

# Aging Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-973

AN ACT STRENGTHENING THE VOICE OF RESIDENTS AND FAMILY

**Title:** COUNCILS.

**Vote Date:** 3/11/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/9/2021

**File No.:**

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## **SPONSORS OF BILL:**

Aging Committee

## **REASONS FOR BILL:**

Many policies that directly affect the resident's lives have been implemented and changed without any input from residents' councils or family councils. Thus, the constituencies that have been disproportionately impacted have had no feedback or a "seat at the table". Therefore, the residents do not feel part of the process of change and are less likely to take any ownership. This bill requires input from residents' councils and family councils at long term care facilities on state-wide policies affecting living conditions for residents.

The JFS language directs that the State Ombudsman and the Commission on Women, Children, Seniors, Equity and Opportunity to seek testimony from the Statewide Coalition of Presidents of Residents Councils on policy proposals or regulations suggested by a state agencies or legislative committees. It directs that task forces or state agencies that are studying issues concerning living or care conditions at long-term care facilities shall include representatives of residents' councils and family councils.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Senator Cathy Osten, Connecticut General Assembly:** Her testimony is in support of this legislation. She believes that it is vital the residents of long-term care facilities and their families not only have a seat at the table, but also to ensure that their voices are being heard.

**Rep. Kathleen McCarty, Connecticut General Assembly:** She is in support of this bill so that the rights of nursing home residents will have their voices heard when policies that

directly impacts them is being formulated. After listening to many nursing home residents during her work as a member of the Nursing Home and Assisted Living Oversight Working Group it became apparent that resident and family councils were not involved in important decisions.

**Mairead Painter, Ombudsman, Dept. of Aging and Disability Services:** She offered her testimony in support of this proposal and says that the bill will provide residents and family members the access and accommodation to be a part of the conversation and ensure that decision makers are informed as to the impact of potential changes that are being proposed.

**Michael Werner, Attorney, Commission on Women, Children, Seniors, Equity and Opportunity:** They support this bill. Resident Councils and Family councils and the constituencies that they represent have been disproportionately impacted through policy-imposed restrictions in living conditions without consideration given to the perspective or consent of those subjected to new emergency rules.

**Dept. of Social Services:** They are opposed to this bill. They are concerned that this language may be so broad as to encompass any agency policy or position that may impact long-term care. The DSS does not believe that it would be practicable to conduct a formal written or video-based comment process on each policy change that might be proposed. They point out that the state has an established formal regulatory process pursuant to the Uniform Administrative Procedures Act in state statutes. Also, the DSS engages and will continue to engage with resident long-term care advocates and representatives seeking feedback on major policy and programmatic changes that affect residents. Finally, The DSS regularly works with the long-term Care Ombudsman's office and receives regular feedback from families and residents through that office as well.

#### **NATURE AND SOURCES OF SUPPORT:**

**Mag Morelli, President, LeadingAge, Connecticut:** They support this proposal but suggest that the bill is very broad, and it might be in everyone's' interest if the language is narrowed down to make the mandate more specific and workable.

**Kathleen Flaherty, Executive Director, Connecticut Legal Rights Project, Inc.:** They support this legislation pointing out that if you want to find people with the best solutions to problems find those most affected by those problems.

**Jean Mills Aranha, Attorney, Connecticut Legal Services, Stamford:** They support this bill and say that for too long the voices of residents and family members have not been solicited or heard while policy was developed that impacted resident' lives and care conditions. This was evident during the pandemic when visitation rules were imposed without input from the people affected. Many of them have suffered mentally and physically as a result.

**AARP, Connecticut:** They support this bill and point out that older and disabled people can speak for themselves and they should be invited to participate in conversations about their own health, safety, and futures.

**Connecticut Statewide Coalition of Presidents of Resident Councils:** They are in support of this legislation and that it will guarantee residents and family members the opportunity to be at the table when potential changes are being proposed. They firmly support a bill that allows for residents and family members to become active participants in creating change and not just the bearers of it. They believe, that overall, SB 973 would significantly reinforce and support their mission as a formal group of nursing home advocates.

**Valerie Marcella, Constituent, Niantic:** She submitted her testimony in support of this bill. She sees firsthand the daily operations and protocols of facilities and how it affects residents.

**NATURE AND SOURCES OF OPPOSITION:**

No testimony submitted in opposition.

**Reported by: Richard Ferrari, Assistant Clerk  
Richard O'Neil, Assistant Clerk  
Joe Perkus, Clerk**

**Date: 3/25/2021**