGHES (135TH): Thank you, Mr. Chair. Just
one final note. This is part of Medicaid's
entailment, people -- and it's about reclaiming some
of it for personal needs. Most of it is going to
their long-term care. And we understand the
reimbursement rate is not adequate. Which is why
the -- you know, which is why the Personal Needs
Allowance has been squeezed. But that's a
systematic issue and not the fault of -- of the
long-term care resident. And we need to be
demanding a higher Medicaid reimbursement rate from

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our federal tax dollars so that these people can have dignity no matter what their age or medical status is.

So, I fully endorse this. This is -- was raised last year. It didn't over the finish line because of that squeeze of those dollars and how much is kept for the setting and how much is going towards the person. So --

MAIREAD PAINTER: And they've done their part; right? They've done it for ten years, and --

REP. HUGHES (135TH): Right. Right. They've done their part. Exactly. That's a really good point. Thank you.

SENATOR SLAP (5TH): All right. Well, thank you very much for your time.

MAIREAD PAINTER: Thank you.

SENATOR SLAP (5TH): All right. So, next on the list, I do not see Senator Looney here. Is Representative Rose here. And I just don't -- Looney is here? No? Okay. So, Steve Hernandez. No? Okay. Senator Formica. No? Okay. So, we'll go -- we'll switch lists here. We'll go to Eric Gjede. Eric, come on down.

ERIC GJEDE: Good afternoon. My name is Eric Gjede, Vice-President of Government Affairs for the Connecticut Business and Industry Association. And I don't often have the opportunity to testify before this committee, and it is my honor to be here today and be in support of S.B. 85.

S.B. 85 prohibits employers from asking about a perspective employee's date of birth or graduation

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dates on initial employment application, unless there is a bona fide occupational need or is necessary to comply with the state or federal law.

Now, even prior to this law being proposed last year, CBIA and many other business organizations had already been advising their members and clients to remove such questions from employment applications.

There's two reasons that we support this piece of legislation. For one, at CBIA -- CBIA, we do not believe that people should be denied a job they are qualified for because of their age. And I think that, you would find that the vast majority of employers out there believe the same, and those employers will feel no impact from this law.

Reason two, is that requiring removal of these questions from an application, helps prevents employers from unknowingly creating a situation where they may be subject to an age discrimination claim.

So, just as important as what this bill does, I think it's really important to talk about what the bill does not do. It does not prohibit employers from asking on an application whether or not a prospective employee is at least 18 years of age or older. And that's important, especially when it's a real qualification for the job; for example, whether the person is old enough to serve alcohol if they're working in a restaurant, that type of situation.

It does not prohibit an employer from asking about the dates of birth or graduation later in the hiring process. And it does not impose any new penalties on employers beyond what is already in law.

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S.B. 85 will impose a small burden and possibly a minimal cost on employers. And I have spent a lot of time before this legislature opposing this type of -- of bill. However, we believe the codification of these hiring best practices is the right thing to do to ensure fairness in the hiring process in all cases.

And I'm also here to support this bill, to show that the business community is always willing to partner with responsible lawmakers of either party to find real solutions to problems. In this case, this bill became a bipartisan effort and all sides have been more than willing to address the concerns that we have raised over the last year to ensure it's something that everyone could get behind.

In closing, you know, Connecticut is -- is a great place to live, find a job, raise a family, even if sometimes the work in this building results in barriers to the state realizing its full economic potential. One's age, however, should not be a barrier to realizing personal economic potential. And for that reason, we happily stand in support of S.B. 85. I'm happy to take any questions from you.

SENATOR SLAP (5TH): Great. Eric, thank you. Thank you for your testimony and thank you for partnership with this. You know, I -- I appreciate your work on this. And as you mentioned, we had some -- some great collaborative meetings to get to -- I think, a really good place on this bill. So, I -- I appreciate your -- your partnership.

One question I want to ask you and then I'll -- I'll throw it up to my -- my colleagues here, is about you -- you mentioned that there, you know, could be

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a cost for businesses. Is that in -- you know, in changing job applications or where -- how do you see that materializing?

ERIC GJEDE: It -- it -- it may be -- you know, there's, of course, a -- a very minimal cost if it's a physical piece of paper job application. Again, I think you'd be hard pressed to find an application out there that asks the date of birth. There may be some that do ask for dates of attendance at various educational institutions. So, there's a cost there. And then, also I think most applications now, are -- are probably online. So, there'd be a little cost there to change things. But I think it is, as I said, minimal. And I think that the benefit probably outweighs the cost in this case.

SENATOR SLAP (5TH): And related to the -- to the benefit, you know, you represent a lot of businesses in the state and industry. And, you know, we have the statistic that we're the sixth oldest work force in the -- in the nation. So, I mean, could you touch on a little bit of what -- what you see the benefit being to Connecticut's economy if we have more folks who are not, you know, underemployed or unemployed?

ERIC GJEDE: Well, absolutely. You always want to ensure that you have good quality employees out there. You know, we have a lot -- especially -- especially in our manufacturing industry, that work force, in particular is -- is aging. You know, you -- you go into any manufacturing facility, they probably have a -- a manufacturing force that's average age of 50 and above and an engineering

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department whose average age is, you know, 20 to 30. There's a real disparity there.

And so, we want to make sure that we continue to provide really good opportunities for -- for all folks, but age really should not be a barrier. It should really be about looking at a person's qualifications and -- and experience.

SENATOR SLAP (5TH): Well, thank you again for coming in. I'll, you know, open it up if any of my colleagues have any questions, comments. No? Okay.

ERIC GJEDE: If not, thank you so much for the opportunity to work with you on this bill. And I think it's a great piece of legislation.

SENATOR SLAP (5TH): Thanks very much. Good afternoon. All right. Next up, I did see Representative Rose come in. There she is. Okay. Great. Good afternoon.

REP. ROSE (118TH): Good afternoon and I apologize for my tardiness. Of course, I'm in a public hearing myself. Senator Slap, Senator Kelly, Representative Wilson, and what -- Representative Serra thank you for the opportunity to be able to testify today on behalf of S.B. 85.

I want to first say that I truly appreciate the work that you've all done on this bill. It's something that I actually introduced many years ago, couldn't get it over the finish line. So, I hope this year we can get it done.

As many of you know, I represent Milford and we just suffered a 300-person layoff at Subway headquarters. Many of those people are my constituents and my

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friends, and most of them are over the age of 50. We have actually a job fair going on tomorrow, so we're hoping to get some of them back into the employment field. But this bill will really take a step in the right direction in allowing us to be able to -- to have a level playing field.

For seniors that I represent also, who have worked all their lives, they're facing poverty and more regularly than generations before them. They've worked all their lives 30, 40 years with a company, they're laid off, once they have to put a -- a date on an application, they're not even getting an interview. So, I just wanted to come up tonight -- today and express my support. And thank you, again, for all your hard work on this and I thank you.

SENATOR SLAP (5TH): Thank you, Representative. Any -- any comments or questions for the Representative? And I -- I know you announced that your -- this will be your last term, so hopefully we'll be able to get this over the goal line for you this year, before you leave.

REP. ROSE (118TH): Absolutely. Thank you, Senator.
[Laughter]

SENATOR SLAP (5TH): [Laughter] All right. Thank you. Okay. I'm looking around for a few of our distinguished colleagues and I do not see 'em. Okay. So, we will -- we'll go to Kathleen Tetreault. I hope I pronounced the last name right. It seems like there's a French -- all right, I got it. And we'll give her the opportunity to pronounce her name as well. So, welcome and good afternoon.

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KATHLEEN TETREAULT: Thank you. Good afternoon, Senator Slap, Representative Serra, Representative Wilson. My name is Kathleen Tetreault. I am an elder law attorney practicing in Hartford, Connecticut. And today I have the privilege of testifying in support of S.B. 81, on behalf of the Connecticut Chapter of National Academy of Elder Law Attorneys, as well as the Elder Law Section of the Connecticut Bar Association.

So, this is my fourth year testifying before this Committee on this bill. And the reason I keep coming back and will continue to do so, as needed, hopefully not, is because this bill really strikes at the heart of what, we, as elder law attorneys do. And that is, providing the maximum amount of financial stability we can to families who are facing a long-term care need.

So, as elder law attorneys we might -- might be faced with a client who has a diagnosis of ALS or an individual who has a diagnosis of dementia, irrespective of the age or disability of an individual with a long-term care need. The way that the current legislation works with regard to financial eligibility for Medicaid is punitive to middle-class families who have less resources than approximately \$260,000 dollars. So, I want to give you a demonstrative example of how our current legislation works and what S.B. 81 would do to resolve the current disparity.

So, if you have a married couple, applying for Medicaid and they \$100,000 dollars in martial countable assets, the Department of Social Services is going to first split those assets in half,

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leaving \$50,000 dollars for the ill spouse and \$50,000 dollars for the well spouse.

Under the Medicaid eligibility rules, the ill spouse can't have more than \$1600 dollars. So, everything over than \$1600 dollars from that side of the ledger must be spent down or planned within some way to access Medicaid eligibility. The well spouse can only keep \$50,000 dollars, even though the maximum amount of allowable assets for a married couple applying for Medicaid is \$128,640 dollars.

So, take the same couple, with \$300,000 dollars of countable assets, when we divide those assets in half, the ill spouse has \$150,000 dollars and the well spouse does as well. The well spouse, under these circumstances, gets to keep the maximum amount. No couple can ever keep above the maximum amount of allowable assets, which this year is \$128,640 dollars. But for those couples who have less than that maximum allowable amount when assets are split in half, there is a disparity in the result between a middle-class family and an upper middle-class family. And that's at the heart of S.B. 81 is to provide equalization among these families.

So, I request that you respectfully consider and vote in support of S.B. 81.

SENATOR SLAP (5TH): Thank you very much for your testimony. Any comments or questions from my colleagues? No? Okay. Thank you very much for coming in today.

KATHLEEN TETREAULT: Thank you.

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SENATOR SLAP (5TH): We appreciate it. Okay. I saw Senator Formica --

SENATOR FORMICA (20TH): Here.

SENATOR SLAP (5TH): -- enter. Senator, come on up. Welcome. Good afternoon. Welcome to the Aging Committee.

SENATOR FORMICA (20TH): Good afternoon, Mr. Chairman. Thank you very much. Good afternoon, everybody. Senator Slap, Representative Serra, Senator Kelly, Representative Wilson, and distinguished members of the Aging Committee, thank you for the opportunity to testify in support of H.B. 5098, AN ACT RAISING THE PERSONAL NEEDS ALLOWANCE FOR CERTAIN RESIDENTS OF LONG-TERM CARE INSTITUTIONS.

The Personal Needs Allowance is the monthly personal care allowance given to the elderly nursing home residents who have exhausted their financial resources. In 2011, this allowance was cut from \$69 to \$60 dollars and the cost of living adjustment indexing was eliminated.

The Personal Needs Allowance has not changed since that time in 2011. This is the money that the seniors depend on for personal items like soap, haircuts, toothpaste, and other small purchases residents may need to make, such as birthday cards, for example.

I'm here to share my support for proposals to increase the Personal Needs Allowance to \$72 dollars a month up from the current \$60 dollars. The estimated cost to the state budget of this proposed

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\$12-dollar increase is approximately \$1 million dollars.

When a monthly haircut can be \$10 to \$20 dollars, body wash, shampoo, toothpaste can be \$3 to \$7 dollars, an occasional pizza \$15 dollars, a birthday card for a grandchild at \$5 dollars, you can see how these bills add up fast. This is about quality of life for someone who is at their most vulnerable time.

In closing, I want to thank all the lawmakers who worked together to bring this bill forward, 5098, especially Senator Kelly who has worked tirelessly on this issue for some years. Thank you very much for the opportunity to sit before you and I hope you consider strongly the approval of this bill.

SENATOR SLAP (5TH): Senator, thank you. And, yeah, Representative.

REP. MESKERS (150TH): Thank you, Senator Formica. I want to thank you, more than anything, for identifying actually the levels and the costs involved in the -- in the bill. And I honestly think that your advocacy is very important to hear and certainly will add to our deliberations. And I personally can't imagine why we wouldn't be thinking in support of this. So, thank you.

SENATOR FORMICA (20TH): Thank you very much.

SENATOR KELLY (21ST): Thank you, Mr. Chairman. And thank you, Senator Formica for being with us here this afternoon, particularly with your experience as ranking on Appropriations and bringing the information as to the costs.

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In your experience, have you found or -- or do you think it's easy or -- or possible to find the \$1 million dollars, because when you look at this \$72 dollars versus \$60 dollars on a personal needs, it's the Medicaid program, and it's a family that has lost all their assets, they don't have any more Social Security or pension income, they just have \$60 dollars is all that remains, and they're usually in a nursing home surrounded by strangers.

In this instance, I know that there's a way that we would be able to, and I proposed bills in the past, to find the funds with an adjustment to the applied income when it comes to conservator services, where, instead of having the Judicial Department pay for that, we could use money through the Medicaid program and find almost upwards over \$800,000 dollars. Is that an area that we could find in the budget in savings like that, that might be able to afford this, even though we have a tight fiscal issue?

SENATOR FORMICA (20TH): Well, you're correct. We do have a tight fiscal issue and every dollar is critical as we approach the budget season. But in a \$20-billion dollar budget, this basically amounts to a rounding error that we should be able to come up with. And your suggestion, with regard to the information you just provided, certainly would make some sense to get us most of the way there. And I -- I think there are a number of other opportunities throughout the budget that we can adjust with a little give and take to be able to find that opportunity to be able to come up with a million dollars, especially for something like this.

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SENATOR KELLY (21ST): Once again, thank you very much for bringing your insight from Appropriations to our Committee. Thank you.

SENATOR FORMICA (20TH): Thank you, sir.

SENATOR SLAP (5TH): Okay. All right. Senator, thank you. Appreciate your time.

SENATOR FORMICA (20TH): Thank you very much your good work. We appreciate it.

SENATOR SLAP (5TH): So, I see our Senate President is here. Senator Looney, good to see you. Good afternoon. Welcome to the Aging Committee.

SENATOR LOONEY (11TH): Good afternoon and thank you, Mr. Chairman. I wonder if I might bring up with me, Mr. Joseph Carbone of the Workplace in Bridgeport who -- who's program I'll be mentioning in my -- in my testimony. And I think it might be more efficient for the Committee's time if he -- if he could be with me.

SENATOR SLAP (5TH): Sure, absolutely. Go ahead.

REP. SERRA (33RD): Yeah.

SENATOR LOONEY (11TH): Thank you. So, again, good afternoon, Mr. Chairman, Senator Slap and Representative Serra, and members of the -- the Aging Committee. I wanted to appear before you this afternoon along with Mr. Carbone, who actually was my -- my predecessor in House of Representatives. He was a -- a State Representative from New Haven before becoming Chief of Staff to then Mayor DiLieto. But I'm here to express my strong support for S.B. 85, AN ACT DETERMINING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS.

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The bill has, I think, broad and bipartisan support based on public -- based on attendance and expressions at -- at press conferences on this bill. It will close a loophole that provides an opportunity for age discrimination.

Currently, although employers are not allowed to ask for age in interviews, they can require date of birth, high school and college graduation dates on job applications. And this requirement functionally serves as an opportunity for age discrimination against our aging work force in -- in the state.

You might say that maybe I'm testifying against my own interests on this bill, because -- because I went to law school in my 30s rather than in my 20s, my law school graduation date might lead people to believe I'm younger than I actually am. But despite that -- despite the advantage that I might get out of that, I'm still in favor of this bill, and think that it makes a -- a great deal of sense.

As the state, whose residents are the sixth oldest in the nation, Connecticut must become one of the nation's leaders in protecting older workers from workplace discrimination. According to the *Connecticut Economic Digest*, at the end of 2018, 26.5 percent of Connecticut's workforce was above the age of 54. And this is a 30 percent increase from 2008, from a decade earlier. This growing demographic deserves protection as they advance in their careers. And I'm proud that Connecticut's workforce are both talented and experienced and believe this bill will help protect Connecticut's future and a substantial part of its workforce.

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Our state has been a leader in banning opportunities for discrimination, like asking for criminal history or pay history on job applications. This bill is the next logical step in protecting our workers from vulnerabilities as they seek employment throughout the state.

And Mr. Joseph Carbone, who is with me, who operates the -- the highly successful Platform for Employment Program at the WorkPlace in Bridgeport, has noted that the number of participants in that program who were over 50 years of age has dramatically increased each and every year during the past several years. So, he can give direct testimony about that impact on the workforce as he prepares people in that age group for reemployment, in many cases after long years of unemployment.

The AARP has also estimated that in 2022, 35 percent of the American workforce will be over the age of 50. And a 2018 National Survey from AARP found that 61 percent of workers, age 45 and older, had seen or experienced some form of age discrimination.

When our workers are telling us that they see a problem and we have a legislative solution, we must act. And I -- I implore you to support S.B. 85 and our aging workforce. And Senator Slap, we want to commend you for your -- your leadership in bringing this forward, and also Representative Serra and the sensitivity of the committee on this issue. And so, I turn it over to Mr. Carbone.

JOSEPH CARBONE: Okay. Thank you, Senator. Given that it's the Committee on Aging, I must ask your indulgence, when I left the house this morning, in my hast, I grabbed my wife's glasses. [Laughter]

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So, you could imagine what I'm going to face when I get home from work today, because I cannot see that good without them.

I want to give you sort of a different kind of perspective on this. My testimony has lots of data. As the Senator said, the state, of course, has been financing the Platform to Employment Program now for seven years in Connecticut. And I thank all of you and so many of you have either attended graduations or orientations over the years.

And the number of people that are 55 and older is literally twice what it was in 2014. And it's at a time when unemployment has never been lower than what is it today, that some 26,000 plus people in Connecticut are going to reach the point where they've exhausted their unemployment benefits after six months. And a disproportionate and growing share of that, are people that are 50 and older.

So, there is discrimination that is out there. But I think the greatest problem for Connecticut, if you don't do things to kind of stop that trend, is that we're losing talent. And the greatest obstacle to what will be economic growth in our state has more to do with the fact that we don't necessarily have the critical thinking class of folks ready to assume jobs in the workforce. There's talent in people that are 50 and older. There's a few in this room that I'm sure are 50 and older [laughter], you didn't have to give as much information as you did, Senator. [Laughter]. But it -- it -- it's here.

And I don't believe for a second that employers are intentionally trying to be discriminatory. I think that, given that you don't need to go to an office

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of employment to apply for a job anymore, it's all done for you through the internet. It's not unusual for employers to get a few hundred applications for a job overnight. And most don't have the HR staff to kind of decipher them and put 'em in different piles. And so, it does create, basically, a stereotyping element to the process, so that you look at older people and the thought is that they're not as text savvy as younger people. They're going to be more concerned about the retirement plan or things of that sort. Those things are bad assumptions, to me, but somewhat understandable when you look at the volume.

From the state -- from the standpoint of our state of Connecticut, we cannot afford to lose any talent. And there is talent there. So, anything that might obstruct employers from accessing that talent is good for everybody. It's not just a moral sense, it's the right thing to do from the standpoint of how we protect our state, as we go through these years. And we are, we're in the bottom six of all 50 states in terms of average age. So we're older. And as a result of it, we've got to protect the base of intellect and talent. And it's legislation like S.B. 85 that begins to close that loop.

People are honest. In many cases, you know, they're going -- they may not be asked the question directly are you -- are you 55 or older or something, but you know, if they ask you the year that you were in high school, that you graduated, or they'll ask you a whole bunch of questions, or -- and because sometimes older people are not familiar that you don't have to say in your -- your resume, they'll honestly say that, you know, I -- my job was two

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years here, five years here, and you can easily figure out this people is not 35. This person is more. Actually, if you have AOL, which is one of the oldest internet, you know, sites you can have [laughter], that's an indication if you're using AOL as opposed to, you know, Gmail and things of that sort.

So, there's all sorts of ways you can give away your age without stating it. There's the moral reason for it. Just to repeat for a second, all the details of the data are in my testimony, but this is one that's important from the standpoint of our state. The preservation and promotion of talent is what will keep the economy growing in our state. And it's also, if we don't deal with it, a threat to it, and it is avoidable. And this bill is just one little piece of it. Thank you.

SENATOR SLAP (5TH): Thank you very much. Do we have any -- any comments from my -- from my colleagues?

REP. SERRA (33RD): I don't.

SENATOR SLAP (5TH): Okay.

REP. SERRA (33RD): [Inaudible 00:44:03].

SENATOR SLAP (5TH): Okay. Representative.

REP. HUGHES (135TH): Thank you, Mr. Chairman and thank you for your wonderful graduation events, which are so moving to see it in person. Really -- really an onramp that works. The other piece of why this is so important is because there's a real -- very real likelihood of raising the age of excessing, you know, pension, retirement, Social

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Security. And so, I plan to be a queen ager that works right up until I'm 80. [Laughter] And I want to bunch of hip, talented, savvy queen agers with me that are still working, because we -- we'll have to. Like -- and we're capable to -- you know, we're capable of and filling incredible talent pools. And so, we're going to need to maximize that readiness. And that's what your program does. And we can really laser focus some of that readiness to be a little bit more tech savvy or whatever the workplace needs and be ready to rock and roll that talent pool.

MR. CARBONE: Yeah. Yeah. I think it's important to mention that you -- all of you receive my bulletins. I send 'em out every two or three weeks. And we're getting in the mid-80s to 90 percent of these folks' jobs. And the jobs are paying -- the average job, it's up to now \$51,700 and some odd dollars. And you get my colorful bulletins every couple of weeks.

And in one year and six months, Connecticut gets back its money through the state income tax for what it costs to move people into employment. And they've all exhausted. I mean, you must exhaust your benefits before you we can accept you in the Program. But you'll see in my testimony, that the number of applicants in 2014 that were under 55, half the percentage than what we have today, it's now about 78 percent of applicants in the program are 55 and older.

SENATOR SLAP (5TH): Senator.

SENATOR COHEN (12TH): Hi, thank you for your testimony. I am a new to this job after I retired

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from education. And I am the demographic that you speak of, so I thank my constituents for not using age discrimination against me. And I think that it's exciting to know that -- that people can go into different fields at any point in their life and bring with them experience and perspective that might be needed. And I hope I bring as much to this job as it's done for me. So, I -- I'm just here to say that we -- I agree with your point that we are losing out on talent if we don't take advantage of everyone in our society who has something to offer. Thank you.

MR. CARBONE: Thank you.

SENATOR SLAP (5TH): Okay. Okay. Mr. Chairman.

REP. SERRA (33RD): Good afternoon. I just got one question for Mr. Carbone, then one for the President Pro Tem of the Senate. Is there any program out there, or should we have a program where some of our major corporations will have an incentive to hire people that you just described and so we keep 'em here? Because there's many ways to get around this whole issue that you're talking about. Personal interviews and all, I know we're trying to stop that, but -- but that can happen. And I'm just wondering if there is a program. If not, maybe there should be, so these major corporations and businesses know that Connecticut's really serious about retaining that skilled labor force that is retired or lose their jobs.

JOSEPH CARBONE: And it's -- in the history of Platform to Employment in Connecticut, which is now in year six or seven, we have had over 1100 employers that participated in -- in the program,

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and 95 percent of the time, when the wage issue was covered, because this Program holds employers harmless, they're actually on my payroll for a period of six or eight weeks. So employers just need to give 'em a chance. And we're dealing with honorable employers.

So, if I think for a second that they're looking for free labor, we don't -- we don't do business with them. Ninety-five percent of the time, those 1100 employers have made the hire once the six-week period passed. All they want is -- is the opportunity to give somebody a chance without risks.

There is the sense or -- you know sensation that -- that somehow you need to worry that -- that they have been out of work for six months or longer and once you make the hire, there is some immediate responsibilities and potential liability in that. If you can get over that, which is -- that's been the key success of this Program, employers want, and I think they deserve a chance, to see whether or not in a cultural way, in a skilled way, this person is what they need. Platform to Employment does that. And that's what has made the difference in this Program.

I mean, it started first during the Great Recession when the number of weeks of benefits were 99 weeks. Now, they've been 27 weeks for a long time. So, it kind of made a little -- kind of a pivot instead of just being long-term unemployed, it began to tear away at people that are 50 and older, and that was natural. But this Program, its success is based upon the fact that employers are held free of risks.

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And they're good employers. They're honorable. I mean, that 95 percent number says a lot.

All right, now, we've turned away employers to be sure. If we weren't sure that they were honorable, they don't touch this.

REP. SERRA (33RD): Thank you. My question is for the President Pro Tem of the Senate. I've been here a few years, not as many as you, but we would love to have your support for the Personal Needs Allowance. It's only a million dollars.

[Laughter]. And I -- I've been around long enough [laughter] that if the President -- if -- if the President Pro Tem says, put it back in the budget, that's it.

Now, let me just say a quick story. I came up here many years ago on a town-aid road before I was Rep and Speaker Balducci was in the Chair. He looked at me, wondering what I was doing here. He got up and Governor -- Governor Weicker had cut it \$10 million dollars. You were here at that time. So, he called Moira Lyons up, she was the House Transportation Chair. I did my little spiel off to the side. And Senator -- Speaker Balducci says, put the \$10 million back. So, when I came up here, Senator, I thought it was that easy. [Laughter] Just put it back. Well, I learned a lesson. But I know you can do that, Senator, if you want. [Laughter] Thank you.

SENATOR LOONEY (11TH): I certainly favor that, Mr. Chairman. I also want to point out that, Senator Abrams' opponent was actually significantly older than she is [laughter] and that former

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Representative Carbone was one of the youngest members of the House when he served here.

But -- but I think as -- as his testimony indicates that this is a -- is a growing problem of able and capable older workers trying to find their way back into the workplace with the -- the extra disadvantage of age discrimination facing them often in unacknowledged ways. And yet, they are a -- a potentially highly productive workforce with experience behind them with discipline, with commitment to be employed, and -- and frankly grateful when they get an opportunity to -- to be employed. And they -- they don't take things for granted in the way that sometimes younger workers will who haven't experienced the -- the -- the knocks and difficulties that older workers have sometimes.

So, I think you get a better, more motivated, more disciplined, more conscientious workforce in this way by providing opportunities to people in that age group.

SENATOR SLAP (5TH): Right. So -- [laughter] we hope this won't be your last time coming to testify before the Aging [laughter] Committee now. [Laughter] Just -- just let me know what the dollar figure is on everything --

SENATOR LOONEY (11TH): Yeah. Exactly.

SENATOR SLAP (5TH): I do really [crosstalk] appreciate you coming in and spending your time. I know you have a busy schedule to come in and -- and offer this testimony and your leadership on this

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issue and so many others over the years for protecting workers. Thank you, Senator.

SENATOR LOONEY (11TH): Thank you, Mr. Chairman.

SENATOR SLAP (5TH): And thank you, Mr. Carbone as well [crosstalk] for all that do. Further questions? Okay. Thank you gentlemen both very much. Yeah. okay. So, Steve Hernandez is -- is next. And that is -- that concludes after Steve our -- our kind of public official list. And the, we will go to Kathy Flaherty with CLRP right after Steve Hernandez. Good afternoon and welcome to the Aging Committee.

STEVE HERNANDEZ: Good afternoon. Just pardon me while I prepare my technology. Good afternoon. My name is Steve Hernandez. I'm the Executive Director of the Legislators Commission on Women, Children, Seniors, Equity and Opportunity. Our -- Senator Slap, Representative Serra, ranking and other distinguished members, it is our honor to testify here before you today. I'm joined by Kali Rohrbaugh. Kali is our Lee Policy Fellow, who is a former teacher and has been with us for -- deployed now for almost nine months at the end session. And she has been helping us with many of these issues including with our testimony today.

Firstly, on the Age Discrimination Bill, you know, one -- the commission supports anything -- any initiative that actually ends discrimination for aging people in the state of Connecticut. Connecticut is the sixth oldest nation in the state [sic], but as we've learned, especially recently, we've been doing some talkbacks around the state where we've learned that more and more of our aging

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population has -- has had to return to work. And because of that, it's really putting a -- because of the financial burden, they've had to return to work. And returning to work is something that is -- that is a right in the community that they really want to be able to access. And because of discrimination, they are unable to. So, really ending discrimination in this way is really critical.

For the next -- for the next piece of testimony, I'd like to turn over to Kali, so that she can talk -- speak to H.B. No. 5096.

KALI ROHRBAUGH: So, this is AN ACT EXPANDING ELIGIBILITY FOR THE ALZHEIMER'S DISEASE RESPITE PROGRAM. So, through our work that we've been doing, we have realized that there is a very increasing aging population and with that we are -- are also expanding the amount of -- of people who have Alzheimer's disease as well. So, providing more eligibility for the Alzheimer's Disease Respite Program is really important for the aging community in Connecticut.

It's estimated that family and friends provide an estimated \$2.5 billion dollars in unpaid care to individuals living with Alzheimer's and -- and dementia. These informal caregivers often report symptoms of depression and anxiety and have poorer health outcomes than their peers who do not provide such care. So, it's really important that the care is coming from people who trained and paid for this care. It's negatively impacting the informal caregivers who are helping elderly people who are struggling with Alzheimer's and dementia, which is

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why we support that bill. And I'll turn it back to Steven. [Laughter]

STEVE HERNANDEZ: Next on Raised Bill 5097, regarding INCREASING FINANCIAL ASSISTANCE FOR GRANDPARENTS AND OTHER NON-PARENT RELATIVES RAISING NEEDY CHILDREN. Through our work with the -- on the Multi-Gen Initiative that we are working with the executive -- I'm sorry, with the Executive Branch on, we learned that more and more grandparents and aging adults have had to care for their -- for their grandchildren and other children because of -- for various reasons, not the least of which, troubles that parents may be experiencing or absent parents. So, it's important that we provide as much support for grandparents and other caregivers when we can.

Next, on the Personal Needs Allowance for certain residents, this is just common sense. The Personal Needs Allowance has increased so little in over the years, and yet costs for things such as prescription drugs, clothing, adult diapers, a phone, or whatever else the recipient of the Needs Allowance needs have only increased. So, we think it's critical that we increase the Personal Needs Allowance to really -- to meet the needs of seniors who might be in care.

And then, finally on the tax deduction for long-term care insurance premiums, another thing that we learned, Senator Slap, if you recall, in a couple of our communities, where we actually spoke to seniors who told us about the crisis of long-term care insurance and the increase in premium -- premiums over time, this is a very complex issue. And it's made more complex because there is so few people that in -- or at least the insurance industry

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finds -- the Insurance Agency finds itself at a loss for how it is that they can address the increasing premiums.

So, I -- I welcome your leadership and the leadership of our Insurance Committee in really trying to figure out how, not only we address the costs of premiums over time, but also the costs of healthcare and other costs associated with the long-term care of seniors and long-term care of people with disabilities. So, I would welcome your questions.

SENATOR SLAP (5TH): Thank you very much. Thanks both of you for coming in. Any -- any comments or questions from my colleagues? Yeah.
Representative.

REP. HUGHES (135TH): [Laughter] Thank you, Commissioner. Would you say that there is a crisis of long-term care insurance, because I have heard also in the forms, of course, I work in the field as a social worker with seniors, is that they can't afford the premiums. So they've paid in all of this time and it -- they -- they just -- they just can't keep up with it, so, they -- they never got to benefit from this policy. That is -- that is pretty much the only thing out there that could help with non-medical homecare -- community-based homecare needs.

STEVE HERNANDEZ: Some of the testimony that we heard was from -- was from the Insurance Commissioner, actually, who noted that the -- the -- the trouble with a lot of insurance companies and the arguments that they make before the Commissioner

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in increasing their rates is one of continued viability and solvency.

REP. HUGHES (135TH): I know.

STEVE HERNANDEZ: And -- and our basic question to the premise of continued viability and solvency, was why is that seniors need to suffer at the backend for poor algorithmic decisions that were made at the frontend by our insurance companies. I know that this is -- it's -- it's easy to say, from my perspective as an advocate for people who are in these conditions and who -- who need long-term care, so, I think it takes an inside/outside strategy. And we need to work with the profession to decrease the cost of healthcare as well. It's not just one industry that is at -- at fault here. But to put all of the ownness on the holder of the policy is not the -- the right solution. And it's not the fair solution.

REP. HUGHES (135TH): Thank you.

SENATOR SLAP (5TH): Thank you, Senator.

SENATOR KELLY (21ST): Thank you, Mr. Chairman. Thank you, Commissioner Hernandez for being with us this afternoon. And thank you for the good work you do --

STEVE HERNANDEZ: Thank you, sir.

SENATOR KELLY (21ST): -- for advocating, for a whole host of the issues you do and -- and the depth of knowledge and understanding of the issue. You're spot on with regards to long-term care insurance. Somebody that bought a product shouldn't be the -- the problem. There is a lot of issues. There's the

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industry itself. But there's also the increased cost of healthcare.

And so, we need to put our arms around that issue. There's no silver bullet. But we need to continue to have the dialogue and continue to look at that issue so that we can start to tackle that problem and -- and help people we serve. But once again, thank you for being here today. Thank you for your advocacy and keep up the good work.

STEVE HERNANDEZ: Well, I really appreciate you saying that. And I'd -- I'd only like to add that, you know, the -- we don't have an aging problem in the state of Connecticut. We have a problem with how it is that our institutions are catching up with a population that deserves to be here and wants to be here.

And -- and secondly, in terms of the long-term care insurance and the -- and the -- and the needs of -- of -- of older Americans, the reason they want to work -- and these -- these bills are related and I really do appreciate the -- the thoughtfulness that the Committee really has really undergone in doing this, the reason that people need to work as they grow older, is because of some of these exorbitant costs. But then when they do work, they lose other important benefits, such as prescription benefits and we call that the benefit cliff in -- in some of the other work that we do in Two-Gen. So it's -- it's critically important that we look at all of these as different ways of addressing the needs of seniors. Seniors want to work because they have to. They have to work because the costs are going up. And unless we address this from all the different

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entry points of cost and the increase of costs, then we're just -- we're just plugging a dam.

SENATOR KELLY (21ST): Right. Right.

SENATOR SLAP (5TH): Well, thank you. Thank you very much for your time and for your expertise as Senator Kelly said. And we'll look forward to continuing the dialogue. Appreciate it.

STEVEN HERNANDEZ: Thank you very much.

SENATOR SLAP (5TH): Okay. So, Kathy Flaherty is next. And then Stephen and I will apologize in advance of mispronouncing the name, Wanczyk-Karp. So, we'll go to Kathy now. Welcome.

KATHY FLAHERTY: Good afternoon, Senator Slap, Representative Serra, and members of the Aging Committee. My name is Kathy Flaherty. I'm the Executive Director of Connecticut Legal Rights Project. I'm also the Co-Chair of the Keep Promise Coalition and a member of the Steering Committee of the Cross Disability Lifespan Alliance.

I submitted written testimony on five bills, but I'm only going to concentrate my testimony today on the bill I'm here testifying in opposition to, which is H.B. 5095, the ACT THAT WOULD ESTABLISH A TASK FORCE TO STUDY A CONSERVED PERSON'S RIGHT TO INTERACT WITH OTHERS. You've already heard the Long-Term Care Ombudsman talk about the fact that people who have conservators retain their legal rights unless those rights were specifically taken away by the Probate Court in the Order.

The conservator really has no authority and no business interfering with a conserved person's right

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to interact with others unless they have specifically been given that authority by the Probate Court in the Court Order that established the conservatorship. If you actually look at the statute, if you look at the standards of practice for conservators, both of which are available in the Probate Court Administration website, it says the conservator is supposed to maximize the opportunity for the conserved person to exercise their independence, you know, to the point of preserving their right to engage in consensual sexual relations and interact with anybody else that they chose to.

If a problem does arise, which one -- we have to acknowledge does, the conservator has the ability to petition the Probate Court for authority to restrict the visit and to get the authority to restrict the visit. And that's something that they should do. But I don't think we should subject peoples' civil rights to be the topic of study for a task force. I think people need to understand the law and follow the law.

And so, I also was part of the working group that was assembled and there is an error in my testimony, I apologize, I kind of lose track of dates. But the tasks -- our working group actually met in 2018 before the 2019 session. We didn't meet in 2019. But we all collectively decided the statute is not really the problem. It's people's lack of understanding of the statute and perhaps enforcement of it. But we don't need to change the law. And we certainly don't think we need task forces. So, I'm happy to answer any questions people may have.

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SENATOR SLAP (5TH): Thank you very much. I believe my Co-Chairman has a question.

REP. SERRA (33RD): Just a -- a quick question as I'm familiar with what you're talking about. But is there a turnaround if you petition the Probate Court? I mean, is there a time limit?

KATHY FLAHERTY: That's an excellent question. And I suggest that the person who might be best able to answer that are folks from Probate Court Administration. It's not instantaneous. Like any Court process, there will be some time. But my understanding is that Probate Courts, especially if -- if they were made aware of the emergency nature of this kind of intervention, would make the effort to schedule it as expeditiously as possible.

REP. SERRA (33RD): What -- what I'm concerned about, it's -- it's, not especially emergency, but these are loved ones that want to see each other.

KATHY FLAHERTY: Right.

REP. SERRA (33RD): And there's issues of some of our Probate Courts are in action every day; correct me, some of our smaller Probate Courts are not. We've seen this in the -- in the -- in a different light in Washington. You can delay things by not getting to it for a week, two weeks, three weeks. So, my concern is or maybe we should look at the fact that, once an application or request goes into a Probate Court, that would within X one day, two days, 48 hours there's got to be an answer or 72. I don't think that's the case. But that's the -- the kind of -- of complaints that I was getting over the years. This is not a new issue, as you well know.

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KATHY FLAHERTY: Right. I don't think we would have any objection to that. Our concern, really, in terms of our clients is that their due process rights are respected. And if a conservator is trying to restrict somebody's civil rights, you know, the Court is going to have to appoint counsel for the conserved person for that hearing. So, some of the time delay may be just arranging all the personnel who need to show up for that hearing, so peoples' due process rights are respected. But you know, it may be putting reasonable timeframes on the scheduling of that hearing as a way to try to address those concerns.

SENATOR SLAP (5TH): Senator.

SENATOR KELLY (21ST): Thank you, Mr. Chairman. I have just a couple of questions and I don't want to get too legal here. But if I'm understanding correctly, what you're saying is you like the current, I'm going to say legal construct, and the balance that is already exists where the Courts have to, under law, only restrict or to the least restrictive means necessary so that they can provide guidance or help to the individual that's the conserved person. So, are you saying that you like the current construct and view the bill as possibly infringing upon due process rights of the conserved person?

KATHY FLAHERTY: Well, the bill as proposed, in my understanding of the language, is simply to establish a task force to study it. I just simply think having a task force studying somebody's civil rights opens the door to a discussion that maybe

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those civil rights shouldn't exist. So, I would have a real problem with that.

But in terms of the current framework of the conservatorship statute, that was put into place in the mid-2000s, you know, after a lot of work by a lot of people as the result of other horrific incidents that happened with conservators. And it was very clear then is that the Probate Courts did have to make that specific finding that people needed specific help and that they shouldn't do more than that. The standards of practice were issued. They might have been issued prior to 2018. The version on the Probate Court website is dated 2018. But that's outlining expectations that the Probate Court has of its own conservators.

From our perspective, we sometimes sees issues with conservators just not doing their job properly in all various different kinds of ways. But certainly interfering with our clients' rights to interact with the people they care about is a problem. We have experienced problems where conservators have tried to interact, prevent clients from contacting us for legal help. And the law is very clear. Even a person who's under conservatorship has the right to contact an independent attorney. And we've had conservators try to prevent that from happening.

So, I think there needs -- needs to be perhaps that training for the conservators should be mandatory. It's not. I mean, it's an optional online training that's available. But people should understand the legal obligations they're taking on in that conservator role.

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SENATOR KELLY (21ST): Do you think the appointment by the Court of an attorney for the conserved person, if the conserved person hasn't sought and retained their own legal counsel is sufficient, together with the due -- the -- the notice requirements at least on the institution or the beginning of a conservator are adequate?

KATHY FLAHERTY: If the -- if the Court appointed attorney understands that their obligation is to zealously advocate for their client in accordance with the client's expressed preferences, yes, it is. It's another failing that we sometimes see. But the system is what it is. And I think, if people understood what their roles were within the system and perform them the way that they're supposed to, and are obligated to under the Rules of Professional Conduct, we'd all be better off. That just doesn't always happen.

SENATOR KELLY (21ST): And would you have or -- or Legal Services have recommendations on situations where the system may fail as to how we could better serve the conserved person in making sure that both their due process and civil liberties are protected?

KATHY FLAHERTY: I have lots of ideas. [Laughing]

SENATOR KELLY (21ST): Okay.

KATHY FLAHERTY: And I -- well, maybe it's something we can discuss offline.

SENATOR KELLY (21ST): Right.

KATHY FLAHERTY: I'd be happy to do that.

SENATOR KELLY (21ST): Okay. Thank you very much.

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KATHY FLAHERTY: You're welcome.

SENATOR SLAP (5TH): Yeah. Representative.

REP. HUGHES (135TH): Thank you so much and thank you for your work on this. As one who worked on that task force to get that online training, which is excellent, maybe it should be required for both voluntary and professional conservators. It's also in several languages. And it -- it bumps to the Probate Court a certificate of completion. It -- it -- it definitely, I think, would work better than a task force to study what the legal constraints and responsibilities of conservators are.

I'm not sure who the proponent of the bill is to and whether they are aware of that training in terms of -- and its implementation because that's -- that's really just gone online this past year. So, I'm not sure if this predates that or is unaware of that or -- or I don't really know. But -- but there -- like you said, there are several ways to address keeping conserved people safe without violating their civil rights. So, and -- and better training of the conservators and -- and responsibilities is one way to do that. Thanks.

KATHY FLAHERTY: I agree. Thanks.

SENATOR SLAP (5TH): Thank you very much for coming in and for --

KATHY FLAHERTY: Thank you.

SENATOR SLAP (5TH): -- your time. I appreciate it. Senator Tony Hwang, we've seen him enter the -- enter the building. So, please, welcome. Good afternoon.

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SENATOR HWANG (28TH): Thank you. It's great to be back in the Aging Committee. Thank you, Chairman Slap, Chairman Serra, ranking members Kelly and Wilson. I am here to speak in favor of three particular bills, S.B. 85, as well as H.B. 5096, and H.B. 5097. I'll be brief on that. I have submitted testimony in that reflect.

But I want to begin with S.B. 85. I want to thank the Committee for raising this issue, particularly the leadership of the ranking member and the Chairs in raising the awareness of age discrimination. In understanding that we, as an aging population in our state, has an incredible resource and talent of our seniors and -- and we have fallen into a -- a -- a point of thought that -- that we have neglected that population and their ability to contribute.

We have also worked with many organizations to retrain and readapt those individuals. They're an incredibly valuable resource. And I applaud this Committee's work in raising the awareness, but also raising protection for our older employees that are looking for new career transition, and to be able to enact legislation and create an awareness to be sure that they're protected as they reenter the marketplace.

I've talked to many of our seniors that are looking for a second or possible third career. They are particularly energized by the opportunity that they could be looking into different areas beyond their traditional skills that they've had in their first or second career to look at advanced manufacturing, to look various facets of the 22nd Century technology. So, I -- I really want to thank this

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Committee for raising it, but also to flush out any of the barriers that may be present for those individuals to be a valuable contributor to our workforce.

The -- the second bill is AN ACT EXPANDING -- EXPANDING ELIGIBILITY FOR ALZHEIMER'S RESPITE PROGRAM. We've been through this many times in this Committee. This Committee has taken a tremendous leadership, way before its time, in raising the awareness that Alzheimer's and dementia is a growing problem and -- and maybe even present way before we were aware. But the cognizant ability to be able to get diagnosis and treatment has created a tremendous need.

But what doesn't really get captured in the data point, which you'll see in our testimony, are the impacts on caregivers, families, and the medical providers, particularly on the Respite Program. I think it should change the word. It's not a vacation. It's not a respite. It's truly a necessary break from the incredible challenges and the incredible burden that caregivers have in regards to caring for someone suffering -- their loved one suffering from dementia. A day off is an incredibly valuable resource.

I -- as I've talked to many of the caregivers, the idea that close to 70 percent of caregivers themselves fall ill, is one of the most important factors for us in -- in regards to aging in place and being a proactive supporter of -- of -- of better health for our seniors. The Respite Program is a critical part. And I -- I -- I -- I struggle

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that every year in our Appropriations Committee we continue to cut this necessary funding.

So, I -- I applaud this Committee's work in that area. And I hope that the rest of the General Assembly sees the value of this Program, because Alzheimer's and dementia is a tremendous drain on, not only the individual caregivers, for their families, but also on our economy.

The third area is a -- is a recent phenomenon. And -- and I want to thank Representative Serra for his leadership in kind of raising awareness on this issue is the -- the recent phenomenon of parents and senior caregivers that are entering their -- their second stage at -- of child rearing, because so many of their own children have fallen to the -- the -- the social plague of addiction, whether it's in the opiate or drugs or any form of the addiction.

We have created a generation evident by the opiate epidemic that are unable to care for their own children. And we have seen such an incredible burden on individuals that should be enjoying their retirement years, their golden years, free of worry, and just simply babysitting and leaving. They're no longer able to leave. They are burdened with the responsibility of caring for a loved one, but at the same time, they are so ill equipped financially, as well as the challenges that they have -- have to endure.

This is a recent phenomenon that we've not given enough credit to. And I do want to applaud this Committee for making awareness of this, that we need to understand, when we talk about the impact of opiate addiction, not only on the individual that is

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afflicted, not only on the extended family that's afflicted, but a whole generation of young children that will not have the supported network of a -- a nuclear family dynamic. And I want to applaud these parents -- these grandparents that have stepped up or caregivers that are willing to give up their retirement years to care for their loved ones.

So, I know I've gone beyond my three minutes and I appreciate the indulgence of the Committee. But those are so many of the other bills that the Aging Committee has raised. And I want to thank all of the members of -- of the Committee for raising issues that are critical for the health and wellbeing of our seniors, but also so many other people that make a huge contribution in our society and in our state. I'd be happy to take any additional questions.

SENATOR SLAP (5TH): Thank you, Senator, very much. Any -- any comments? Yes, Senator.

SENATOR KELLY (21ST): Thank you, Mr. Chairman. Thank you, Senator Hwang for being with us this afternoon. And thank you very much for supporting that beautiful Kelly green tie. [Laughing] I particularly like that, and seeing that we're about a little less than 30 days from high-wholly day of Saint Patrick's Day, it's -- it's totally appropriate.

SENATOR HWANG (28TH): It's a month-long celebration; isn't it? [Laughing]

SENATOR KELLY (21ST): It is. Well, to a guy like me it's all year round, it's 365. But thank you particularly on the -- you know, you -- your

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advocacy on the issues you spoke of today. We know that ageism exists. That's why S.B. 85 is before you. And I thank Senator Slap for his leadership on this bill, not only in this Committee, but his work last year that really set the stage for this year's legislative proposal, but also the Alzheimer's respite.

I believe a -- a couple of years ago you introduced me to Eleanor Wilber [phonetic] who was the State Representative that started this Respite Program. And the beauty of it, is not just aid for the caregiver, but it's an essential ability to help the champion in the community that helps seniors age in place. And all too often, what we do when we sit down in Appropriations, is look at the dollars and cents and not look at the savings, that by keeping people in their home, where they want to be, with people they love and better care, that it actually saves money from the highest end of the Medicaid pool, which is the institutional setting.

And this is a small way that we can help, not only the individual in need, but the caregiver that helps them. It's not a day off as you said. It's a day when that person actually gets a chance to look at their life and maybe go to their doctor appointment or their child's appointment or go grocery shopping so that they can run their household and make sure that their responsibilities are taken care of.

Caregiving is a daunting task. And this is an initiative that goes to that. And once again, thank you for spending time with us and your advocacy on this issue, because it's critical, if we're going to get this right. Thank you.

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SENATOR HWANG (28TH): And -- and thank you very much for -- for those words. And -- and thank you for acknowledging Eleanor Wilber. She stands as one of the -- the -- the role models that I have, stricken by polio at a young age and wheelchair bound. She took care of her husband for many years and -- and asked for no quarters. But at the same time, she understood it's a tremendous burden. And -- and she had a -- a -- a stubborn Yankee way about her, being the granddaughter of Robert Frost. She -- she -- if she could, she would take care of everything herself. That's the stubborn New England way. But she also recognized that she couldn't do it alone.

We talk about data and we talk about dollars and cents, but -- but Senator Kelly, I think you're right. When you talk to people whose lives have been impacted and have loved ones that are lost to Alzheimer's, it is the most insidious of illness in the sense that these are physically capable, in some cases, but they don't remember anything. When you look at the -- the legacy and you look at the values and the treasures that you have, it is about your memory.

And when I hear loved ones look at an individual and they don't remember who they are, people that they have spent a lifetime creating memories, and those memories are gone, it is the most gut wrenching type of dynamic you will ever feel. And for those people, I hope we find a -- a solution for Alzheimer's. But nevertheless, as we do right now, let's create an opportunity for those people to be able to do their best and give their best to loved ones. That's what it's all about.

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SENATOR KELLY (21ST): Okay. Thank you, Senator.

SENATOR HWANG (28TH): Thank you very much.

SENATOR SLAP (5TH): Thanks for your support on these important issues.

SENATOR HWANG (28TH): Thank you.

SENATOR SLAP (5TH): Yeah. Okay. Stephen. Is Stephen here? Okay. Stephen and then, Mr. Ed Lang is -- will be next.

STEPHEN WANCZYK-KARP: We're here today in support of S.B. 85. According to the U.S. Bureau of Labor Statistics, almost half of those who have been out of work for six months or longer are over the age of 50. The Age Discrimination Employment Act does allow for -- for -- not -- does not allow for discrimination against people over the age of 40, but that can be hard to prove when allowable age identifiers are utilized in the initial screening process. S.B. 85 addresses this loophole in a way that assures that applicants are not discriminated against due to age in a way that prevents them from even getting an initial interview or consideration.

Employers may make age-related applicant screening decisions based on misconceptions about age. For example, maybe they think a younger person is more tech savvy. They believe maybe a younger person is more energetic or healthier. Or an employer may seek to hire based on age because they can pay less to a person with fewer years of experience. Such practices discriminate against applicants whose age are older, and based on myths and misinformation about age.

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Likewise, S.B. 85 can actually help all age groups so why are we focused on aging and obviously you're the Committee on Aging. It certainly seems to us that this could also help younger people. Because we can only assume that there are times when employers make discriminatory decisions based on a younger's person age in the same way they do an older person's age.

S.B. 85 will have a positive effect on making Connecticut a state where workers of all ages who choose to remain. This is especially important given our state, as I said before, has the sixth highest percentage of residents 60 years or older. Being an age friendly workforce is to the benefit of the entire state.

Over the years, NASW/Connecticut has hired, and I have hired people from the early 20s in age to the late 50s. If we had screened out people based on age, we would have lost out on excellent employees. Age discrimination is not only wrong, it makes for bad business decisions.

In the field of social work, many practitioners have the opportunity -- for different experience practitioner, have the opportunity to go into private practice, independent practice. So, they may be able to avoid this issue. But we have members who choose not to go into independent practice. And I do hear from social workers who say they have trouble finding jobs as they get into their 50s. And we also hear from members who say that they have trouble advancing or enhancing their job opportunities by moving some where's else because of their age.

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All applicants of all ages deserve an even playing field that allows them to attain initial employment consideration by the employer. S.B. 85 makes that a reality. And we urge support for this important bill.

SENATOR SLAP (5TH): Thank you very much for your patience and for coming in. Do any of my colleagues have any -- any comments? Before you go, I should say that the -- you know, this issue came on to my radar screen because of a social worker, actually. A family friend who had had, I think this was their third career, had graduated from Yale many -- many decades ago and -- and quite an accomplished person, but decided at the age of late 60s to go back and get a social work degree and hit the job market at the age of 70 with a social work degree and could not get an interview, not even one interview. And -- and was constantly being asked to put graduation dates on their job applications. So --

STEPHEN WANCZYK-KARP: We like to think our --

SENATOR SLAP (5TH): -- there's a connection.

STEPHEN WANCZYK-KARP: -- field does better, but in reality, our field, I think, is the same as most fields. And it's unfortunate, because those are the people with those kinds of life experiences that we would so benefit for in the social work field. So --

SENATOR SLAP (5TH): Well said. Thanks again very much for your time.

STEPHEN WANCZYK-KARP: Thank you.

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SENATOR SLAP (5TH): Okay. Ed Lang is up next. And after Mr. Lang is Linnea Levine, I think, after that.

LINNEA LEVINE: Levine.

SENATOR SLAP (5TH): Oh, Levine. I'm sorry. My apologies. Okay. So Ed, you're up.

ED LANG: Good afternoon, Chairman Slap, Chairman Serra, members of the Committee. Thank you for your patience and thank you for everything you do for our aging community. It's very clear from what I know of you, from having been here in past years, and listening to you today, I think you all care about our constituents.

I'm here today as the President of the Connecticut Chapter of the National Academy of Elder Law Attorneys. I'm also a member of the Executive Committee of the Elder Law Section of the Connecticut Bar Association. I'm a practicing elder law attorney in Middlefield.

I wanted to talk to you today as a follow up to what Attorney Tetreault said about S.B. 81 and what Attorney Levine is going to say about S.B. 84. You probably know all of the mathematical numbers involved in these bills. You know that currently Medicaid is not paid retroactively for homecare applications. But those have significant consequences for the individuals who are affected.

Among the most significant things I think we never talk about, is the discrimination against elder women by our Community Spouse Protected Allowance. Most -- I shouldn't say most, many of the people that we see are women whose spouses are in need of

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long-term care. As Attorney Tetreault had explained, they're required to spend down their assets when they are below the \$262,000-dollar level.

And my experience, and I've included an example in my written testimony, is that I've seen people who have been forced to spend down to \$50 or \$60,000 dollars and that's the only asset left for the community spouse. And it's typically a family that's surviving on Social Security income from both spouses. And when the ill spouse dies, one of the Social Security benefits goes away. And instead of having her \$60,000 dollars, plus \$3000 dollars a month income coming in, that individual now has only her or his, whichever is larger, but very often about \$1500 dollars to live on instead of the \$3000 dollars that they were living on before. And by forcing them to spend down from the \$128,000 dollar Maximum Community Spouse Protected Amount to one-half that amount, we've taken away any possible safety net for that person. We're seeing, and we, being the elder law community, we're seeing those people suffering from illness and being forced into long-term care, being forced to apply for Medicaid sooner because they don't have the resources to take care of themselves.

We also see this in the tie-in to the failure of the state to pay retroactive for homecare benefits. Under the current rules, a family must spend down to the eligibility level before the state will accept the application for homecare. If you're over asset, you're told your application is going to be denied, spend it down, and come back. So, what's happening is they've spent down, but now while it takes the

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state 90 days, 120 days, 150 days, the only resource they have to pay for the caregiver in the home is what's left of the Community Spouse Protected Amount. And when you're starting with \$60,000 dollars or \$50,000 dollars or less, and the caregiver is costing you \$6000 dollars a month, you've gone through another \$20,000 dollars to \$25,000 dollars within just a few months. So, that it's really misleading to say that we're allowing you to keep the Community Spouse Protected Amount.

You're going to hear from Attorney Levine in a couple of minutes and she has a lot of experience and has some detail about the impact of people when they're not able to qualify for the homecare benefits. We're seeing people who are forced to go into convalescent homes or stay in convalescent homes if they've been in a convalescent home after a stay in the hospital, because they don't have the ability to afford the caregiver at home while the application for homecare program is pending.

I've also recently had a case where people were attempting to stay at home, they ran out of money, the caregiver agency pulled the caregiver when it was clear, and I'll finish up with this, it was clear that they couldn't afford to pay anymore while the application was pending. The agency contacted 911. The person was taken to the hospital, placed then into a nursing home. And now, Medicaid was applied retroactively for the nursing home stay but they could no longer return home.

So, I thank you for your attention. I do want to say both the Elder Law Bar and the Association of Elder Law Attorneys are willing to work with you, to

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work with DSS to try and come up with compromises. There are some states that have allowed families to put money in escrow to pay for the -- the homecare during the pendency of an application, and not have that count as a resource. We've also seen the state of New York go to the point where they say, you can keep no more than one-half of your assets, but not less than \$74,000 dollars. So, we would never say it has to be \$128,000 dollars. Anything that you can do, we would really appreciate. Thank you very much.

SENATOR SLAP (5TH): Thank you very much. Thanks for your time.

ED LANG: Thank you.

SENATOR SLAP (5TH): Okay. Great. Ms. Levine is up next, and followed by Nora Duncan.

LINNEA LEVINE: I am Linnea Levine and I want to thank you for allowing me to testify before you, the Aging Committee. I have practiced elder law for 28 years in Connecticut and done a lot of Medicaid applications. I am a past president of the Connecticut National Academy of Elder Law Attorneys and a member of the Public Policy Committee of that association, and a member of the Connecticut Elder Law Section of the Connecticut Bar Association.

I originally wrote, I think the first bill on this, maybe five years ago and I come back every year, and I just pray somebody will have an epiphany. But -- but what's always puzzled me is that the *Federal Medicaid Regulation 42 CFR 435.915* mandates that all waiver programs have a 90-day retroactive payment, just as a nursing home does. But Connecticut

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doesn't do that. And you -- as long as -- you have to do the retroactivity under federal law, as long as you meet the eligibility requirements, you have to be a resident of the state of Connecticut, you have to meet the -- the financial eligibility, and you have to have medical necessity, which means for homecare, we would have to have, you know, the homecare assessment done pretty soon.

What really bothers me is that people don't understand how expensive this is. You know, you start with four hours of care, you go to eight hours of care, that slippery slope of decline can happen within three months, it could happen within six months, nobody knows. There's so many unknowns with people who are trying to stay at home. When they get up to -- when they get up to 16 hours of care, \$25 dollars per -- per hour, that comes out to \$292,000 dollars for just two years of care. So, even if you have a retirement account or -- you know, or -- and -- and you -- and you've had a good job and you have some savings and you're middle class, you're going to eventually need to be on Medicaid unless you have millions of dollars.

So, what happens, these people come to my office and they're -- they're spending down. They usually come to see the elder law attorney too late. They should come early but, you know, they don't. So, now we have this problem and what -- what will happen with somebody who needs 16 hours of care, they need hands on supervision with bathing, dressing, eating, food preparation, toileting, transfer from bed to chair, walking, taking medications on time, not taking too many medications. They're fall risks. In some cases, they're choke risks if they have Parkinson's,

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or like my husband, has no esophagus. His stomach has no esophagus. His scar tissues -- he just was stretched out and food got caught. We've been in the emergency room for two endoscopies. It happens to everyone regardless of how much money they have.

So, what would -- what do we do with these people if they -- if their -- if the children can't afford to pony up the money and the children have no legal right to -- you can't expect them to, there is no legal right of support? We tell them, you'll have to go to a nursing home because we don't want you dead. So they -- they go to the nursing home, they -- and then -- then they have to come out under Money Follows the Person, which is a -- an experimental program. We don't know if it's going to be here. They do a universal assessment. And this universal assessment is not as -- as kind as the assessment you get for homecare. And they get -- come home with fewer hours, and they don't even get the hours they really need. This is life and death.

The other -- I wanted to say -- say one more point that's very important. The three months in the nursing home costs twice as much as a three-months retroactive payment for homecare. So, I've never understood the fiscal assessment that comes down on this every single year, because if somebody needs 12 or 18 hours of care, they have to go to a nursing home if there's no retroactivity, and they're spent down to 1600 when they apply. Any questions?

SENATOR SLAP (5TH): Okay. Thank you for your testimony. Any questions? Senator.

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SENATOR KELLY (21ST): Yeah. Thank you very much, Linnea for being with us this afternoon. Obviously, I know you have a very busy schedule, as with Ed Lang. So, being here to explain to us, you know, what your real life practice is like and the people that you serve, it is interesting that there is that federal statute that requires, you know, fairness with both community and institutional Medicaid. But what we don't see in Connecticut is that fairness.

If you're in the community, assistance delayed is assistance denied. And that's a -- a problem. And the real reason for this bill is to avoid the more expensive nursing home Medicaid appropriation. It's pennywise --

LINNEA LEVINE: And pound foolish.

SENATOR KELLY (21ST): -- you know, pound foolish where people would rather be at home, in the community, with loved ones. And this is the type of initiative that helps people stay there. And --

LINNEA LEVINE: It's also the least -- there are constitutional liberty interests of the least restricted safe environment. Putting someone in an institution because they're not -- because Connecticut is not meeting the -- the federal regulation to do retroactive pay has actually cost -- will eventually because more and more -- we're just -- we're not letting people die anymore. We're sending them to nursing homes.

SENATOR KELLY (21ST): Well, to a large extent, it takes away dignity and independence.

LINNEA LEVINE: I'd like to add one more detail. I -- I researched, you know, the causes of -- of the

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abuse of the elderly. And if you go look at your own state research, do you know what the highest percentage of abuse is, self-neglect. The person with the memory problems at home without the aid coming in to remind them to take their medicine. So, we -- we also have elder abuse, self-inflicted elder abuse because they're -- they have no money.

SENATOR KELLY (21ST): Right.

LINNEA LEVINE: Okay.

SENATOR KELLY (21ST): Thank you very much.

LINNEA LEVINE: Sure.

SENATOR SLAP (5TH): All right. Nora Duncan with AARP, and then Anna with AARP to follow.

NORA DUNCAN: Hello. I am Nora Duncan with AARP and Anna and I will not talk about the same things. So, there you go. [Laughing].

SENATOR SLAP (5TH): Welcome. Glad to have you.

NORA DUNCAN: Okay. So, I'm going to talk today about age discrimination in S.B. 85 and our support of this bill. Thank you, Senator Slap for your leadership on this. I'm so excited at the bipartisan effort with, as you heard from Eric Gjede from the CBIA earlier with business support. So, I'm -- I'm really excited about that.

Just some statistics, I think, and I -- I did attach some cute little charts and graphs to your -- to your documents. But you already heard that Connecticut is the sixth oldest state in the nation. You know, that's why we -- there's about what 3.2 million people in Connecticut and 600,000 of them

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are AARP members. So, that's a pretty big number. And by 2022, 35 percent of the total U.S. workforce is going to be over age 50.

But the thing I think is interesting is the two fastest growing segments of our workforce are those age 75 and up. They're the number one fastest growing segment of the workforce, followed closely by those age 65 to 74. So, as we live longer, we have to support ourselves longer. This -- some people work because they love it. Some people work because they have to. But the thing should be, that, the playing field should be even based on your experience and the qualifications for the job at hand. And I think this bill helps with that, just a little playing field leveling.

One other statistic that I like to raise, that I think is really important for why older members of our society are so valuable economically is that, whether they're working or in retirement spending their hard-earned retirement dollars, the economic activity of people age 50 up on the U.S. GDP is equivalent to the third largest economy in the world. Okay. So, we need to make sure, for the reasons that have been stated on other bills, for paying our property taxes here in Connecticut, for everything else, that people are able to make money and continue to be active participants in our workforce, if they choose to.

In 2018, we did a survey of people age 45 and over and 61 percent of respondents indicate they experienced or saw age discrimination in the workplace with African-American women being the highest reporters of such discrimination. And in

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that same survey, 44 percent of respondents who applied for or interviewed for a job in the previous two years were asked age-related questions on their applications. So, this is a problem. It's something we can solve. We can't eliminate discrimination, but you can level the playing field.

So, we're not going to get any objections to this bill, I'm confident of, from anybody who's going to come and testify. So, I look forward to helping you take it off the -- the agenda for next year, because this will be [laughter] the -- that'll make it the fifth year in a row I have testified on something like this, and I don't want to do that again. I'd like to put this to bed, as you guys probably would, too. So, I'm excited to work with this Committee and to see this be done with early.

SENATOR SLAP (5TH): Nora, thank you for your partnership and leadership on this. And you taught me to refer to our -- our older workers as older workers and not seniors. How come? If you could explain that so --

NORA DUNCAN: Anybody? No. [Laughing] So, I think that, you know, the -- there are specifically, you know, stereotypes that go along with certain words. And an older worker or an experienced member of our workforce has a different value proposition, unfortunately, than the word senior does. You know, it's -- it's -- I find, and there's other people who can speak to this more than I can, I mean, if I even say to someone that I'm doing a job seeker presentation, if I say we're having it at a senior center, people aged 65 won't come. If I have it at

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the community center next door, they're happy to be there.

So, I think the issue is that -- also that the federal law that protects people, starts at age 40. There's no age 40 senior citizen discount; right? So, there's no aged 40 senior. But there -- that's when age discrimination, in our legal definition begins, is at age 40. And I think a lot of us can probably come to conclusions as to why African-American women over age, you know, 45 are reporting higher levels of experiencing or at least perceiving age discrimination, than maybe their white counterpart, their male counterpart, their younger counterpart.

SENATOR SLAP (5TH): Thank you. Any -- any comments or questions by colleagues? No? Nora, thank you again so much.

NORA DUNCAN: Thank you.

SENATOR SLAP (5TH): Okay. Anna, also with the AARP. And then, Jean is next. Jean Aranha -- Aranha.

ANNA DOROGNAZI: Hello. And I'm here to definitely not discuss age discrimination. But thank you, Senator Slap, Representative Wilson, Committee members. We submitted written testimony in addition to Nora's testimony on the Age Discrimination Bill. We also submitted testimony today in support of seven other bills. But I wanted to use my time to just quickly draw your attention to our support for two bills, S.B. 83, EXPANDING ELIGIBILITY FOR THE CONNECTICUT HOME-CARE PROGRAM FOR THE ELDERLY, and

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H.B. 5096, EXPANDING ELIGIBILITY FOR THE ALZHEIMER'S RESPITE PROGRAM.

Senator Kelly made some great comments earlier that I just wanted to quickly reiterate around investing money in the long-term support and services to keep people in their homes as a way to both support better outcomes for those individuals, but also to make sure that we're not spending money on institutionalization when we know, you know, from AARP's pretty extensive research on this that, that that's not how people want to live out their life.

According to our research, 90 percent of people aged 50 plus, prefer to stay in their homes as they age. And this preference is because home means something to people. It's where they have emotional connections, where they have their memories. They've invested in the physical home, itself, but also their communities. That's where they have a lot of access to support, to friendships, to family. And that's where people want to be.

So, I think there are also some ancillary benefits that haven't been discussed today around the impact that programs like the Connecticut Home-Care Program for the Elderly and the Alzheimer's Respite Program have for those caregivers, the people who are taking care of these family members in the community. These unpaid family members are really the unsung heroes and kind of the unspoken backbone of our state Long-Term Support and Services System.

There are 460,000 family caregivers in Connecticut right now that provide an estimated 390 million hours of unpaid care each year. So, we have to keep that sort of unpaid, informal workforce healthy. We

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have to support them. Because the care that they provide is worth an estimated \$5.9 billion dollars a year. If we burn out our caregivers, we're going to be seeing more people in nursing homes. We're going to be seeing more people who have to pay money, spend down their assets to bring people into their homes.

I want to refer you to written testimony from two of our volunteers, Mike -- Mike Sopchak, who submitted testimony on the Alzheimer's Respite Program, and Jean Horn Caron, who submitted testimony on the Connecticut Home-Care Program for Elders. They are both family caregivers. They speak a bit to some of their experiences. And I just wanted to highlight, again, this whole idea of, you know, pennywise and pound foolish that investments in these programs are investments in the individuals that then get to stay home and also their -- their family members and their community. Thank you.

SENATOR SLAP (5TH): Thank you. Thank you for your patience today. Does anyone have any questions or comments? No? Representative.

REP. HUGHES (135TH): Thank you, Mr. Chairman. And thank you for your testimony, especially getting people to testify who have used both programs. I -- I -- I just ask you to speak a little bit to the underlying lack of investment in the care infrastructure that we are dealing with as a -- as a society. The Home-Care Program is great. The Respite Program is great. You -- you've -- you reference unpaid caregivers which are the invisible care infrastructure and we cannot rely on that anymore going forward. So, these are all attempts

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to solve a really big fundamental structural problem that -- that has been pretty invisible to, I think, most states. But since we're the sixth oldest, it's been pretty apparent to AARP and ours for a long time.

ANNA DAROGNAZI: Yeah. And that -- that was well stated. I'm not sure, you know, if I necessarily have anything to -- to add to that. But, you know, a lot of these sort of ancillary issues, paid family leave was something that we testified on as a way to support these family caregivers; making training available to family caregivers; just making sure that they have the flexibility to maintain their lives. There's a lot of research out there about kind of the growing prominence of millennial caregivers who might have small children as well as older adults in their life that they're taking care of. So, any way that we can find to invest -- what amounts to, you know, small amounts of money to keep this informal caregiving workforce healthy, to keep it robust.

We're -- we're saving on big, big expenses for institutionalization. We're at almost \$170,000 dollars a year for the annual cost of a nursing home in Connecticut. And for the most part, that's not private pay. Only about 10 percent of our nursing home population is private pay. The rest is covered through -- through Medicaid, a smaller percentage is, you know, Medicare, other sort of state funded services, a small amount for long-term care insurance, which is another bill that we testified in support of, giving some small relief to folks in the form of tax deductions for their long-term care insurance. It really does go a long way from taking

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folks out of that Medicaid pay population and making sure that there -- there are other ways to give them access to the care that some folks might need as they age.

REP. HUGHES (135TH): Thank you for -- for reframing or helping me reframe that it is a care infrastructure that hasn't been addressed. So, it's not just respite. It's the infrastructure that's absolutely essential to saving on those long-term costs that are very, very expensive. So, thank you.

ANNA DAROGNAZI: Absolutely. Thank you.

SENATOR SLAP (5TH): Thank you. All right. Anna, thanks again for --

ANNA DAROGNAZI: Thank --

SENATOR SLAP (5TH): -- your time.

ANNA DAROGNAZI: Thank you.

SENATOR SLAP (5TH): So, Jean is next. And then, Colby and then -- Colby Kyle, I should say, and then Gail Crockett to finish this up. So, good afternoon, Jean. Thanks for your --

JEAN ARANHA: Hi.

SENATOR SLAP (5TH): -- patience.

JEAN ARANHA: Thank you. My name is Jean Aranha and I'm the Managing Attorney of the Stanford Office of Connecticut Legal Services where I practice elder law. In my work at CLS, I represent people under conservatorship, both in nursing homes and in the community. And in the past, I have served both as a conservator and as an attorney for conserved persons.

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And I should say first of all, I -- I submitted testimony in support of four bills, which you've heard a lot about. The one that hasn't been mentioned too much was S.B. 83, REDUCING THE PARTICIPANT COSTS AND EXPANDING ELIGIBILITY FOR THE HOME-CARE PROGRAM. I think many of the comments that you've already heard about this whole infrastructure apply to that bill as well.

But the main thing I wanted to speak to you about was to oppose H.B. 5095, ESTABLISHING A TASK FORCE TO STUDY A CONSERVED PERSON'S RIGHT TO INTERACT WITH OTHERS. This issue has been a subject of national concern. It's been debated extensively in Connecticut. And we believe that the issues sought to be addressed through this bill have been well studied and discussed by the relevant stakeholders and that no legislative action is needed, as was mentioned by Kathy Flaherty. And I echo a lot of her comments.

After the 2018 legislative session, at the request of members of this Committee, a work group comprised of Probate Court Administration, representatives from the Probate and Elder Law Sections of the Connecticut Bar Association, DSS, Protective Services, the Connecticut Legal Rights Project, and Legal Services Programs met for about six months. And we reviewed state and uniform laws, and they find -- found that there's a variety of approaches. But at our final meeting, we all agreed that there does not seem to be a workable solution that improves on our current statute, and that remaining with our current statute would be the best solution for Connecticut residents.

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The Legal Services Programs believe, as the Uniform Law states that a conserved person's interactions with others are protected and should not be restricted by a conservator without a Court hearing. And we believe that's what the current state law provides.

I think Kathy Flaherty's comments about raising awareness about the duties of conservators and the duties of the attorneys who represent conserved persons would go much farther than any task force to study this issue, because I think that study has really been done. And I think we have a very good law that's quite -- quite protective, provides for the least restrictive environment and protects peoples' civil liberties. And I think we need to put some work into getting that law to be implemented and followed. Thank you.

SENATOR SLAP (5TH): Jean, thank you very much for your testimony. Any comments? Yes, Representative.

REP. MESKERS (150TH): So, I -- I'm impressed with your testimony and the prior testimony related to the conservatorship. So, I guess the question is or what I'm hearing is that you don't think a task force, in relation to the law or a change in the law, is -- is even necessary required? I guess I'd subtly changed the question, I'm not -- I'm not an advocate of -- of the -- of a change nor am I opposed per se, but as I have become informed in the hearings today, the question is, is there a task force or is there a need for a -- a group to make sure or to study how the law -- existing laws are carried out or to see what further either training or requirements are necessary to make sure that the

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intents are followed of the law? Because it sounds like, behind what I'm hearing from you, is that, there may be problems in implementation or -- or follow through with thoroughness. There was a mention made of Probate Court and about the turnaround time for exercising rights, etcetera.

So, it might be better or be more helpful to us to raise the question as to we -- the law, if -- if we all agree, that the law seems to -- to be perfectly good, but how it's implemented may -- may be requesting whether there's further training requests or other things so that we -- we resolve. There is an issue, which is why this is being proposed. Apparently, it's the wrong solution. But I guess the solution might be the -- the -- what -- what would be --

JEAN ARANHA: Okay. I --

REP. MESKERS (150TH): -- helpful to me.

JEAN ARANHA: I think -- yeah. I think there are issues around conservatorship in a lot of areas, not just in this right to interact. I think the right to interact is, as I said addressed by the conservatorship statute and also just addressed by regular statutes. You know, if somebody's being harassed, you can call the police. I mean, the -- you don't have to have a Probate Court hearing [laughing] necessarily to solve every problem of a -- of a conserved person.

There is the, you know, I know the Probate Court Administrators did a work -- a lot of work on trying to educate conservators, but we have just, you know, voluntary training right now, other than for the

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contract conservators. So, that's certainly one area that could be looked at.

REP. MESKERS (150TH): I guess that's helpful. I -- but perhaps afterwards, I'd love to talk to you about --

JEAN ARANHA: Sure. I'd be happy to.

REP. MESKERS (150TH): -- to go through the perceived issues and to see that whether or not there's any necessary training, etcetera.

JEAN ARANHA: I'd be happy to do that.

SENATOR SLAP (5TH): Great. Okay. Thanks very much.

JEAN ARANHA: Thank you.

SENATOR SLAP (5TH): Appreciate it. Colby Kyle is next. And then, after Colby, Gail Crockett.

COLBY KYLE: Good afternoon. Thank you very much. I appreciate the -- you giving me the time --

SENATOR SLAP (5TH): Absolutely, good afternoon.

COLBY KYLE: So, my name is Colby Kyle. I'm a financial service representative through New York Life. But also I'm on the board of NAIFA Connecticut, which is the National Association of Insurance and Financial Advisors. I'm here today to support H.B. 5099 for the INCOME TAX DEDUCTION FOR LONG-TERM CARE PREMIUMS.

Actually, you know, I think it's kind of poignant that I'm, you know, at the tail end of today, because it ties into a lot of what the folks were -- were saying here today, you know, when it comes to

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the elder -- the elder law attorneys and, you know, the folks from AARP. They're not wrong. You know, the premiums are getting hefty. And, you know, I think that's a confluence of issues that arose from carriers inappropriately pricing things and also from the population, you know, aging and not being projected, and the actuary tables not being updated appropriately or timely enough.

So, doing so in -- in providing incentives to people to continue to maintain these policies and to even seek out these policies, you know, in the form of giving them a -- a tax deduction, I think would be beneficial for, you know, the public but also the state of Connecticut.

You know, the state of Connecticut Medicare spending is about \$8 billion dollars, 43 percent of which goes to long-term care events. All right. So, I know there's a fiscal note attached to this. And, you know, we -- I think somebody from my organization comes up every -- every time this comes up and tries to get it over the -- over the line. But it's usually kicked back because of the fiscal note. And I think that's kind of, you know, saying look, it's going to cost Connecticut X amount of dollars this year or next year is kind of short-sided where we need to really look at it as, was it -- what is it going to save us in the long run; right?

The saying goes in our industry, you know, it's not about you make, it's about what you keep. So, if we can look at it, you know, 10 years down the line or 20 years down the line, and say, hey, you know, if we take the hit up front, you know, year one, we'll

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save X amount of dollars in -- in Medicare spending and it goes to people who really actually need it, instead of -- not to -- not to say that people in long-term care events don't need it, but it can be better distributed in different areas. But also like, the AARP folks were saying people, like to stay in their homes, long-term care policies provide you -- you know, individuals the ability to do that, you know, and -- and receive skilled care by people who are getting paid what they should be paid to take care of them like they should be taken care.

And the last thing I'll leave you with, too, is I don't know if you're aware, but the -- the state of Massachusetts provides a home lean protection up to a value of I believe \$825,000 dollars to \$850,000 dollars. So, if -- if an individual buys a bare minimum policy, which according to the state of Massachusetts is \$125 day -- dollar-a-day benefit for a two-year period, even without inflation protection, the home is protected up to \$850,000 dollars of value. Something -- something to think about.

SENATOR SLAP (5TH): Thank you very much. Comments? Yes, Representative.

REP. WILSON (66TH): Hi. I want to thank you for coming up and waiting so patiently all day today. We've heard about this all day long, as well as a good number of other topics. And what I would like to encourage you and your association to do is come back and talk to the Appropriations Committee when this subject is -- is on their agenda at a public hearing. As would I encourage all the other folks who have come, because in this Committee, I think we

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feel, to some degree, we're all preaching to the choir. We -- we get it. We're -- we're here to advocate for our older folks, and I can say that because I'm -- I'm in that category. So, I just want to say thank you and encourage you to come back, not by yourself, but with many of the members of your association, to the Appropriations Committee, and encourage your clients to come, as well. And perhaps, then, we can raise the issue up to a level that we haven't reached over the last several years. It's -- it's a very important one and I appreciate you're being here.

COLBY KYLE: Absolutely.

REP. WILSON (66TH): Thank you, Mr. Chair.

COLBY KYLE: Thank you.

SENATOR SLAP (5TH): Yeah. Well said, Representative. Yes, sir?

REP. MESKERS (150TH): Yeah. In relation to insurance, I couldn't agree with you more in terms of the benefit and the issue of long-term healthcare and insurance. I would only suggest, having spent 35 years in Wall Street, is that if you're asking for the state to provide a tax credit, I think what the state in a formulative policy has to go through is what the nature of the policies that they're willing, at some level, to underwrite with our -- with the forbearance of our tax dollars to make sure that they're adequate or fill in some minimums.

I think allowing the market itself, in and of itself, to describe and sell policies in which the state endorses with a tax credit, I think we probably would have to agree on what the prescripts

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are of the policies or at least the range of policies available to the -- to the citizens; right, if we're -- if we're providing them with the incentive to purchase the policies with -- with a tax credit.

So, it -- in -- in a free market where I'm not involved on a tax basis, I think everyone should engage in what policies they see fit. But on the supervisory basis, I want to make sure the policies would take care of the intended needs for the -- for the participants in -- in that market. So, would probably require some regulation from an oversight.

COLBY KYLE: Yeah. I'm -- listen, I'm not -- I'm not saying that they're -- it should be all a free for all in the wild, wild west. That's not -- you know, Connecticut has a partnership, long-care term plan, which is very dated and super expensive and doesn't really provide what needs to be provided. I think those were drafted up in the early '90s; right?

There is a lot of oversight, especially with regards to the financial industry and the insurance industry as -- when it comes to certain age demographics, which the long-term care piece falls into; right? So, they have even more oversight and -- on that particular area as well. And, you know, to your point, Massachusetts required, you know, certain line items that needed to be stipulated for it to be a qualified policy; right? So, we could, you know, go over that in some form and kind of go along those lines. But I think when you're looking at major, major carriers in the industry, they're going to design a plan, hopefully, that is -- is appropriate

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and is going to be long lasting. I know certain -- several of them have done so, and are doing so currently.

REP. MESKERS (150TH): Yeah. I -- I agree. I just wanted to lay that out to both our Committee and to our -- our group of legislators that, when we decide to forbear the taxes and give a tax credit, and for a long-term benefit, we -- I think we'd probably want to be involved a little bit in the decision making on the -- how the long-term benefit design and the options are --

COLBY KYLE: Absolutely.

REP. MESKERS (150TH): -- essentially there. Because it's --

COLBY KYLE: Yeah. It's important to look at it.

REP. MESKERS (150TH): It's going to cost us in the short-term for the benefit in the long-term. We want to make sure we're taking care of our -- providing our seniors with optimal choices.

COLBY KYLE: I agree. I think, you know, it needs to be looked at on a daily benefit and -- and an inflation basis as well.

REP. MESKERS (150TH): Exactly. Thank you.

COLBY KYLE: Yeah.

SENATOR SLAP (5TH): Thank you very much.

COLBY KYLE: Thank you. I appreciate that.

SENATOR SLAP (5TH): Thanks for your time and have a good evening. All right, Gail Crockett, a constituent of mine, and very, very patient. Our

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last speaker of the day. Gail is with the Senior Jobs Bank in West Hartford and is on the ground and in the trenches here of helping seniors and older workers, I should say, find employment. So, thank you for your patience, for waiting all afternoon. And welcome to the Aging Committee.

GAIL CROCKETT: Thank you very much. I don't know if this is -- you saved the best for last. However, I have submitted written testimony and in the interest of time, and after having the pleasure of sitting here listening to so many others who eloquently spoke to the issue of S.B. 85, which the Senior Job Bank supports wholeheartedly, I am not going to read my script. You have it. And I, at this point, consider it to be a summarization of everything that was said in support of S.B. 85. And therefore, to -- to simply state for the record that the Senior Job Bank of West Hartford is in support. And we certainly hope that it will pass. And to put a bow on my comments, I will leave you with older people who can work are a good return on investment, and that's the bottom line. Thank you. [Clapping]

SENATOR SLAP (5TH): Thank you, Gail. And thank you to all the members of AARP and those of you who have -- who have been here all afternoon and, you know, lending your support on these important issues. I'll give one last opportunity, do any of my colleagues have any comments? No? Okay. Our public hearing is now adjourned. And the next meeting, I believe, is what the --

THE CLERK: That is the 27th at 11:00 o'clock.

SENATOR SLAP (5TH): The 27th at 11:00 o'clock.
Thank you.