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REPRESENTATIVES: Bolinsky, Case, de la Cruz,
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Vargas, Wilson

SENATOR SLAP (5TH): Good afternoon, everyone. This is the Aging Committee and we are having a public hearing today. And we have about, last I checked, about 24 people signed up to testify on a number of different Bills. So my name is Derek Slap. I'm State Senator from the 5th Senate District representing West Hartford, Farmington, Bloomfield, and Burlington. And I'm thrilled to have this public hearing today. This is the first one that the Aging Committee is doing with these new, you know, pandemic protocols so I ask for everybody's indulgence and patience as we go forward.

But we do want to make sure that everybody has a chance to be heard. This is being broadcast live on YouTube and I believe on the state website as well, the CGA website. So hopefully people have a good opportunity to listen and react.

So with that, let me just get into a few of the, this is like I'm the flight attendant here and I'm gonna talk to you about your tray tables and everything here, just real briefly. This meeting might be conducted at a slightly slower pace because of the lag time from Zoom. You know, let us know if you're -- and this is for speakers too -- if you're encountering any technical difficulties.

All participants, please stay on mute until you're recognized. Our Clerk, Joe Perkus, is going to give people a heads up for a few speakers in a row so you can prepare yourself. And you're going to raise

your hand in the participant's box. We do not want to use the emoticons or the chat box.

And speakers, we ask that you introduce yourself and identify what Bill you are addressing. The speakers are going to have three minutes after they introduce themselves. And we just want to remind everybody to, this is a family show so, you know, we want to keep all comments G-rated, of course.

And the Clerk, Joe, will, you know, as you get to your three minutes, if you're going past it, he'll remind you politely that you've reached the three-minute mark and ask you to wrap up. So that, it is not personal, we just want to make sure that we have time for everybody to get their comments in, so we do ask that you try to respect our three-minute time limit.

And I think that's going to do it for our instructions. Joe, is there anything you think that I'm missing?

JOE PERKUS: I think that covers everything. I'm just working with some people who are trying to access the link, who have signed up as speaker. So we might, with some technical difficulties, have to have some people come a little later if they don't show up in time but just bear with us as we deal with that, Senator.

SENATOR SLAP (5TH): Okay, sure. So, before I hand it over to my Co-Chair, who is going to curate the list here for us and go down the list and get our first person to testify, I would open it up to our Members and to certainly our good Ranking Members, Vice-Chairs and any of the Members of the Aging Committee, if they have any comments before we get started.

REP. WILSON (66TH): Senator.

SENATOR SLAP (5TH): Yes, Representative.

REP. WILSON (66TH): Good afternoon. I'm glad to be part of this gathering. This is, I believe this is actually my first public hearing of all three Committees that I sit on, so I'm looking forward to the experience and hope that everyone else is.

I would like to note, for the benefit of the public attending, that many of us, Senators and Representatives, here are juggling multiple schedules. So if you see us muted, if you see us, the live picture on the screen go out, it could indicate that we are trying to dial in or attend another meeting, so it's not out of disrespect to any of those who are giving testimony.

Just like we're in the building, we often dance from one Committee room to another, trying to juggle and participate in as many meetings as we possibly can.

This certainly is an important Committee. Many of the Bills or concepts that we're going to be talking about have been here before and have been brought back, either in same form or modified form. And hopefully, we'll be able to move some things forward for the benefit of all of our seniors. Thank you, Mr. Chair.

SENATOR SLAP (5TH): Thank you, Representative Wilson. That's a great point about the challenges with the schedules, so duly noted and I appreciate you raising that point.

And I would just remind folks too that if they haven't had a chance -- this is for members of the public -- to sign up, you know, the process is a little bit different. But there are a lot of opportunities to make sure that your voice is heard. You could leave a -- there's a phone line. And Joe, I don't mean to put you on the spot. Do we have that number? Or maybe we'll get to it at some point, but if people want to call in and leave messages, that's possible?

JOE PERKUS: Yes. It's (860) 240-0090. They can leave voicemail testimony if they'd like.

SENATOR SLAP (5TH): Okay, so that's great. So, it's another opportunity for folks to do that. They can certainly email the Committee as well. And then every Member certainly has a state email address, and I know my colleagues and I are committed to good constituent services and getting back to folks too, if they see something and they have -- or hear something and they have an opinion on it. We definitely want to hear what you have to say.

So if there's not any other comments I'll hand it over to my Co-Chair Representative Phipps to begin the public hearing part in on our list.

REP. PHIPPS (100TH): Thank you, Senator. I appreciate those words and I also wanted to say that this is, I think too, my first public hearing in this online channel and online sphere. And I want to just say how appreciative I am of the ability to do this. I think there are ways in which this may be a new model, not one that -- I think there are some interactions that we miss being in the halls and being together and that sort of collaborative nature, but the ability for more people to be able to get involved from the comfort of their own home or at work or in the car, so on and so forth. But being able to really broaden this process, I think, is a really unique opportunity that we had that COVID has enlightened and illuminated us all. So, I would just encourage everyone, to use these new channels and write in or use Zoom to participate. And I hope that we have more participation in the future, but I think this is a really, really good start. And I'm glad that, this is my first way to do this. So, we'll get right to work. And I think our first speaker is Senator Hwang.

JOE PERKUS: I do not believe that Senator Hwang is on yet, so maybe we can go to the second speaker, Amy Porter.

REP. PHIPPS (100TH): All right. Commissioner Porter.

CMMR. AMY PORTER: Thank you. Can you hear me?

REP. PHIPPS (100TH): There we go.

CMMR. AMY PORTER: Great, thank you. So, Senator Slap, Representative Phipps -- sorry, my video wasn't starting. Okay. Senator Slap, Representative Phipps, Senator Kelly, Representative Wilson and distinguished Members of the Aging Committee. My name is Amy Porter. I'm the Commissioner of the Department of Aging and Disability Services, or ADS, and I want to thank you for the opportunity to offer testimony today on four Bills, Senate Bills 56, 812, 814, and 817.

I also want to thank the Committee for your dedication to improving the lives of Connecticut's older residents. Our mission as an agency is to maximize opportunities for the independence and wellbeing of people with disabilities and older adults here in Connecticut, so I appreciate the alignment with the work of this Committee and all the work that you're doing.

You have my written testimony with some of the additional details, so I'm just going to summarize my comments on the four Bills.

So first, I would like to speak in support of Senate Bill 56, AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS. We have several employment programs within ADS, including one specifically targeting older adults. We also have employment programs for people with disabilities and people who are injured on the job, and those don't have upper age caps on our programs. So, we applaud any effort

to diminish the effect of age discrimination in hiring and we support passage of this Bill.

Next, I'd like to discuss Senate Bill 812, AN ACT EXPANDING ELIGIBILITY FOR THE ALZHEIMER'S DISEASE RESPITE CARE PROGRAM. Our agency administers this program, known to us as the Connecticut Statewide Respite Care Program. It offers short-term respite services to caregivers of individuals with Alzheimer's disease or related dementias.

Our program assists those who may not qualify for any other program or who might be waiting to qualify for a different program. And with statutory income and asset limits in place, it's operated as a needs-based program.

We think there may be some confusion about the monetary thresholds for eligibility for this program. The Statute lists the income limit for eligibility as \$41,000 and the asset limit as \$109,000. And the Bill proposes to increase the income limit from that \$41,000 to \$50,000 and the asset limit from \$109,000 to \$127,000. However, there's another part of the Statute that tells our agency to increase the income and asset limits annually in line with the Social Security cost of living increase.

So therefore, as of July 1st of this year, the effective date for this Bill, the income limit will grow to \$48,266 and the asset limit will grow to \$128,321. So, Senate Bill 812 would increase the income limit only slightly and actually serve to decrease the asset limit.

We also want to point out that any increase in the eligible population will result in having to spread out our services more thinly. We're concerned that such a change would decrease the amount of funds available to individuals who are lower income, potentially hurting those with the greatest financial need. So for these reasons we don't

support increasing the income and asset thresholds at this time.

For Senate Bill 814, we want to offer our support to AN ACT ESTABLISHING A TASK FORCE TO REVIEW VOLUNTARISM NEEDS OF THE STATE OMBUDSMAN. Active, trained volunteers can play a crucial role in our agency's long-term care ombudsman program and they already do. Additional volunteers serving as resident advocates would expand direct support to residents as they're looking to problem solve or figure out how to address their individual concerns for those residents.

So, we have already been exploring ways to increase the number of volunteers and we were particularly impacted by the pandemic in the number of volunteers available and in the ability of anybody to enter our long-term care facilities. So, we're pleased that the Bill includes our department and the proposed task force. We look forward to working collaboratively to find the best ways to increase the role in the number of volunteers.

And lastly, I'd like to endorse Senate Bill 817, AN ACT CONCERNING SENIOR CENTERS. Senior centers are strong partners within the aging network. Our whole aging network has really stood up during this pandemic and the network can benefit from more coordination and sharing of information and expertise.

The language in Section 2 has been changed. It now refers to the federal definition of multi-purpose senior centers, which aligns very well with our federal requirements.

Section 3 asks the Commission on Women, Children, Seniors Equity and Opportunity to coordinate assistance, direction and advice to senior centers about the latest and best practices available to --

JOE PERKUS: Commissioner, could you please, we're reaching the end of the time limit. Thank you so much.

CMMR. AMY PORTER: Yeah. Two more sentences, thank you.

And then Section 4 creates a senior center working group, and we appreciate that our agency has been involved there.

We thank you for your attention to these important issues and I thank you for allowing me to testify today and I'm happy to answer any questions you may have.

REP. PHIPPS (100TH): Thank you, Commissioner. Are there any questions for the Commissioner? I think we're going to keep it easy today. I think that is it. I was going to thank you for your work, especially during this global crisis and global pandemic. It's unparalleled, so really, we just appreciate everything that you do.

CMMR. AMY PORTER: Thank you.

REP. PHIPPS (100TH): All right. So, we'll call on our next speaker, Commissioner Hughes -- Executive Director Hughes from CHRO.

JOE PERKUS: They should be in now.

TANYA HUGHES: I don't see a video. I'm not able to turn on my video, but I can go on and begin it if that's fine.

REP. PHIPPS (100TH): Yes, please.

TANYA HUGHES: Okay. Good afternoon, Representative Phipps, Senator Slap, Senator Kelly, Representative Wilson and Members of the Aging Committee. I am Executive Director Tanya Hughes, and with me is Deputy Director Attorney Cheryl Sharp. And

following my testimony, we will be able to answer any questions that you have before us.

We're here to testify in support of SB 56, AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS.

Our agency enforces 46a-60(b)(1), which prohibits employers from discriminating against applicants on the basis of age. However, many employers continue to include questions like date of birth or date of graduation. This information is very revealing. It can, and quite often is used to discriminate against applicants on the basis of age. This type of query clearly yields information that can lead to discriminatory conclusions.

The results, whether intended to target a certain age or as an unintended result, can have an adverse effect on all ages. But this is particularly seen amongst older applicants who are discouraged from applying due to stereotypes that are commonly held about older workers who are able to fully contribute to the Connecticut workforce.

For these reasons, the CHRO supports SB 56 and we look forward to working with this Committee in any way we can. Thank you for the opportunity to testify this afternoon.

REP. PHIPPS (100TH): Thank you, Director. Are there any questions for Director Hughes? Any questions for Director Hughes? Seeing none, once again, thank you, Director Hughes, for all your work for the State of Connecticut. I know I've referred several folks to your office and they said the response has always been not only just timely but super effective. So, thank you for everything that you do.

TANYA HUGHES: Thank you, Representative Phipps.

REP. PHIPPS (100TH): Okay. We will now move to, I think it's Deputy Director Sharp, also from CHRO.

JOE PERKUS: Looks like she is not on the --

CHERYL SHARP: Good afternoon. I had to turn on the camera and unmute myself and there was a restart, so.

JOE PERKUS: Thank you, thank you.

CHERYL SHARP: Aging Committee, I am here to echo the sentiment of the Executive Director of the agency. Good afternoon to you, Senator Slap, Representative Phipps, Senator Kelly and Representative Wilson, and the Members of this Aging Committee.

Having tried many age-related complaints over the decades of being a litigator at the Commission on Human Rights and Opportunities, I can state that this Bill, if passed, will enhance the protections for individuals based on their age. There have been several. Every year our agency processes about 4,600 complaints of discrimination and a considerable number of those complaints are based on age.

Anything, an incremental step in the right direction to lessen the number of complaints that are filed based on age and the exposure to liability for employers, and the hurtful and harmful effects of age discrimination on individuals who are the subjects of discrimination, would be a step in the right direction, certainly.

And so, we are supportive of this Bill. We think that this Bill is definitely timely. In the cases that I have litigated, these are factors that are used to kind of color the determination that's being made as to whether or not someone will be promoted or hired within a particular organization.

So, the Commission on Human Rights and Opportunities stands with the authors of this proposed legislation and we offer our support and any assistance that we can provide going forward, know that we are here. Thank you, and that concludes my testimony.

REP. PHIPPS (100TH): Thank you, Deputy Director. Are there any questions?

SENATOR SLAP (5TH): Yes, Mr. Chair, I do have a quick question to Cheryl, Deputy Director and if the Director is still on. We see nationally an increase in the number of complaints about age discrimination. I'm just wondering what you've seen in your office in Connecticut over the past several years in terms of traffic for these kinds of complaints?

CHERYL SHARP: Yes, we see a lot of traffic related to age complaints being filed. The last Session, the amount of time an individual gets to file a complaint was increased and so it went from 180 days to 300 days. So, there are certainly more complaints now encompassed in the timeframe where complaints can be filed. So, we do see an increase.

Also, state law is broader than federal law as it relates to age discrimination. We cover any age of majority, whereas federal law, you have to be over 40 to file a complaint of age discrimination. In Connecticut, that's not the case. So because of that, we do see a substantial number of complaints. And like I said, we processed about 4,600 annually, so we definitely see an increase.

SENATOR SLAP (5TH): Thank you. Yeah, and you mentioned the difference in federal and state law and, you know, there were two recent court decisions in federal appeals court related to essentially striking down the federal protection, I believe. And I don't know if you could, maybe you want to elaborate on this if you want, but where job applicants are not protected by federal laws in

terms of older job applicants. It's only folks who are currently employed and have those jobs. So, I think that's the reason, I think, that it makes the legislation more important, but I don't know if that's something that you've seen yet the ramifications for.

CHERYL SHARP: Well, because our state law is broader than the federal law, and when you apply our state law in its broadness and its remedial measures that are there, it doesn't have an impact on us per se in the State of Connecticut. We do have 46a-58, which is a state law that is an umbrella statute and kind of, if you think of a big umbrella and throw it over everything, we have jurisdiction to enforce the state law, and it kind of pulls in some federal protections. And so, in that way, it would have an effect on us.

But then we have the state law that protects against age discrimination. And so, this just offers an enhancement to that and makes it so -- I look at it in a way that it actually assists employers in not making poor judgments which will then lead them to our door and get them involved in litigation.

And I also look at it as an assistance to those who are applying for jobs, one, and those who are in jobs, so that they are not discriminated against when they're seeking a promotion or when layoffs are going to occur, that there is not -- There used to be, like, an over 50 rule and once you hit 50, then there would be this attempt to get people out of the workforce. We're seeing less of that.

There are different trends that we see, but we're seeing less of that because in Connecticut, we have a robust protection.

SENATOR SLAP (5TH): Thank you. Thank you, Mr. Chair.

JOE PERKUS: Representative Bolinsky has his hand up.

REP. PHIPPS (100TH): Thank you. Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you for the patience in my unmuting effort. Deputy Sharp, thank you for what you do. Just a, sort of an observation about what you do, it's my belief, based on my experience with this senior community, that only a very small fraction of people that could utilize your services and could file complaints ever get to the point where they actually do so, for whatever reason.

Maybe they're giving -- maybe they figure that's just the way it is and they give up, or maybe they're just not aware of how to go about filing a complaint. So if I might ask you, what is the procedure for filing a complaint and engaging the services of your office?

CHERYL SHARP: That's a great question, and thank you for it. I love to talk about our process and procedure. The Commission has four regional offices across the state. One in Hartford, one in Bridgeport, one in Norwich and one in Waterbury. Our services are free. We are a state agency. We're the oldest governmental civil rights agency in the nation.

In order to file a complaint of discrimination, we have investigators who serve as intake officers. And the only thing that person has to do is call one of our four regional offices, set up an appointment, and then they will get assistance with filing their complaint.

They will let the investigator know what happened to them. The investigator will then draft the complaint for them. We have most of our employees teleworking right now, so this is done over the phone or through a Teams chat. The complaint is

then emailed to the individual who wants to file it for their signature. We receive that complaint. And then we serve it on the person being sued, which we call, or who we call the respondent. That is the person who's going to respond to the complaint. The person filing is the complainant, because they're complaining about what they believe to be discriminatory.

Our office does mediation of those complaints. Once we receive them, we do a case assessment review, then we try to mediate and settle the case. If not, then the case can go to investigation. We investigate, and then if we find reasonable cause to believe that discrimination occurred or through our early legal intervention process, the case goes forward and is taken by our legal department.

It goes to public hearing where an administrative law judge, which we call public hearing referee, hears the case and then makes a legal determination as to whether discrimination occurred or not.

All throughout this process, the individual filing does not need an attorney. We have investigators and attorneys employed by our agency. So, during the investigative process, we're neutral fact finders. During the public hearing process, we are advocates and we're prosecuting the complaint on behalf of the State of Connecticut's mission to eliminate discrimination in the state.

So, once it gets to the public hearing process, we are aligned with the individual who originally complained of the discrimination and for public policy reasons, we want to end that discrimination. And so, we could prosecute those cases in front of an administrative law judge, and sometimes in court, in state or federal court, depending on where the case leads.

So in order to access our process, if you go to our website, we have the four regional offices listed.

We have the towns listed that are covered by each regional office. We have the numbers available to contact each regional office, since we try to make our process friendly.

If you are having difficulties with the regional office, which has investigators and managers, you can always contact Tanya or myself and we can offer assistance, because we want to make sure that our process is user-friendly.

So in addition to the four regional offices, you can go to the website. You can go to our blog where we talk about civil rights issues and we put in there information about how to file a complaints. We have a Facebook page. We're on Twitter. We use all the social media to make sure that people understand what their rights are.

REP. BOLINSKY (106TH): Wow.

CHERYL SHARP: That's in a nutshell what we're doing.

REP. BOLINSKY (106TH): Yeah. That's all? Thank you very much for that. It's interesting. We're in the context of the aging community, obviously. And this is a bill that's very heavily supported by AARP and of course, all of the Members of this Committee.

But I read an employment bulletin this morning that talked about a new class of people that are being discriminated against in terms of being long-term unemployed, which is an awful lot of happenstance that is one of the fallout problems of the pandemic. So, you guys have got your work cut out for you. Thank you very much, and thank you for your answer. And thank you, Mr. Chairman, for the opportunity to question.

REP. PHIPPS (100TH): Thank you, Representative, with those great questions. Are there any other questions for the Deputy Director? Well, thank you

again, Director, for being here with us again and once again, I appreciate everything that your office has done. As I said, I know I have, I've sent numerous folks to CHRO, and I've always had full confidence saying that you all help. So, I really appreciate everything that you have done.

CHERYL SHARP: Thank you.

REP. PHIPPS (100TH): All right, we'll call on our next speaker, the State Long-Term Care Ombudsman Painter, which is a very long title to put on a business card.

MAIREAD PAINTER: It is. Good afternoon.

REP. PHIPPS (100TH): Good afternoon. Thank you for being here with us.

MAIREAD PAINTER: Hold on one second. Oops, it's not working. All right. I'll just go with my phone then. Good afternoon, Senator Slap, Representative Phipps, and distinguished Members of the Aging Committee. My name is Mairead Painter. I'm the State Long-Term Care Ombudsman. Thank you for the opportunity to offer you testimony today.

As the State Ombudsman, it's my responsibility to facilitate public comment and represent the interests of Connecticut's long-term care communities. I've submitted testimony and I'll briefly discuss a few Bills with you this afternoon.

First Bill is SB 56, AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS. It might seem interesting that the Long-Term Care Ombudsman would be commenting on this, but we do have many individuals in our long-term care communities and at large that would like to be employed again and feel that they still have things that they would like to be able to give back to society, and these are goals of theirs. They wish to live to their highest potential, and we believe that ensuring that

individuals are not discriminated against is something that we should all support.

Next Bill, SB 815, AN ACT CONCERNING SMOKING IN NURSING HOMES, ASSISTED LIVING FACILITIES AND OTHER HOUSING FOR THE ELDERLY. I'm in support of not allowing smoking inside of a nursing home, assisted living or other housing that supports older adults, as long as the employees of the same setting are also not allowed to smoke on the premises.

For long-term care settings that do allow smoking, I want to ensure that there are designated areas provided by the operator on the premises of the property that are safe and allow access for residents who choose to smoke.

Currently, we have residents who have chosen the setting that they live in due to the availability of smoking. I do not support a Bill that changes access in these settings, as residents are already allowed to smoke and it would negatively impact them.

Long-term care settings that knowingly accept a resident who is a smoker or has recently smoked are obligated to meet these individualized needs. They're required to have policies regarding smoking, smoking areas and safety of smoking. I feel strongly that we need to maintain these smoking options for residents, because some of them may choose to take on risks that would increase the chance of fires and could potentially harm others.

Next Bill is SB 814, AN ACT ESTABLISHING A TASK FORCE TO REVIEW VOLUNTARISM NEEDS OF THE STATE OMBUDSMAN program. I greatly appreciate the support that we've received for the program and the attention that is being given to the long-term care residents of our state. I recognize the need for volunteers to help protect the residents in nursing homes and throughout the state.

I've been working to slowly increase the number of resident advocates, but I must balance the RA, we call them RAs, RA recruitment with the current availability of resources within the program. Every RA must be trained for a minimum of 36 hours and be certified to meet state and federal requirements.

To protect the integrity of the program, I have to strategically use my resources to meet our mission while expanding the program. Since becoming the State Ombudsman, I have been able to successfully implement different outreach strategy strategies and grow the program.

Prior to COVID, we had increased the overall number of RAs to 17, in addition to increasing applications received. Over the past year, we have faced many challenges, as most of our RAs are older adults and are now very concerned about going back into our long-term care communities.

Once RAs are trained and brought onto the program, we also face the challenge that they don't often stay long. It's a very demanding volunteer position and requires a special person. With so many other volunteer opportunities available today, we often lose people to less demanding opportunities.

I'm happy to explore and accept ideas to expand the RA program. Although I don't feel that the proposed task force is necessary, I will accept any support offered to accomplish this goal. Thank you for the opportunity to testify for you today and I'm available for any questions.

REP. PHIPPS (100TH): Thank you. Are there any questions for our Ombudsman? I think that was Representative Hughes, if I saw her hand go up.

REP. HUGHES (135TH): Yes, sir. Thank you, Mr. Chair. Mairead, it's great to see you. I just wanted to know if you can comment on, during this pandemic and going forward, any of the three Bills

that you testified on, what has the pandemic exacerbated in terms of impact of any of these three?

MAIREAD PAINTER: Related to? I'm sorry, I lost you for a second and then you guys came back.

REP. HUGHES (135TH): Oh, sorry. I'm just asking about the Bills you are testifying on today and, you know, we've worked together in the Long-Term Care Oversight Working Group, but I'm just wondering, what has the pandemic exacerbated in terms of the impact of any of the three Bills you're testifying on?

MAIREAD PAINTER: Well, it absolutely impacted our Resident Advocate Program. We had many volunteers, most are older adults, some in their 80s, some even in their 90s, that go into nursing homes regularly to help support residents' rights. Because of the pandemic, they weren't able to go. And now in returning, there's some apprehension there. So, we haven't had that level of support for the residents in the nursing homes. We hope to be able to find a virtual way to support them until we can go back in completely.

As far as smoking, I think smoking in general was a challenge through the pandemic, but that's always a challenge.

And then for people finding jobs, I am concerned and I'm worried that individuals who decide to change the setting where they received their long-term services and supports and go to the community, if they do wish to work again, there's going to be a lot of competition out there since the pandemic.

REP. HUGHES (135TH): Yeah, thank you for that. And there's all kinds of economic implications for older adults that still need to work, that can't retire, that are displaced in this economic climate and in

this pandemic. So the age discrimination protections are incredibly important.

I just thank you for your service and for your advocacy for all of our Connecticut community, but especially in our long-term care settings. Thank you.

MAIREAD PAINTER: Thank you very much.

REP. PHIPPS (100TH): Any further questions? Seeing none, thank you once again. I think it goes without saying, but during this time of extreme crisis and traumas, you have been there for some of our most needy. So, thank you again for your work and service in the State of Connecticut.

MAIREAD PAINTER: Thank you very much.

REP. PHIPPS (100TH): Is Senator Formica here.

SENATOR FORMICA (20TH): Good afternoon, Mr. Chair.

REP. PHIPPS (100TH): Good to see you.

SENATOR FORMICA (20TH): Can you see me?

REP. PHIPPS (100TH): We can see you.

SENATOR FORMICA (20TH): Okay. Lots of squares to look at there. Good afternoon, Co-Chairs Senator Slap and Representative Phipps, and Co-Ranks Senator Kelly and Representative Wilson, and distinguished Members of the Aging Committee. I am Senator Paul Formica, and I'm here to testify in support of three Bills: SB 816, AN ACT ESTABLISHING A REVOLVING LOAN FUND TO ASSIST ELDERLY HOMEOWNERS; SB 812, AN ACT EXTENDING ELIGIBILITY FOR THE ALZHEIMER'S DISEASE RESPITE CARE PROGRAM; and Senate Bill 813, AN ACT CONCERNING RETROACTIVE MEDICAID ELIGIBILITY FOR HOME CARE SERVICES.

These Bills mirror proposals by my colleague, Senator Kelly, who is the Ranking Member on this Committee and a staunch champion for Connecticut seniors.

Our state has a high cost of living, and we have been a leading voice in our Caucus' efforts to pass policies which make Connecticut more affordable for middle-class families. Included in that effort are our senior citizens.

We want to do all that we can, working in a bipartisan fashion to make our state a more appealing and hospitable place for our elderly residents to live their golden years.

SB 816, by establishing a revolving loan fund, helps financially distressed senior citizens to pay overdue property taxes. Providing seniors this avenue for fiscal relief will send a positive message throughout our state that we value and cherish our senior population and understand the financial challenges they face.

Part of that positive message to our seniors involves access to vital health care. SB 812 expands access to the Alzheimer's disease respite care program by raising income and asset limits. The Aging Committee knows that Alzheimer's is a disease that is very debilitating and painful, not only to those who are suffering with it, but also to the patient's loved one as well, a fact that I can personally attest to.

When Alzheimer's hits a family member, it can cause many heart-wrenching conflicts and questions within the family. Over the past several years, this Committee has taken many positive strides to improve our state's policy in this area. Our overarching goal is to alleviate the pain of everyone who is dealing with this disease and for those who may deal with it in the future. SB 812 keeps our state on a path to do just that.

Finally, Mr. Chairman, the goal of SB 813 is to make sure there is no gap in care from the date a person runs out of money to pay privately for home care. and the date the home health care aid is paid by Medicaid. We should be doing all we can to support ways in which seniors can stay in their homes. 813 ensures that elderly residents can continue to receive home care without a gap in the provision of home health services. Addressing this issue will provide peace of mind and certainty to vulnerable seniors and their families, as well as their caregivers.

Thank you to the Members of the Aging Committee for your consideration and for the opportunity to address you today, and more importantly, for your hard work to improve the lives of Connecticut seniors and their caregivers. Thank you.

REP. PHIPPS (100TH): Thank you. It looks like Representative Bolinsky has some questions.

REP. BOLINSKY (106TH): More of a comment than question. I just wanted to thank the Senator for his testimony and for sharing his personal story. Alzheimer's is a nasty, thieving disease that takes so much, not just from the individual, but from the family and the caregivers and we appreciate you sharing, Senator Formica. Thank you very much. Thank you, Mr. Chair.

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

REP. PHIPPS (100TH): Thank you. Any other questions or comments for the Senator? Senator, thank you for participating. Greatly appreciated your comments and everything that you informed us with.

SENATOR FORMICA (20TH): Thank you for the opportunity. I'd like to thank the Clerk for all his effort to try and navigate the technological

difficulties we had getting through the lines from here to there. So, I appreciate all the hard work from everybody. Thank you.

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

JOE PERKUS: Thank you, Senator.

SENATOR FORMICA (20TH): Good to see you, all right.

REP. PHIPPS (100TH): And I think I'm not seeing him enter yet so we're just going to keep going down the line.

JOE PERKUS: Yeah. So just a word, Mr. Chair, Senator Hwang will not be able to make it today for testimony.

REP. PHIPPS (100TH): Okay, thank you very much. I was still looking for him. All right, I hope he's doing all right. So next we have --

JOE PERKUS: Dianne Stone is the next one.

REP. PHIPPS (100TH): Dianne Stone.

JOE PERKUS: But I do not see her in -- I do not see her as an attendee, so we can go to Kathy Flaherty.

REP. PHIPPS (100TH): Kathy from Connecticut Legal Rights Project.

JOE PERKUS: Yes. One second. Kathy Flaherty, you should be able to speak now. Thank you.

KATHY FLAHERTY: Good afternoon. I'm finally getting used to getting kicked out of the meeting to be asked to rejoin as a panelist.

Senator Slap, Representative Phipps, Senator Kelly, Representative Wilson, and all the Members of the Aging Committee, my name is Kathy Flaherty. I am the Executive Director of Connecticut Legal Rights

Project. We are a statewide nonprofit that represents low-income people who are eligible for mental health services from the Department of Mental Health and Addiction Services.

I'm here today to testify in favor of HB 6354, an Act concerning renter's rebates, and I can keep this wicked short. This would not require elderly or disabled people who haven't moved, who have the same landlord, who've participated in the program before and gotten the renter's rebate in a previous year and had submitted the notarized landlord form to their town, to not have to do it again, because the town already has that document on record.

I think it's a great idea, not only just during a pandemic, but really kind of making that a hoop that people have to jump through to get this benefit a little less. So, I appreciate the Committee raising the Bill, I'm in support of it and that's all I have.

REP. PHIPPS (100TH): Thank you so much. Any comments or questions for Kathy, for the Director? Any comments or questions for the Director? Did I see a hand raised? No, I do not. All right. We are a quiet bunch today. So thank you very much, Director. Greatly appreciate you for your comments.

KATHY FLAHERTY: Thank you, Representative.

REP. PHIPPS (100TH): Okay. So, the next person is Stacy Stableford from AARP, a volunteer.

STACY STABLEFORD: Hi, good afternoon, esteemed Committee Members, and thank you for allowing me to testify today regarding age discrimination.

This issue has impacted me personally, and I appreciate your consideration of legislation in order to address SB 56, AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS.

I experienced age discrimination through a phone interview with an employment agency. I was asked, "What year did you graduate high school?" My immediate reaction was one of confusion. So, I honestly answered, not understanding why they were doing this. This is about five years ago, before any of this was called our attention, and their response was to hang up. I was left holding the phone, wondering what had happened. And then I realized they couldn't legally ask my age, so they got around it by asking the year of my high school graduation. They thought I was too old to be a candidate for the job.

First, I was outraged and angry and then incredibly offended and ultimately, I felt humiliated. It was shocking. I was 60 when this occurred and being made to feel old and superfluous. I needed a job. I was perfectly capable of doing the very basic job for which I had applied, which was office assistance, phone, copying, filing. Personally, I have an Ivy league degree, a master's degree plus 48 credits beyond. I speak two languages fluently, have excellent references and a very successful career as a teacher. I'm healthy. I run two to five miles, six days a week. I possessed every skill that was needed and many beyond what they needed. But that one age-related question disqualified me in their eyes.

Dismissing an older worker because of age and nothing else is damaging not only to the individual and to the workforce, but to society in general. How many other capable seniors are turned down every day because of this bias? The result, unable to obtain employment due solely to age discrimination, older applicants can experience depression, poverty and ultimately dependency on government programs. This creates a financial burden on the state, which must then support seniors who would have been gainfully employed and supporting themselves, but did not get the chance because of unscrupulous

hiring practices that reject their applications once the applicant's senior status becomes apparent.

A person's experience, capabilities and accomplishments should be the only factors considered when the prospective employer screens applicants, not that applicant's age. SB 56 is sensible legislation that will make this a reality and I hope you will support it.

Thank you so much for all your efforts on behalf of all Connecticut residents. I am Stacy Stableford, and if anybody has any questions, I'm happy to answer.

REP. PHIPPS (100TH): Awesome. Any questions for Stacy?

SENATOR SLAP (5TH): Mr. Chair, I have a question for Stacy, briefly.

REP. PHIPPS (100TH): Please.

SENATOR SLAP (5TH): Stacy, thanks for coming forward and sharing your story --

STACY STABLEFORD: Sure.

SENATOR SLAP (5TH): And, you know, spending the time to do it. You know, at some point, so people who may have concerns, let's say about this legislation, and I've heard this, they say, well, you know, when you go in for a job interview, you know, the employer may be, you know, they're going to see you, right? And they can make certain assumptions about your age based on that. So why do we need this piece of legislation?

It sounds like, and I certainly don't want to put words in your mouth, but that you feel like, you know, just eliminating that piece of the vetting at the beginning would still be beneficial to you. Can you kind of speak to that as to, in that initial

phase, as to why you think that would be helpful to get you to the next round, so to speak?

STACY STABLEFORD: Sure, because this actually occurred on the phone. I didn't even get a foot in the door. You know, when I was younger, there used to be such a thing as you walk into employment agencies and that's been done away with, everybody's got their software where they screen applicants based on what's on your resume. And then, you might get a call.

They don't see what you look like. I mean, they may google somebody. I no longer have a Facebook presence. I ditched that four years ago because of politics, and so I'm not really easily recognizable online. So without knowing who they're speaking with, I mean the young man on the other end of the phone, he was blown away. "Oh, you're perfect. Oh my gosh, you have all these qualifications. That's great."

I understand that they might be afraid of older workers. Maybe they're thinking they're not fit or that they're always going to be, you know, out; for whatever reason, they have responsibilities. If they had a chance to see people in person, they could make that decision based on who is actually in front of them. But based solely on verbal questioning, the fact that they are allowed and that there was no repercussion for them to out of hand dismiss somebody based solely on your birth date, it's tragic. It really is.

And I'm now five years beyond that and a lot smarter. If anybody asks my birthday now or when I graduated high school, I'd say 1995, so.

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

STACY STABLEFORD: Does that answer your question?

SENATOR SLAP (5TH): It does. Thank you very much. And again, for sharing your story.

STACY STABLEFORD: Thank you. Thank you for the opportunity.

REP. PHIPPS (100TH): Thank you. Any further questions for Stacy? It was good, thank you for sharing that story and being vulnerable with not just our Committee, but our entire state. So thank you so much.

STACY STABLEFORD: Thank you.

JOE PERKUS: Mr. Chair, we now have Dianne. We can go back to her. She was able to join the Zoom.

REP. PHIPPS (100TH): Yes, please. Thank you, Clerk.

DIANNE STONE: I apologize. I saw I was number 21 on the list and apparently it was moved up. Good afternoon, Senator Slap, Representative Phipps, and esteemed Members of the Aging Committee. My name is Dianne Stone. I served as the Co-Chair of the Senior Center Task Force established by this Committee in 2017. Some of you were here at that time. I'm currently the President of the Connecticut Association of Senior Centers and a member of the Commission on Women, Children, Seniors' Equity & Opportunity, and I chair the Aging Sub-Commission.

I'm very pleased the Aging Committee has introduced this Bill yet again. This is the fourth time. It implements the recommendations of the task force and it's a strong statement of support for senior centers and municipal aging services. I strongly urge your favorable review.

I have submitted written testimony. I apologize, it wasn't submitted until later this morning. While I was working on it yesterday, I was diverted by

panicked calls about a rumor that the Governor was going to expand eligibility for vaccine to age 65-plus. We're not in an information loop to get those notifications officially, and it created a little bit of chaos. So, it took my attention away.

Senior centers are doing incredible work in our communities across the state. If this was not clear before, the pandemic has shone a very bright light onto their importance in the community. Senior centers are the first and last resource for a lot of older adults, especially in emergencies.

The recommendations of this task force are presented as a next step to ensure senior centers are effective and thrive. This Bill is aligned with the recommendations of the task force, in that it defines senior centers and suggests areas of programs and services. Senior centers right now do not exist in statute. This Bill will help to overcome challenges created by a lack of common definition and expectation.

It also gives a state agency responsibility for assisting senior centers and lays out what that would look like: information, resources, training, technical assistance. It provides a home. It also creates a staffed statewide senior center work group, that will continue the work started by the task force.

The current Bill assigns the Commission as the state agency home for this work. That was not in the original Bill or the vision. It was envisioned to be with the Executive Branch, with the State Unit On Aging in the Aging and Disability Services Department. That's where this work is usually done, and I want to take a moment to thank the Aging and Disability Services Department for all the support they provided to senior centers during the pandemic.

They're not able to take on the role in this Bill within their available appropriations. It would

require a new staff position. We think that it's worth that investment, but that it may not happen.

The work group that's defined in this Bill also was not meant to be a standing work group -- it was meant to be a standing work group, sorry, not a time-limited task force. But kept as is, with the support of the Commission and the task force approach, we can make it work and we can come back to you in the future.

As the Commission has highlighted in their written testimony, and if they provide oral testimony, they currently do not have the staffing capacity to do this. They have positions that are on the books that they have not been allowed to fill. There has not been an aging policy -- I'm almost finished.

JOE PERKUS: Hey Dianne -- just wrap up, thank you so much.

DIANNE STONE: Yeah. There has not been an aging policy specialist within the Commission for years. This position must be filled.

Thank you for your ongoing support of senior centers and more importantly, the older adults that we all serve. Thank you.

REP. PHIPPS (100TH): Thank you. Any questions?
Representative Hughes.

REP. HUGHES (135TH): Thank you, Dianne and thank you, Mr. Chair for taking the time to educate us. Really, Dianne, this work is so important and you just sort of shed a whole historical light on that.

I just wanted to highlight one thing is that really, your cultivation of relationships and trust with the senior centers, which are on the front lines during this pandemic and during crisis in general, with cultivating those relief and emergency and rollout plans, for instance, vaccine distribution, and our

need to probably, this Committee, to really get behind investing in some of these sort of hidden services and investigating and more coordination.

If you could add anything to that Bill, what would it be?

DIANNE STONE: So I think one of the things with this, and I appreciate your words. I am so absolutely impressed with my colleagues around the state who, out of thin air, were able to immediately pivot on March 13th and figure out new food distribution programs, and figure out how to handle social isolation, and figure out how to keep people active. And we're in this ever-changing environment and we continue to stand things up.

When the vaccine system wasn't working, senior centers stood up call centers and tried to figure out how to make it work. And we don't -- we do that with very little support. Sometimes not recognized by the municipalities we're in, sometimes not recognized by state government. What we heard a lot was people saying seniors -- a lot of senior centers saying we feel invisible, we feel like a forgotten workforce.

So that's what this Bill was intended to do, is just to provide a structure and a framework that we can take these resources in the community and start really maximizing their effectiveness and sharing our best practices. And ensuring that it doesn't matter where you live in Connecticut, you're going to get access to this level of support that you need.

I think if we were to add anything to it, it would be the appropriation to staff, a position to do this. That's the whole game, right? Is all of this coordination, and I've been doing a lot of it. It takes a lot of work and it needs an appropriation. I wouldn't not pass the Bill without it, but that's what we would really need.

REP. HUGHES (135TH): Thank you for that. So, you feel like this would really maximize the effectiveness and the scale of the, like you say, invisible senior centers working feverishly to meet the need of this ongoing public health crisis for seniors?

DIANNE STONE: Absolutely. It's a start. It's a start.

REP. HUGHES (135TH): Yeah, it's a start. It's not enough, but we need to invest there, and what we already have, yeah.

DIANNE STONE: Yeah. And part of what the Bill says is that there's a senior center work group. So it's nothing about us, without us. It's, let's tap into the really highly successful, innovative programs and see how we can replicate that across the state.

REP. HUGHES (135TH): Thank you so much, Dianne. Nothing further, Mr. Chair.

REP. PHIPPS (100TH): Thank you. Any further questions for Dianne? Seeing none, I'm going to thank you for your testimony. Let's go to the next speaker. And the next speaker is Kathleen Hayes from CT Bar.

KATHLEEN HAYES: Yeah. Good afternoon, Senator Slap, Representative Phipps, Senator Kelly, Representative Wilson and honorable Committee Members. My name is Kathleen Hayes and it is my privilege to testify on behalf of the Elder Law Section of the Connecticut Bar Association, as well as the Connecticut Chapter of the National Academy of Elder Law Attorneys in support of Senate Bill 818, AN ACT PERMITTING A COMMUNITY SPOUSE OF AN INSTITUTIONALIZED MEDICAID RECIPIENT TO RETAIN THE MAXIMUM AMOUNT OF ALLOWABLE ASSETS.

A bit of a mouthful. This is my fourth consecutive year testifying on this Bill and I will continue to return until this is passed, because it's a Bill that's of critical importance to our clients and particularly, of particular importance to middle-class families, as Senate Bill 818 endeavors to place middle-class families applying for long-term care Medicaid on equal footing, and provide them the same protections that are currently permitted for upper middle-class families.

So, to demonstrate the issue, when an individual in a married couple applies for Title 19, the ill spouse can keep no more than \$1,600 and the well spouse, known as the community spouse, can keep half of the couple's assets, subject to a maximum of \$130,380 and a minimum of \$27,328.

So, if you have an upper middle-class couple, as I referenced with \$300,000, half of that couple's assets is \$150,000. That's a couple where, under the current law, the community spouse will be permitted to keep the maximum amount of \$130,380.

Whereas if you have a couple that needs the same level of care who enters the foray with a \$100,000, half of that couple's asset is \$50,000. And under the current law, that's all that family is allowed to keep. And the other \$50,000 needs to be spent down before the ill spouse can be made eligible for Medicaid. So you see that there's a disparate impact on an upper-middle-class family because they simply had more assets to start with.

This Senate Bill 818 will make sure that individuals are able to access care and also preserve resources that they need for their living expenses, care expenses, and ultimately ensure that the community spouse doesn't become reliant on other public benefits in the state because they were financially impoverished.

There's a federal law where these minimums and maximums came from, ultimately, and it is called the Medicare Catastrophic Coverage Act. And it is intended to avoid spousal impoverishment. And right now, our laws simply don't do that.

JOE PERKUS: Sorry to interrupt. You're reaching the end of your three minutes. If you could please just summarize your last thought. Thank you.

KATHLEEN HAYES: Thank you, yes. Once again, this is a Bill of critical importance and I would urge, strongly urge the Members of the Committee to vote in support of Senate Bill 818. I thank you for your time and welcome any questions.

REP. PHIPPS (100TH): Thank you, counselor. Let's see, any questions? Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you, Mr. Chairman. Kathleen, I just wanted to say thank you for your persistence on this. I don't have a question, but I've managed the estate of elderly parents, actually twice, for my wife's family and for my family. And just so that everybody in earshot of this public hearing knows, this is a critical issue.

There's some terrible decisions that have to be made when you leave the trailing spouse economically drained, so this is tremendously important. And I thank you for your testimony, and thank you, Mr. Chairman.

REP. PHIPPS (100TH): Thank you, Representative. Any further question or comments for Kathleen? Seeing none, once again, thank you for your testimony.

KATHLEEN HAYES: Thank you very much.

REP. PHIPPS (100TH): Bernie Weiss, President of the Seniors Job Bank, and if I understand correctly, no newbie to this Committee. Is Mr. Weiss here?

JOE PERKUS: He's here. Let's just give him a minute. Mr. Weiss, you're on mute. There you go.

BERNIE WEISS: I muted myself. Thank you and good afternoon. The Seniors Job Bank is a nonprofit community resource that operates in the Hartford area, the Greater Hartford region. And what we do is connect men and women over 50 looking for work with businesses and households that have work to be done. We are supported by donations, so we don't charge for our service. We don't charge the job seeker. We don't charge the employer. It's a good deal. And we have been doing this now well over 41 years. And one of the reasons the Seniors Job Bank even exists is job-related age discrimination.

Laws don't necessarily change how people think, but they can change what people do, how they act. And SB 56 is not necessarily going to end age discrimination in the workplace, but it would make it more difficult to discriminate, and that is well worth doing. And that's why the Seniors Job Bank thinks SB 56 should be adopted.

REP. PHIPPS (100TH): Thank you, President. Any Questions or comments for President Weiss?

SENATOR SLAP (5TH): Mr. Chair, I do have a question for Mr. Weiss. It's good to see you, Bernie. Thank you for waiting.

Bernie's a constituent. He normally wears a green jacket. He's a Masters fan, I guess, but anyway, it's good to see you. I did want to ask you, I mean, because you are in a unique position when it comes to seeing the challenges that older workers have finding employment. The jobs bank has been around for 41 years, so that certainly includes 2008-2009, the last recession. I don't know if you were involved with them at that time.

But we know that, the statistics show that last time we had a recession, not that we're in one now, but I mean, it's, you know, where we had high unemployment, then older workers waited, on average, about a year to find employment. And oftentimes when they did find employment, they were underemployed.

So, I'm just wondering if you could discuss kind of what you see in terms of the last time there was an economic downturn, the challenges with older workers finding employment, and what you maybe have already seen or anticipate seeing? You know, with a high unemployment rate right now, and a lot of older workers if they're not already looking for work, they're going to be doing that very soon. Thanks, Bernie.

BERNIE WEISS: This has been, as everyone frequently mentions, a very unusual year and we were kind of surprised with the way things have gone at the Seniors Job Bank, in the sense that we expected that businesses would be hiring fewer people. That, we expected.

What we were surprised about was that the domestic side of what we do has remained fairly steady. People still need to have things around the house fixed. People still need to have the lawns mowed. So, our activity is less than it would normally be, but not nearly as bad as it might otherwise be. I'm not sure if I quite answered that question, but that's been our recent experience.

SENATOR SLAP (5TH): Yeah. No, thank you. I mean, I think I was trying to get at that we've seen when there are economic downturns that older workers do face disproportionately a tough time getting employed and finding work. And I just wanted to see if you have seen that with the people who you are helping.

BERNIE WEISS: I can't really say that we have except that the number of requests from businesses is reduced. Now, whether that's directly related to the age of the potential employer or not, I really couldn't tell you that.

SENATOR SLAP (5TH): Gotcha. Well, thank you. And thanks again for your advocacy for the Bill and for what you do every day helping older workers find employment. It really is special.

BERNIE WEISS: Thank you so much.

REP. PHIPPS (100TH): So, thank you very much. I'm seeing no further questions for President Bernie. All right, thank you. So, our next speaker is President Wodatch from Healthcare at Home. Tracy, you're next.

TRACY WODATCH: Thank you. Can you hear me okay?

REP. PHIPPS (100TH): Yes.

TRACY WODATCH: Great. Good afternoon, Senator Slap, Representative Phipps, and members of the Aging Committee. My name is Tracy Wodatch. I'm President and CEO of the Connecticut Association for Healthcare at Home. The association is the united voice for the state DPH-licensed and Medicare-certified home health and hospice agencies who are medical providers using physician's orders to carry out our care plans. We also support several nonmedical, non-licensed home care agencies who provide supportive care in the community.

Connecticut's home and community-based service providers are the reason that Connecticut residents can successfully age in place through the state's long-term services and supports program such as Money Follows the Person, Community First Choice, and especially the Connecticut Home Care Program for Elders.

In-home services are preferred over institutional care and are a savings vehicle for the state. They should be expanded wherever possible.

A good example of such expansion and one we support is SB 812, AN ACT EXPANDING ELIGIBILITY FOR THE ALZHEIMER'S DISEASE RESPITE CARE PROGRAM, especially given the number of dementia clients cared for in the community and the many more that need our care to remain home.

However, expanding eligibility will only work if the Medicaid provider rates are also expanded, which will optimize the ability of the providers to offer these cost-effective services versus spread them thin.

I would also like to comment on SB 813, AN ACT CONCERNING RETROACTIVE MEDICAID ELIGIBILITY FOR HOME CARE SERVICES. Our community-based Medicaid providers support this Bill, but face daily challenges based on current work processes, which need to be reviewed and tweaked for this to work.

Currently, any Medicaid waiver service or straight Medicaid service that we provide in the community must have authorization, either through the access agencies or through the state portal for prior-auth on services. Without this, we cannot get paid.

And what we need to do moving forward for a pending Medicaid case, we would not be able to get the authorization. We need to have some type of temporary auth process in order to exercise the retroactive Medicaid eligibility. And I would even support a presumptive eligibility process in order to mitigate these challenges.

But beyond these processes, providers are often asked to accept clients pending their Medicaid coverage. In the past, agencies may have been more willing to accept these clients in good faith that eligibility would be granted, and the services

already provided would eventually be paid retroactively.

Unfortunately, more and more provider agencies are experiencing struggling financial times due primarily to stagnant Medicaid rates, which impacts their ability to take pending Medicaid cases at all.

The provider must rely on the client and family to submit all necessary paperwork, which frequently is not done or not submitted as requested, causing a further lapse in eligibility processing and approval.

Ultimately, the agency doesn't get paid for services already rendered beyond the three-month time period outlined in the...

JOE PERKUS: Sorry to interrupt, but you're reaching the end of your three minutes. If you could please just summarize.

TRACY WODATCH: Thank you.

JOE PERKUS: Thank you.

TRACY WODATCH: I'm almost done. For all these reasons, we urge you to consider a temporary authorization process or presumptive eligibility in tandem with passing SB 813. Thank you.

REP. PHIPPS (100TH): Any questions or comments? Any questions or comments?

I did have one quick question, more of a question than anything else. If you could just -- listen, I know I'm new to this Chairmanship and to this role into Aging, and I think for some of the others folks that are watching on home or on YouTube, if you can just clarify kind of that distinction between home health and home care, I think that would help many of us.

TRACY WODATCH: Sure. It's very confusing to so many. We like to refer to ourselves as overall providing the home and community-based services. But, as I mentioned early in my testimony, we have home health care agencies and they are licensed by the Department of Public Health and certified by Medicare. They provide a medical-focused plan of care and can only provide the services under a physician or currently, under the pandemic, APRN orders. So, it's a medically oriented plan of care. Post-surgical, post-acute, out of the hospital, we're in there giving therapy, nursing, et cetera, very skilled services.

And then there's the non-medical home care providers in the community who are there mainly for the supportive services, personal care, companionship, live in. Medications is a big issue in this area.

If you don't mind, I do want to mention one thing to Aging because this is extremely important. On the licensed home health side, we are able to give medications and prompt medications under physician orders. On the non-medical side, they are registered under the Department of Consumer Protection and the PCAs, the Personal Care Attendants, are usually the ones that give the personal care. Currently, we have outdated regulations under DCP that really don't recognize a PCA, but it's a strong role that's supported under the PCA waiver services by the Department of Social Services.

And the Department of Social Services expects the PCA to be able to at least prompt medications for clients. Usually, it's a daughter or a responsible party who fills the medications, and the personal care attendant is only there saying "Mrs. Jones, please it's time to take your medications." and just hands this, you know, the box over for them to take their medications; a reminder.

DCP is looking for some clarification on this area, because they're saying that a PCA can only give the medications to a client who is alert and cognitive and competent, and knows what their medications are. So, we're trying to work with DCP and the Department of Social Services to clarify that area.

Otherwise, we will be losing an awful lot of cases in the community that would need to be institutionalized if we can't provide this service in the home. So, it's extremely important.

Non-medical home care, no doctor's orders, but we certainly do provide supportive services and we need to clarify the medication reminder issue.

REP. PHIPPS (100TH): Thank you for that distinction and that clarification. Greatly appreciated. Any further questions for Tracy? All right.
Representative Hughes.

REP. HUGHES (135TH): Yeah. Thank you, Tracy. Good to see you again. I'm sorry, I'm toddling between a couple of meetings, but would you just highlight the importance of home care folks in this pandemic getting to home-bound clients and elderly that are very, very medically fragile?

TRACY WODATCH: So, our association -- Thank you, Representative Hughes. Our association supports, as I mentioned, both the home health care agencies, as well as the hospice agencies and the non-medical home care agencies. So we do support all home-based community care, and we have been feverously busy keeping people in their homes, keeping them safe, trying to keep them out of the hospitals, out of the institutional settings.

We all know how hard the institutional settings, especially the nursing homes have been hit by this virus, so it was important for us to be able to practice in the home and help keep the clients in the community and safe.

So, many times you're seeing us, you know, putting our PPE on outside and ringing the doorbell, knocking on the door, heading in, in full PPE, ready to take care of our patients and clients, and the families as well. Many times, they don't understand, that we're asking them to mask up, we're handing the masks, trying to prevent the spread. So, we have really done a fantastic job keeping people in the community and keeping them as safe as possible.

REP. PHIPPS (100TH): Thank you.

REP. HUGHES (135TH): Please pass our profound gratitude to everybody that you help represent.

TRACY WODATCH: We will. Thank you.

REP. PHIPPS (100TH): Any further questions or comments? Doesn't look like it. Thank you so much for your remarks and clarification and education for us all. Thank you.

Okay, Counselor Steve Rubin of NAELA. If you also want to share what that is, that would be helpful for the Committee too.

STEVE RUBIN: Sure. Thank you, Representative Phipps. So I'm Steve Rubin. I'm a member of the Connecticut Chapter of the National Academy of Elder Law Attorneys. I'm actually the president-elect. I'm also a certified elder law attorney by the National Elder Law Foundation.

And today, I'm here to testify on behalf of NAELA for two Bills, 818 and 813. I'm going to focus my time today on 813, retroactive Medicaid for home care, because I reiterate everything Attorney Hayes had on 818, and I don't think I could say anything or add anything to what she already covered.

In general, in doing a long-term care plan for any of our clients, the majority of our clients want to remain home and we want to be in the least restrictive environment possible. We call it the aging in place routine. And we want to be able to have visitors, we want to see our friends when we want to, and we want to get the care that we need in a safe environment without being institutionalized.

The problem has always been and historically is that an application for Medicaid benefits requires someone to meet the qualifications. They have to be assets, income and medically required.

The issue on the asset side is always, what happens in the gap? You have that gap period where someone is going to be eligible for benefits because they have \$1,600 dollars or less in assets, but they still need care until that care's going to start in that home care. And the applications are not instant. They take a significant amount of time. We see on average somewhere between three to six months for most applications these days.

The idea behind retroactive benefits is we're going to be able to reimburse the people who are paying for that care, whether it's the home care agency that hasn't been paid for a period of time, but oftentimes what we're seeing a lot of is the kids. The kids are paying that money out of pocket. They're helping support their parents to stay at home for that period of time, sometimes \$6,000 to \$8,000 a month that they're putting out and there's no way for them to get paid back.

And in these days, it's getting harder and harder for us to talk to the kids about doing that. So what happens is that a lot of times the parents end up in a nursing home unnecessarily while waiting for the application to be completed, then they have to transition back home again.

Under federal law, under the federal Medicaid regulations, if someone is eligible for benefits, there's retroactive payments for three months after eligibility. Under the waiver programs, each state gets to determine whether they want to participate in retroactive care for home care, and Connecticut historically has not, but we're seeing more and more people utilize home care than ever before.

I cannot, since March, I have only had one client who said "I needed to go to a nursing home." That's it. Everyone else wants to remain home. So, we need to come up with a solution for these people to make sure that coverage is there, to make sure there's a way to pay for that care.

What this Bill doesn't do is it doesn't change a lot of things. And I think that's part of the concern here. It doesn't change existing federal law. It doesn't pay for care work for somebody who otherwise would not be eligible because of a penalty for transfer of assets or gifting to somebody else. It's only going to work for those who are already eligible for care, and it's only going to impact those people who would otherwise be there beforehand. That's going to be the --

JOE PERKUS: Sorry to interrupt, but you're reaching the end of your three minutes. If you could please just summarize. Thank you so much.

TRACY WODATCH: Thank you. So, this would not impact any change in federal law, it would not create a violation on the state's behalf.

It really wouldn't increase our costs. In the end, it would likely decrease them because a lot of times, if someone does go to a nursing home, the odds of us getting them home again decrease every day that they're there. And the cost for us to pay for care in a facility is far higher than it is for home care.

So, CT NAELA is fully in support of 813, and we really believe that retroactive home care is a necessary benefit, and it's only increased by the need because of COVID.

REP. PHIPPS (100TH): Thank you, counselor.

SENATOR SLAP (5TH): Mr. Chair, I have a question if nobody else does. If somebody, if another Member wants to go ahead of me, I'm happy to cede.

REP. HUGHES (135TH): Senator Slap, start it off.

SENATOR SLAP (5TH): Sure. Steve, thanks for your time. What have you seen in other states? I am assuming maybe that you have looked at other states or models and, you know, that -- are we an outlier here? Or how do we compare in terms of the retroactivity?

STEVE RUBIN: I'd say it's mixed. We're seeing other states work on different rules or credits. Sometimes it's an increase in the amount of assets someone can keep to become eligible for care earlier. So instead of 1,600 hours, we might see them being able to have a higher number, which processes, gets the applications through a little bit faster. It gets the spend down done, gets eligibility done at a quicker rate. Some states are doing retroactive care.

So, are we an outlier? I think we kind of are in that we've done nothing. You know, I think there's a lot of ways we could have approached this over the years and have failed to do, and now this is our best path forward because it's the easiest solution at the end of the day.

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

STEVE RUBIN: Thank you.

REP. PHIPPS (100TH): Thank you. Any further questions for Steve, or comments from any of the Committee Members? Seeing none, counselor, thank you so much.

STEVE RUBIN: Thank you.

REP. PHIPPS (100TH): So, the next person is State Director Nora Duncan from AARP, no stranger in this Committee.

NORA DUNCAN: Hi, no, I am not a stranger to this Committee. Thank you, Representative Phipps. Thanks to the entire Committee.

Again, as you said, I'm Nora Duncan. I'm the State Director for AARP here in Connecticut. And I am really excited to be able to be back here on this piece of legislation. I wish I wasn't, 'cause I wished we had gotten through it last year, but the Committee's commitment to this is really to be commended.

So, I'm testifying in favor of Senate Bill 56, AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS.

Just a second about AARP, we are a nonpartisan, non-profit social mission organization with a membership of people age 50 and up; about 38 million nationwide and about 600,000 here in Connecticut. And financial resiliency, including employment, is such a key part of our work and our offerings to our members.

And we also believe that freedom from discrimination is a fundamental right, and that includes age discrimination. I'd like to thank especially Senator Slap for his work to make sure that the Connecticut Business and Industry Association is behind this Bill. Again, really makes it easier when we can all be on the same page.

So, I'll skip over a lot of my testimony and just get to some fun facts, as we shall call them. I saw an article the other day and actually it was published on the 1st of February, showcasing some research on age bias that was from a European journal, but also featured Connecticut folks from Yale.

And one of their things that I found really disturbing was that they found Connecticut to be ranked number two in implicit bias. That's a subconscious negative attitude toward older people, and that was on studying and getting feedback from 803,000 residents between the ages of 15 and 94 over more than a decade. So, we've got an issue in this state.

We are the sixth-oldest state in the nation. By 2022, 35% of the US workforce will be age 50 and up, and two of the fastest-growing groups, cohorts in the US labor pool over those next years are age 75 and up and those aged 65 to 74. So, older workers are here to stay and they are contributing.

And whether they're spending their money in retirement or they're spending it, you know, as someone who's working, the economic activity of people aged 50 and up on the US GDP is equivalent to the third-largest economy in the world, at \$8.3 trillion.

So, I tell you all of this, because this is not a group to be swept aside for younger workers or to be discounted from their importance in our economy and their importance in our intergenerational workforces, which is what produces innovation and gets us through times like we're in right now.

A 2018 survey of people age 45 and up by AARP, of those respondents, 61% had either seen or experienced age discrimination, with it affecting African-American women the most. And in that same survey, 44% of respondents who applied or

interviewed for a job in the previous two years were asked age-related questions such as birth or graduation dates.

And then, just this last quarter in Q4 2020, AARP surveyed people age 40 to 65 concerned about job security, and they -- the fear that there will be age as a reason to be let go of your job was really a big deal. And it impacted, again, women more than men. And in that same survey of job-insecure workers, 61% just really think that age will be a factor and that they're not going to get back to work in the same way that they would have pre-pandemic or if they were younger.

So, I'll just highlight quickly that the Society For Human Resource Management, to sort of focus on that business and industry piece, does not think you should be asking for age-related anything on a job application. It's bad for business. It is one of those things that can turn and bite you in the, you-know-what if you are thought that maybe perhaps discrimination was part of the problem when someone doesn't get a job.

So, as they will say, you do not need this information to interview someone, and if the information is needed for a background check, collect it later in the process. It can also be separated out so it goes only to the background check company and never to the hiring manager.

So as I said, you know, I've been here a few times on this Bill. in 2017, 2018, in 2019 and in 2020. And in 2020, you guys JF'd this out of the Aging Committee and it was on its way to success and then the pandemic hit.

So here I am again today, encouraging you to JF this Bill early, get it out there for a vote and ban a practice of asking job seekers for information that is at best unnecessary and at worst discriminatory.

So I appreciate your time and your attention to this. And I will just note that there are a bunch of other Bills on your agenda that we've submitted testimony on. We just didn't want to use up too much of the Committee's time.

REP. PHIPPS (100TH): Thank you, Director. Senator Slap, do you want to speak first?

SENATOR SLAP (5TH): No. I will let other Members jump in.

REP. PHIPPS (100TH): Representative Hughes.

REP. HUGHES (135TH): Thank you. Can you hear me?

NORA DUNCAN: Oh yeah. Yes.

REP. HUGHES (135TH): Thank you so much. Thank you, Nora. Great to see you. Great to work with you, as always. I loved your last statement. At best unnecessary and worst discriminatory.

I testified on this Bill last year, but that, you know, this is systemic wide practice, is to discriminate against older workforce and that is so the norm that it is discriminatory, but it is also systemic, which is why we have to pass a policy to change that systemic discrimination.

Because, as we've talked about in many symposiums, this is such an ageist society. There's automatic discriminatory beliefs, implicit bias, maybe not even conscious, that older workers won't add the kind of value that our particular niche is looking for. So, and I also love that you said let's JF this and get this out there early so that we can get to work in righting this systemic discrimination that is normalized in our workforce.

NORA DUNCAN: Thanks, Representative Hughes.

SENATOR SLAP (5TH): Nora, this is Senator Slap. Thanks again for your partnership on this. And I think you raised a good point about that last year, the CBIA joined us for a kickoff news conference regarding this legislation and that the business community up until this point has been very supportive.

And I think one of the reasons, and I don't know if you want to elaborate on this, but that the best practices really, you know, include not asking for this information. They certainly, most hiring managers would never ask that information in a job interview itself. They wouldn't say how old are you on a job interview, but it's almost like the loophole. So it does, I think, protect some employers from some exposure that they might have if they are asking this for this information in the applications themselves. So, I think that's --

NORA DUNCAN: Yeah, I think it really is. I mean, it's -- And maybe it's on purpose. Maybe it's not. Maybe people think they need it for some reason. They haven't thought about it. They haven't reviewed their application process in a decade. I don't know, but it definitely, as the Society for Human Resource Management says, it's a loophole that can land you in the same legal risk as straight up asking for it, you know, just saying it in an interview. It's just not necessary and you can do yourself more harm than good as an employer.

There's a little caveat in this Bill that if it's required for truck driver, you don't have to come up with something, right? Honestly, I think it could go farther and say, "Do what the Society for Human Resource Management indicates," which is, you know, segregate that information out or have someone certify.

I am definitely old enough to do this job because these are all issues. The age issues are generally that you're old enough to do it, right. I'm old

enough to serve alcohol. I'm old enough to drive this truck over state lines not, you know, so it seems like to me, you could just have a certification process, but this is fine. We'll go this route.

You can always collect that age-related information afterward, but I think what's also important about this Bill, Senator, is that it takes out things like Stacy Stableford mentioned, right? Graduation date for high school or dates attending high school or college and those kinds of things. I mean, those you see in all the time. I mean, it's really not hard to find in applications and it's just time to say goodbye to that.

SENATOR SLAP (5TH): Yeah, you educated me too about a, 'cause I was at the beginning of this process a couple years ago, kind of senior workers, you said no, no, no, no, don't say senior because it's really, we see age discrimination start about five years earlier on average for women than men. And it's in, I believe mid-forties to early forties for women and then, five years later for men. So, I think that's an important point to make.

NORA DUNCAN: Yeah. And federal law protects people in their 40s from age discrimination and again, women, and I want to point out that women of color are impacted by this even more than everybody else. Yeah. And I don't know a lot of 50-year-olds who would refer to themselves as a senior, but they are definitely experiencing levels of discrimination that are going to impact them for what is essentially another 25 years' worth of employment for so many people.

I mean, we have five generations in the workforce right now in the same companies that is unprecedented. It's never happened before. Who knows maybe next time it's unprecedented, it'll be six generations of workers. But this is a, work is something that needs to be what we do for however

long we choose to do it and are able to do it, not by some, you know, "Oh, 65 is the retirement age." I've got, I know plenty of people working well into their 70s and even into their 80s.

I have my admin at the office, her mom is in her 90s and just stopped working. And so, yeah, not seniors, it's really, it's a big deal. And I think the best companies are multi-generational and, you know, if a bunch of us were all the same age, all sat around in a room together and thought we had the best ideas in the world and didn't get ideas from a bunch of different folks, we'd never innovate on anything.

SENATOR SLAP (5TH): Nora, thank you.

NORA DUNCAN: Thank you, Senator.

REP. PHIPPS (100TH): And directly, if you could just further talk about that intersectionality between age and gender or age and race, or any combination of some of the other demographics and how that applies to the potential for discrimination.

NORA DUNCAN: Yeah. Well, so I'm just going to speak to some of the stats we have when we're asking people to report to self-report. And I have a one-pager, which is one of the nice things about being at home is I can pull things up. But I mean, what we're seeing is that women definitively report more age discrimination than men. And women of color, African-American the most, Hispanic and Latino next report higher than Caucasian women, that they have felt, experienced, seen the discrimination based on age. And I'm quite sure it's based on a lot of things.

I mean, we're talking about discrimination. Well, women, people of color and then age that, you know, it's like the triple whammy. And it shouldn't surprise any of us, but the impact this has on

women, it has on everybody. But when you start to think about the impact, this has long range to your social security benefits, to your workplace retirement savings.

It's really, it could be truly devastating when you are in a position where you need to retire and you can't work anymore. And your income in retirement is impacted such that, you know, we were talking before and Stacy mentioned that this leads to poverty. It can, but poverty that isn't just while you're working, poverty that goes till your death.

I mean, you could be 95 and still needing to support yourself to live in the community. We're talking about community-based care and this hearing also, right? I mean, what we do now, what we earn now, at any age, but particularly in the years where you should be earning the most income because you've been working the longest and you're really looking at where your social security benefits cap out, this is where really the rubber meets the road.

REP. PHIPPS (100TH): Thank you, Director. Any further questions for Nora? Seeing none, I'm just going to say thank you for your testimony.

NORA DUNCAN: Thank you all very much for your support on this.

REP. PHIPPS (100TH): All right. So we are going to have Michael Daley from the North Central Area Agency on Aging Inc.

MICHAEL DALEY: Good afternoon, Chairman Slap, Chairman Phipps, and members of the Committee on Aging. And thank you for this opportunity to submit testimony on Senate Bill No. 56. My name is Michael Daley and I'm a Master of Social Work Student at the University of Connecticut School of Social Work and an intern at the North Central Area Agency on Aging in Hartford, Connecticut, on whose behalf this testimony is given.

An important aspect of our agency's mission is to advocate for the rights of older adults, including combating ageism and protecting their economic security.

As such, we fully endorse Senate Bill No. 56, AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS. As others have shared age discrimination, although unlawful is a very real and common occurrence. I want to highlight a few factors that I believe at an extra sense of urgency to passing this Bill.

The first being that the COVID-19 pandemic has led to an alarming increase in the unemployment rate in our state. According to the most recent data from the Connecticut Department of Labor, and this is as of last week, since the first case of COVID-19 was reported in Connecticut in March of last year, 37% of initial claims for unemployment benefits have been from individuals 50 years of age and older.

Other factors to consider is that during and directly after economic recessions, as Senator Slap had mentioned before, older workers experienced an increase in age related employment discrimination and difficulty being re-employed. An involuntary job loss later in life is associated with serious negative effects on physical and mental health.

In addition, as Ms. Duncan mentioned, Connecticut is ranked as the second-most implicitly biased state in the country in regards to age. An implicit age bias is associated with poor state level health outcomes among older adults. And it's a great concern when employment applications can leave the door wide open for discrimination to occur both knowingly and unknowingly as when decisions are made with implicit biases working in the background.

When you couple all of these factors together, our older citizens are at a great risk of not being able

to recover financially from the current economic crisis, as well as an increased risk for both physical and mental health issues.

Simply put this Bill makes sense, it protects both potential employees and employers. There are zero cost to implementation and it is something that all stakeholders can feel good about. These are very uneasy times and I think it is extremely important for us to even the playing field and make finding a job as fair process as possible.

So once again, the North Central Area Agency on Aging fully support Senate Bill No. 56 and I would like to thank the Committee for considering this important piece of legislation. Thank you.

REP. PHIPPS (100TH): Thank you, Michael. Any questions for Michael or comments? All right. Seeing none, thank you for your testimony. So the Co-Chair of the Women and Girls Fund Task Force, Carol Williams from the Connecticut Foundation of Eastern Connecticut.

CAROL WILLIAMS: Yeah. Good afternoon, everyone. Thank you, Representative Phipps and Senator Slap and esteemed members of the Aging Committee. My name is Carol Williams, and as Representative Phipps has said, I'm representing a task force set is working to advocate for policies that will improve life for women and girls in Connecticut, and particularly in Eastern Connecticut, which is one of the poorest and least well-educated parts of our state. So, we're especially concerned about the impact of age discrimination on women in the workplace.

And Michael just did a good job of pointing out how the COVID pandemic has affected the workforce in Connecticut. And I'd also like to add that a report done, that was released last week by the Aurora Foundation and partly funded by my foundation,

points out that the economic impacts of COVID have been an even greater on women.

Many have had to leave the workforce because they don't have adequate childcare or they have to provide their own childcare, or perhaps older women were vulnerable to the infection and therefore had to leave employment. So, all of these women face getting a new job when hopefully the pandemic ends and, it's starting to feel like we're, I'm preaching to the choir a bit.

So I want to just focus on one aspect of ageism in employment that is important to think about. And that's not unlike racism, I think a lot of discrimination, ageism is unconscious. And we heard that, you know, the implicit age bias is pretty prevalent in Connecticut. There was a very important study done and released in 2015 that's interesting and I would just like to share that with the Committee.

The researchers sent out 40,000 fictional resumes and they put males names on half and females on half. And they had the age range, they had -- the age was evident in these resumes. And they sent them out for actual jobs, 13,000 actual jobs that were not particularly high skill jobs. They were things like janitors, office clerk, retail sales. And what happened was the older the candidate appeared to be on paper, these fictional people, the fewer callbacks they received.

And so, candidates who appeared to be 29 to 31 received 35% more callbacks than those aged 49 to 51. Despite the fact that, as Stacy did such a good job of saying earlier, you know, excellent qualifications on paper and so on. And this discrimination in callbacks was even more prevalent for women.

The study mentioned that resumes of older women have the fewest callbacks, no matter what kind of job it

was. And even for sales jobs, the researchers concluded that there was considerably stronger evidence of discrimination against older women than older men. So I think that this Bill will at the very initial stage of the hiring process, be very important in leveling the playing field. And it sounds like the Committee is aware of this. And I just hope that you will send this Bill forward. Thank you very much.

REP. PHIPPS (100TH): Thank you so much for your testimony. Any questions? Any questions from any of our Committee Members? Seeing none, thank you so much for your testimony. Greatly appreciated. Christy Kovel from the Alzheimer's Association, Dr. Kovel.

CHRISTY KOVEL: Hi, good afternoon. Can everyone hear me?

REP. PHIPPS (100TH): Yeah.

CHRISTY KOVEL: All right. Senator Slap, Representative Phipps and Members of the Aging Committee, I know many of you, some of you are new. My name's Christy Kovel, and I'm the Director of Public Policy for the Alzheimer's Association, Connecticut Chapter.

The Alzheimer's Association leads the way to end Alzheimer's by accelerating global research, driving risk reduction and early detection and maximizing care and support. There are 80,000 people in Connecticut right now living with Alzheimer's disease, with 180,000 caregivers. We are seeing our numbers go up as our state is aging and age remains the greatest risk factor for developing this disease.

And it is my honor today to comment on Raised Bill No. 812, AN ACT CONCERNING ELIGIBILITY FOR THE ALZHEIMER'S DISEASE RESPITE PROGRAM. I did submit a testimony and a fact sheet on caregiving this

morning to you. I apologize for that -- for the delay, but I just want to make a couple of comments.

For those of you who are unfamiliar, the Alzheimer's Disease Respite Program provides caregivers with just that; with respite, you know, a chance for a break. 80% of people who have Alzheimer's or dementia are cared for in the home. So, these are family caregivers who are doing all of the day-to-day activities, whether it's cooking or personal care, there are safety concerns that people have to consider around wandering. And so respite provides the caregivers with an opportunity if they need to run errands, if a caregiver needs to come into the home for a period of time to assist a professional caregiver, perhaps it's a brief stay at a facility. And so, this program is critically important for those who are caring for those living at home.

On average, people can live four to eight years after diagnosis, but upwards, up to 20 years. So with that, we do support increased access to this program.

We do note that the proposed income and asset levels in the Bill are very close to the current and income asset level. So, what we suggest is that this program with increase in adequate funding will be able to serve more people as our state continues to age and the safety net is very, very vitally important to keep folks at home, which is where they prefer to stay and also provides the best quality of life.

With that, I do want to allow some time if there are any questions. I'm here as a resource. And if you have questions or need assistance with constituents, I'm also happy to answer that. Thank you.

REP. PHIPPS (100TH): Thank you, Director. Any questions? Representative Hughes.

REP. HUGHES (135TH): Thank you, Christy. And as somebody who firsthand has already taken the Alzheimer's training that we passed in 2019, I just thank you for your work in advocacy on strengthening a workforce of the sixth-oldest state to deal with dignity and grace and humility and support and resources an ever-widening population of folks with Alzheimer's. And just thank you for still being here and pushing us to do our best to meet the needs of our community.

CHRISTY KOVEL: Thank you, Representative Hughes.

REP. PHIPPS (100TH): Thank you. Representative Hughes. Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you, Mr. Chairman. Hey Christy, good to see you, and wanted to just thank you for your efforts in this Bill and everything else that's going on in our fight to find the first survivor from Alzheimer's.

The need for respite is something that is subtle and not quite understood by anybody, who's not a family caregiver. And opening up the eligibility so that more people can access it is definitely needed. But from a safety net perspective, we also need to take a look at this from a funding perspective, considering the enormity of the challenge that we face.

So, nope, not usual words for a Republican Legislator, but one from a family caregiver. So, Christy, thank you for everything that you and your cohorts do. And Mr. Chairman, thank you for allowing me the opportunity to speak.

REP. PHIPPS (100TH): Thank you, Representative. Any further questions or comments? Well, I would be remiss without sharing myself with just how thankful I am for your work to this organization, to the state. Not only are you the Director, but also a constituent in my district and I really think you're

literally one of my, not even first calls that I had to make, but someone that reached out to me on day one to see if I needed any information and advocacy for your constituency. So, I really just appreciate your work and your proactiveness and helped me catch up to speed. So I just thank you for everything that you do.

CHRISTY KOVEL: Thank you so much. Appreciate it.

REP. PHIPPS (100TH): All right. Seeing no further questions or comments to Director Christy, we'll move on to the next person, let's see.

JOE PERKUS: Mr. Chairman, so the next three people Laila, Stephen and Luella are not on the Zoom.

REP. PHIPPS (100TH): Okay.

JOE PERKUS: Someone just joined. Nope. So the next three are not on. So the next one is Sarah White.

REP. PHIPPS (100TH): Thank you, Clerk.

JOE PERKUS: Thank you.

REP. PHIPPS (100TH): So Counselor White.

SARAH WHITE: Good afternoon, Chairman Slap, Chairman Phipps, and Members of the Committee. My name is Sarah White. I'm an attorney at the Connecticut for Housing Center, where I work primarily on foreclosure prevention, especially as it relates to our elderly homeowners and those with reverse mortgages. And I'm here to testify in favor of SB 816, AN ACT ESTABLISHING A REVOLVING LOAN FUND TO ASSIST ELDERLY HOMEOWNERS.

I submitted written testimony in support of this revolving loan fund. In short, we would suggest using what the state already has in place, which is the Emergency Mortgage Assistance Program, called

EMAP, which is run through CHFA to help more seniors.

EMAP is a loan fund to prevent foreclosures, and it has helped many homeowners over the years save their homes from foreclosure, but there are improvements that we could make that would make it better serve elderly homeowners.

The first of those is allowing EMAP to help homeowners without mortgages, so that they could get a loan to pay off their taxes. Eight or nine years ago, they allowed people with mortgages to get EMAP loans to pay off taxes, but it still doesn't apply to folks who don't have a mortgage. And then the second change is to help homeowners who have reverse mortgages. Something we see a lot is that folks with reverse mortgages go into default and ended up in foreclosure because they fall behind on their property taxes, but there's essentially no assistance available for them. So EMAP or another sort of loan fund would be helpful for those people as well.

And, we are working with the Banking Committee to make these changes to EMAP so the Raised Bill as written would require a new infrastructure whereas we do already have this one in place through CHFA EMAP, and it also as written wouldn't help seniors with reverse mortgages, because it would result in a priority lien and a priority lien is considered a default on a reverse mortgage.

So if you're interested in pursuing this revolving loan fund idea and are interested in helping to improve EMAP, please don't hesitate to reach out to us. We do see so many elderly homeowners who are facing foreclosure because of taxes and would love to see a program to keep them in their homes. Thanks for your time. And if folks have any questions, I'm happy to answer them

REP. PHIPPS (100TH): Any questions for the counselor?

SENATOR SLAP (5TH): Mr. Chair, yeah, I have a quick question. And thanks for waiting in the public hearing. So, are you saying that, you know, some infrastructure kind of already exists? Do you feel like that this Bill is duplicative or, more that, you know, it is needed, but just some tweaks to accommodate reverse mortgage?

SARAH WHITE: I mean, I think EMAP could easily be tweaked to allow for loans to pay off property taxes. It does function a little differently because it is a loan to the state paid back over a number of years versus a silent priority lien. So it maybe wouldn't cover everything, but for most situations I see people have the ability to pay going forward and have gotten into a bad situation for whatever reason, whether they forgot to pay their taxes or had some sort of hardship or weren't budgeting properly and just need to get back on track and then can sort of handle things going forward.

I think EMAP would work for those situations and for reverse mortgages too, which are a huge problem and resulting in many unnecessary foreclosures.

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

REP. PHIPPS (100TH): Representative Vargas.

REP. VARGAS (6TH): I have to say, I want to thank you for your testimony. I'm very interested in the whole issue of reverse mortgages because when you watch advertisements on TV, they make it sound like if you sell your house to one of these reverse mortgaged, they'll take care of the expenses. But I guess in the fine print, they don't include property taxes and people don't realize that.

The reverse mortgage holder is not paying for the property taxes. And when they do find out that their property taxes are behind, we have some draconian laws, including 18% interest compounded monthly. We have private companies that specialize in buying groups of liens on property taxes. We have foreclosure mills of some attorney firms that specialize in stealing people's homes.

So, I'm very concerned about this issue. And as a matter of fact, I have a Bill that I hope will get a public hearing soon on this issue, of back taxes and the elderly.

But I appreciate your testimony. I think it's an area of the law that we really have to take a close look at. People who've paid their mortgages for 20, 30 years and think they own their property; it's really a travesty to have senior citizens lose their homes without even realizing what hit them.

And unfortunately, our court system is complicit because many of our judges are enablers of this foreclosure mill. It all started way back when Governor Malloy met with the real estate agents and decided they needed more housing stock to put on the market and quicker. And they created an expedited process, which I guess serves the interest of some people, but certainly it does not serve the interest of the elderly. Thank you. Thank you, Mr. Chair.

REP. PHIPPS (100TH): Thank you, Representative Vargas. Any other questions or comments for Counselor White? Seeing none, thank you for your testimony.

SARAH WHITE: Thank you.

REP. PHIPPS (100TH): And Counselor Levine, forgive me for not being able to pronounce your first name. If you would like to share that with us, is it Linnea?

LINNEA LEVINE: Right, Linnea.

REP. PHIPPS (100TH): Linnea, I apologize.

LINNEA LEVINE: No, no, it's Swedish. It's hard. Okay. So good afternoon, Senator Slap and Representative Phipps. I'm an elder law attorney. I've been in the State of Connecticut doing this for over 29 years, doing Medicaid applications and living through the stress of my clients when there is a gap in care.

I also speak as a past president and current member of the Legislative Policy Committee Connecticut Chapter of the National Academy of Elder Law Attorneys. And I actually, I believe, in 2014 wrote the first Bill for this and I've testified almost every year.

And Steve Rubin spoke brilliantly on everything my written testimony says, so I'm going to go off my testimony and speak on the reality of the harm of the way this home care is set up in Connecticut with no retroactivity.

It gets very, very stressful when you're doing a home care application for someone who needs Medicaid. For those that are not familiar with Medicaid, in order to qualify for Medicaid, you need help with two activities of daily living. You need help with maybe walking, you need help with eating, you need help with bathing. You cannot be on your own. All right? So, so even to apply for Medicaid, you have to have that.

Then the other thing is, I've done research on elder abuse in Connecticut, and there was a study by the Connecticut Government that the biggest cause of elder abuse was self-neglect.

So, how do people end up in nursing homes? They end up in nursing homes for falls, for forgetting to eat, losing a lot of weight. They ended up in

nursing homes for being, not having enough -- being very dehydrated and now we have COVID. What can start as a cold can very quickly, if nobody checks in on you, become COVID and these people can die. And I don't think we're keeping track of how many people are dying at home with gap of care. And because nobody can get to see them because of all the COVID restrictions.

So, it's time. There has to be some presumption of eligibility for people who have not made gifts and for people who hold, who wants the, who have gotten their care assessment, you just have to get a care assessment. Somebody to come out and say, "Yeah, they need help with at least two activities of daily living, they need the care." You can get that ahead of time. You can file most of your financials with the Medicaid application, and the person, the caseworker can see by going over it that they probably have eligibility.

And there has to be some kind of retroactivity for these people. Whether, you know, it's under this statute that we put in presumptive eligibility, something has to be done immediately because people are dying.

The other thing I want to say is that we put them in nursing homes when we -- I'm not going to sleep and let somebody be unsafe who's my client. I will call and get them in some nursing home under Money Follows the Person.

And that program is a federal program. You stay in it for three months and it's a combination of apply for nursing home Medicaid for the three months, and you apply for the home care Medicaid when we can finally get a plan, if they have a place to live and.

And that's fine as long as they are -- if that gets renewed every year by the federal government. But it's not fine now when we have COVID in nursing

homes or have had COVID. I don't want to beat up nursing homes. I think they're doing the best they can right now, but there have been a lot of COVID deaths in nursing homes. And if we can keep people in their own bubble, we can keep them alive. And if we can have enough care going to them during these three months of retro -- three months going backwards, we can have people checking up on them and maybe making sure they don't need to be hospitalized and making sure they're not dehydrated and keeping them alive. They deserve that.

Connecticut does have a heart. I've worked in the state for almost 30 years and DSS and everyone else does really have a heart, but they always use the budget. And this time, I'm telling you, the heart has to be bigger than the budget. So, I'm asking you to pass the Bill concerning retroactive Medicaid eligibility for home care No. 813.

REP. PHIPPS (100TH): Thank you. Any comments or questions? Seeing none, thank you for that testimony.

SARAH WHITE: Okay.

REP. PHIPPS (100TH): Thank you. Thank you. Thank you. So, Counselor Lang, also from NAELA. Is Edward Lang here?

EDWARD LANG: Yeah. Good afternoon.

REP. PHIPPS (100TH): There we go.

EDWARD LANG: Hi, I'm Edward Lang and you've heard everyone else's titles. I'm the current President of the Connecticut Chapter of the National Academy of Elder Law Attorneys, and speaking today in support of Senate Bill 818, asking you to increase the community spouse protected amount.

Attorney Hayes, Attorney Ruben have spoken very well and given you all of the background on these Bills

so rather than being redundant, what I'd like to do is talk to you about the consequences, the impact of the current law on the spouse living in the community.

Under the current laws, Attorney Hayes indicated if the spouse has less, or the couple has less than \$260,000, the spouse in the community is allowed to keep not the \$130,000, but one half of their combined resources. And that very often puts the community spouse in a position of not being able to continue to support himself or herself in the future.

Among the things that we don't really think about very often are that if your spouse passes away and you're both receiving social security, you're going to lose one of those two checks. You're going to continue to receive the higher amount. And if you've had to spend down half your resources, and you're at a point where under the state law, you have no more than \$27,000 and you lose your spouse's social security, you are living in poverty. And if you become ill, you have no resources, no cushion, no ability to continue to pay for your care at home. If you are waiting for Medicaid to step in on the home care program and you have to basically use up everything you have in order to get through to the Medicaid eligibility.

We've also found that for people, I'm being very blunt, for people who have the resources, they can go to an knowledgeable elder law attorney. They can get guidance, they can qualify for a single premium, immediate annuity. They can take advantage of other techniques to help protect some of their assets.

But for so many people who are of lower means, they don't have the resources. They don't have the community sources to guide them through the planning techniques. And we, as a group of elder law attorneys think that it's time that the law be changed so that everyone has the opportunity to

protect that \$130,000 and not just the people who can afford attorneys and not just the people who know enough to go get the planning techniques.

I think right now, you know, that the Department of Social Services looks unfavorably upon the attorneys who give that kind of planning advice. If we increase the exempt amount, it will take away that issue.

Among the choices that you have would be to allow everyone to keep the maximum community spouse protected amount as some States have done. Or other States like New York, where they have said that the maximum is the 130,000, but the minimum is 75,000, not the 27,000 that we do in Connecticut. You could step it up. You could give us the opportunity to see how it goes and what the real fiscal impact is.

I think it's also relevant to say that the Veterans' Administration says that the community spouse protected amount is also \$130,380, but they don't require that the community spouse spend down the remaining amount.

So for a lot of reasons, I think out of fairness to people, out of recognition of the problems that the community spouse faces, when they're dealing with an ill spouse, when they're trying to keep an ill spouse at home, when they're looking to protect their own future, we strongly request that you increase the community spouse allowance to allow everyone to keep the \$130,000. Thank you.

REP. PHIPPS (100TH): Thank you so much. Is there any questions or comments for the president?

JOE PERKUS: I believe, Representative Case.

REP. PHIPPS (100TH): Representative Case. There we go.

REP. CASE (63RD): Thank you, Chairman Phipps. So, Attorney Lang, question for you, and obviously when I'm going through this with a parent now, but when you work with clients, is there ways of setting up trusts? Or I know we have a spend-down issue that lingers in the state with DSS does for disabled people with IDD. It does for seniors, but how do we work so that people can either stay in their homes and not have to worry about the assets that they have?

I've done some careful planning in my family to where we have long-term care insurance, which they don't offer anymore to the extent that we have it, but it's a tricky situation. And is there a way that monies can go to a family member earlier on and they can, you know, be the conservator of those dollars or is it, because I believe there's a five-year look back? Am I correct?

EDWARD LANG: Correct. And you know, excuse me for talking about some experiences, but very early on in my career, I represented a family in Durham that owned a small farm and the husband was in need of long-term care. And I went to the Department of Social Services and asked that they be allowed to keep some of their assets above the community spousal allowance, so that the spouse could afford to keep the farm going.

And after listening to me, the hearing officer said, "Attorney Lang, I understand the situation. I'm very sympathetic to it, but the rules are the rules and we must follow the rules exactly as they're written. And unfortunately, I have to deny the application."

And I went back and I thought about that situation and it became very aware to me that one of the things I could do was understand the rules and advise clients on what opportunities exist by following the rules.

And an answer to your question, we now need to advise people that if there is a child who's been living with the parent for more than two years, who enabled that parent to remain at home and not in the convalescent home, we can transfer the house to the child and it's not a disqualifying transfer.

If there's a disabled child, we can transfer the house to the disabled child. There are also opportunities to make gifts and then do the calculation as to whether the amount of the gift and the disqualification period still allows us to protect some assets.

We also have the ability to do planning in advance. The rules now say that if you transfer an asset within five years of applying for Medicaid benefits, you're disqualified for a period that equals the amount of the gift divided by the average monthly cost of convalescent care.

So, in many cases, if a parent is, or an individual is relatively healthy, we can transfer assets into an irrevocable trust and start the five-year clock running. Lots of things that we can do, and we can give people advice, but they need to know that they have those rights. And most people don't know that they have those rights and often wait until it's too late.

And as was explained a little bit earlier, the parent or the individual in need of care can transfer assets to the healthy spouse and the healthy spouse can purchase a single premium immediate annuity. And that annuity by definition under federal law is an income stream and not an asset. So for people who get proper advice, there are techniques to preserve things between a husband and wife, but they need to know that they have those rights. They need to talk to someone who can counsel them.

But again, I think for most people who have less than \$260,000, we'd be doing everyone a service if we just said the community spouse can keep the \$130,000. Now I spoke more than just your question. But I hope I answered it.

REP. CASE (63RD): No. Attorney Lang, I appreciate it because I also think, you know, I'd like to work with the Co-Chairs, Senator Slap and Representative Phipps because a lot of this is about education and being the Ranking Member in Human Services, we're trying to get education out there through DSS on things that, because the generation that we're working with in the older population now really don't know, and they don't want to give up their assets.

But they have to understand what it can do to get rid of your assets to help further down the road. You know, we work with the same thing with the IDD population. Their asset is \$1,600 a month. Anything more than that, you can lose your Title 19.

So, we have one, I have one constituent who was up here cleaning out the parents' house. They have to sell the house down, spend all that money to the facility that the father is in and then they go to Title 19, but they lost all the assets of the house because no preparation was done ahead of time and that's working with DSS.

So, I appreciate you coming on. I think that a lot of education for future generations would really be helpful. And it's a scary thing to lose all your assets, just because of you need to get special care, and especially in a couple situations, makes it even more difficult. But thank you on that. Thank you.

Hopefully, Senator, we can have a conversation on that and Representative, because it's pretty important and it's hard to say how much you have to spend before you can actually get the benefits.

EDWARD LANG: Thank you.

REP. PHIPPS (100TH): Knowledge is power. Thank you for that. Any further discussion or questions or comments for the counselor? Seeing none, president, thank you so much for your testimony.

EDWARD LANG: Thank you.

REP. PHIPPS (100TH): And Michael Werner from CWCSEO, and if you would once again like to share exactly what that is.

MICHAEL WERNER: Yes. Thank you. I will. And good afternoon, everyone. Senator Slap, Representative Phipps, Senator Kelly, Representative Wilson, and the other distinguished members of the Aging Committee. My name is Michael Werner and I'm a volunteer law and policy fellow focusing on aging issues for the Women, Children, Seniors, Equity & Opportunity. And thank you for this opportunity to testify before you today.

Our commission wishes to express support for the following bills before you, Senate Bills 56, 812, 814, 815, 817, and House Bill 6353, which you should have in written format.

For the sake of brevity, I'm going to be focusing on what I believe to be one of the most critical Bills before you, followed closely by the Age Discrimination Act, and that is Senate Bill 817, AN ACT CONCERNING SENIOR CENTERS.

Our state was one of the worst hit by COVID-19 with many seniors lost in the time since the pandemic's arrival. We've been working hard to triage the most vulnerable, particularly in nursing homes.

But what about everyone else? We have seen issues like the failure to thrive and deep depression due to isolation becoming exacerbated problems in long-

term care facilities, but there are also so many more vulnerable senior populations segregated alone at home who're suffering and we don't want to make a public health emergency become a public health crisis.

Senior centers are conduit between our seniors and their communities. Raised Bill 817 represents the recognition of the need to fortify our assets. These agencies represent community-driven strategies to allow seniors to age well in place.

In 2016, the General Assembly passed Special Act 16-7, which called for the creation of the senior centers task force. Our commission administered the task force and released its report with recommendations in February of 2018, which covered the issues of senior centers not being recognized and in some ways, being a forgotten workforce, which have since shown themselves to be critical during coronavirus.

In many cases, serving as a lifeline for the community contact and what is otherwise a new era of crushing solitude, Connecticut should have in place core competencies and coordinated support to more effectively and efficiently deliver these services. There are 168 senior centers in our state reaching 150,000 people, and growing.

This Bill works to catalyze these important community assets. And in Section 3 and 4, by centralizing what turns out to be the programming infrastructure represented by these senior centers and forming a working group, our agency, the commission is called on to shepherd this.

It's important to note, however, that since the consolidation of the Legislative Commissions, the position of aging policy analyst has remained vacant for years. This is vital as this would be the agency member called on by this Bill to drive this work product needed.

This Bill, however, is not about throwing money at a problem, but it's instead about utilizing the most effective and efficient ways to address and protect this vulnerable population. This Bill represents your future in the future of those seeking age, well, in our state. These task force recommendations were designed to be low cost, but highly efficient. It's our commission's hope that you can finally pass this year, and I'll be happy to answer any questions you have. Thank you.

REP. PHIPPS (100TH): Thank you so much. Any questions or comments for our speaker? No questions or comments for our speaker. So I'm surprised, all right. Well, once again, thank you for your testimony. Once again, I'm going to say your commission is doing phenomenal work for the state, so greatly appreciate everything that you do.

MICHAEL WERNER: Yeah. Thank you very much. I know it's been a long day, but these are all really important Bills and we appreciate the opportunity to comment on them.

REP. PHIPPS (100TH): Thank you. All right. So, Clerk, any other speakers?

JOE PERKUS: That is everyone who signed up and showed up. We got through everyone.

REP. PHIPPS (100TH): All right. So, thank you very much. So once again, I would just like to say before I turn it back over to Senator Slap, I'm going to say how thankful I am for this opportunity to being of service capacity, but just how important it is in terms of accessibility, to be able to have these online venues for people to testify and share what issues matter to them. So thank you so much and we will turn it over to Senator Slap.

SENATOR SLAP (5TH): Great. Thank you. And thanks to all the Members for your questions and

engagement. I just want to have our Clerk, Mr. Perkus, give just one more update on our next meeting and time. Joe, if you could tell people about that.

JOE PERKUS: Yes, that would be 1:00 PM on Tuesday, the 16th, and that is a Committee meeting. And then we have, the week following that, we have a public hearing and a Committee meeting, starting at 2:00 PM.

SENATOR SLAP (5TH): Right. And I would say to members and folks in the general public who are listening, we do have one of the earlier JF deadlines. We have this first batch of Bills that we heard today, many of them, if not all, were from last Session.

We're going to, it's going to get tougher sledding in a way, just because we're going to be trying to, we're going to be working closely, I should say, with our Ranking Members and Members of the Committee on some new pieces of legislation. You know, a couple in particular around strengthening the legal rights for long-term care residents and also around the visitation. So those are two things that will, I know what we have in hearings on as well as some other initiatives. So that's what's on tap for the Aging Committee.

And before we close it out, I would just open up to any Members if they got any comments or wanted to opine on anything before we gavel out.

Nope. Okay. Well thank you again, everyone stay safe, Enjoy the snow and we'll see you soon. Thanks again.