

CHAIRPERSONS: Senator Patricia Miller,
Representative Quentin Phipps

SENATORS: Cohen, Daugherty Abrams, Lopes,
Slap

REPRESENTATIVES: Bolinsky, Case, Garibay,
Hughes, Leeper, Vargas, Wilson

REP. PHIPPS (100TH): Welcome, everyone, I call this meeting to order. We have given everyone ample time to join us. One thing, everyone has joined us on YouTube for participating and listening to today's comments, and also those that are going to be presenting and testifying today. And, I wanted to make sure that we give a warm welcome to, I would say a legend in the Connecticut General Assembly, someone who's been a longtime friend, and colleague, and partner, and mentor, our new Co-Chair of the Aging Committee, Senator Miller, who has a long record of helping and protecting and supporting seniors, even as a few months ago collected, I think was, literally hundreds and hundreds of pounds of food to a senior apartment complex during COVID, because she recognized the food insecurity that was happening in her own district. So, she is a legend in this work and a legend in the legislature, and I'm so glad to have her in this Committee, and this work. So, I just wanted to welcome her in a proper greeting, and then give Senator Miller an opportunity to speak first.

SENATOR MILLER (27TH): Thank you, Representative. Hello, everyone, I am pleased to be a Member of the Committee. As Representative stated that seniors mean a lot to me, and I feel that they pay their dues, and it's our responsibility as a society to make sure that they're taken care of. So I'm excited, I know-- I think our last meeting is tomorrow, but I am excited to be a part of this Committee, to be the Co-Chair of this Committee, and I'm looking forward to the Bills that we're going to pass out of the Committee discussion. Thank you.

CLERK: Thank you, Senator, so a quick correction, our last meeting is Thursday, not tomorrow.

SENATOR MILLER (27TH): Oh, I'm sorry, Thursday. Thank you.

REP. PHIPPS (100TH): Thank you, Senator. And thank you clerk. Why don't we just go over the rules again, really quickly for everyone's edifice, just to make sure we are all on the same page together. If you have any difficulties, please either raise your hands or reach out to our clerk, Joe Perkus. And, Joe, once again, thank you for your work in keeping us all organized and ready to go during these meetings. For our legislators, please raise your hand and signifying in participant box, please don't use the chat, you can use that raise your hand feature, or if that does not work, if you raise your hand too, we will make sure that we call on you to make sure that we can support you in these efforts.

For all of our speakers, please introduce yourself first, and identify where you're from, or what organization you are coming from, that would be super helpful. We do have a strict three minute time period, which will start immediately following your introduction of yourself. While we all do have freedom of speech, it's not the freedom of consequences, so please keep this PG friendly and kid friendly for all those watching at home and on YouTube. We do want everyone to be passionate, but I think we can be passionate while also being mindful of our language. Please be mindful of hearing your name called. We want to make sure that we can call everyone expeditiously, so we can keep this meeting moving. And, I think that is it. I think those are all the things that we-- Oh, and also for our legislators, please refrain from using the chat feature, that just keeps things a lot easier and clean, and make sure that we all can keep this meeting in the public.

So with that, I also want to give an opportunity for our minority leader to speak first. Did either, Senator Kelly or Representative Wilson, have anything to share?

REP. WILSON (66TH): Well, thank you, Mr. Chair. I'll just say briefly that, I'm glad that we're moving along and having a hearing here today. It'd be interesting to hear comments on these six Bills that are on the agenda, and let's get started. Thank you. And happy to have Senator Miller as our guide here, and hope to hear from you soon during this discussion this afternoon. Thank you, Senator.

SENATOR MILLER (27TH): Thank you, Representative Wilson.

REP. PHIPPS (100TH): Thank you, Representative Wilson. Did either of our Vice Chairs want to share anything?

REP. HUGHES (135TH): Welcome, welcome, welcome. This is Rep. Hughes, and let's get started. The public is here and ready.

REP. PHIPPS (100TH): Alright. Any other questions from our Members? Seeing none, I will turn it over to our new Co-Chair, Senator Miller.

SENATOR MILLER (27TH): I'm sorry, Mr. Chair, I'm trying to find my mute button. So, the first speaker of the day is going to be Senator Formica. Senator Formica are you online?

SENATOR FORMICA (20TH): I am. Thank you.

SENATOR MILLER (27TH): You're welcome. Great seeing you.

SENATOR FORMICA (20TH): Thank you very much. And let me be the first to welcome you to the Senate, and I look forward to working closely with you

around the circle as we move forward. And congratulations on your election.

SENATOR MILLER (27TH): Thank you, Senator, and the feeling is mutual.

SENATOR FORMICA (20TH): Thank you. So, Chairs Miller, and Phipps, Ranking Members Kelly and Wilson, and the distinguished Members of the Aging Committee, I am Senator Paul Formica, and I'm submitting testimony in support of the provisions of Senate Bill 975, that seek to prevent the social isolation of senior citizens who reside in nursing homes, and that we will respect their rights to family contact and privacy, as well as the provisions of House Bill Number 6552, to improve access to virtual connections between long term care facility residents and family members. The effects of this pandemic have been devastating for Connecticut's oldest residents, both physically and emotionally.

As a member of the Governor's Nursing Home and Assisted Living Facility Oversight Advisory Working Group, I have had the opportunity to get a much closer view of the incredible challenges these facility residents are facing, plus the numerous interactions that I've had, as I'm sure we all have had with family members of senior constituents. I appreciate the bipartisan work of this Aging Committee and raising these Bills, which enable needed protections for long term care facility residents. These individuals have the same rights as all other state residents, including the right to use technology of their choice for virtual visitation, and if needed, to file grievances for violation of those rights. Seniors in nursing homes or assisted living facilities have been suffering from isolation, completely sheltering in place, not allowing residents to go outside, and not providing the technology infrastructure for virtual isolation. Residents faced a number of additional challenges, lacking exercise, interaction and the social

emotional benefits of connecting with loved ones. Far too many loved ones in our nursing homes lost their lives to COVID-19.

We also cannot ignore the impact, continued socialize isolation had on the death toll, and the health and wellbeing of vulnerable nursing home residents. I very much appreciate this Committee taking these issues seriously and working together on solutions. Thank you for your continued support, and for the opportunity to speak before you today.

SENATOR MILLER (27TH): Thank you, Senator. Are there questions from the Members?

CLERK: Representative Bolinsky has his hand up.

SENATOR MILLER (27TH): Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you, Madam Chair, and welcome, it's a pleasure to work with you. Senator Formica, I want to thank you for your work on the task force, and for your advocacy on this. I encourage you to use every resource in your power to assert the rights of individuals living in assisted living and nursing home environments, so that the isolation and neglectful activities can become something a thing of the past. In case you don't know, my mother, I'm coming up on our first anniversary of my mother's passing, she did not die of COVID-19, she died of the lockdown and neglect, and what started as dehydration, for lack of proper care, eventually culminated in the loss of her life. I'm at your disposal in any way that you ever need my help, Senator. Thank you very much. And thank you, Madam Chair, for allowing me to speak.

SENATOR MILLER (27TH): Thank you Representative. And I know I didn't get a chance to personally give my condolences and you losing your mom, and you lost your father a year or so before that, and so I know very difficult for you to testify in favor of the Bill. So, I wish you the best.

REP. BOLINSKY (106TH): Thank you, Senator, you reached out for each one of those events, and it means a lot. Thank you.

SENATOR MILLER (27TH): Thank you. Is there anyone else, Mr. Clerk?

CLERK: There are no other questions.

SENATOR MILLER (27TH): Thank you. Thank you, Senator, for testifying today and submitting your testimony.

SENATOR FORMICA (20TH): Thank you very much, Madam Chair. And I too, would like to share your thoughts and concerns for Representative Bolinsky on the very difficult time. And I know, to lose a family member is most devastating, but the advocacy that you're working on in this Bill, Representative, I think will go a long way to preventing a lot of this happening and a lot of that happening again. So, my condolences again, and thank you for the comments. And again, Senator, thank you for the opportunity to speak before the Great Committee today.

SENATOR MILLER (27TH): Thank you. And if I can add, this was a very difficult time for all of us, to see our seniors pass away in the manner that they did. And as Representative Bolinsky stated, that it's the isolation, even if you're not ill, isolation is not a good place to be in. And so, I thank you for your advocacy on this issue, and I'm hoping that we can get it passed and made into law. So, thank you very much again for testifying.

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

SENATOR MILLER (27TH): Thank you. We next have, Painter. Ms. Painter.

MAIREAD PAINTER: Yes, thank you.

SENATOR MILLER (27TH): Thank you.

MAIREAD PAINTER: Good afternoon, Senator Miller, Representative Phipps, Senator Kelly, Representative Wilson, and the distinguished Members of the Aging Committee. My name is Mairead Painter, and I am the State Long-Term Care Ombudsman. Thank you for this opportunity to testify before you today regarding several Bills, as I know the Committee has worked so hard to address the isolation, and acknowledge the social and emotional needs of our long-term care residents.

The first Bill I'd like to offer testimony on today is Bill number 6552, an act concerning the rights of residents in long-term care facilities to use technology of their choosing for virtual connections to family, friends, and other persons. I absolutely support this Bill. For years, we've told residents that their room is their home, and because of this, I feel that they should have access to any and all technology that supports their highest level of quality of life. During the pandemic, we were able to see many ways that technology helped accommodate and support residents' quality of life. There have been so many developments in technology over the past 10-15 years that can offer individuals a level of independence. They can play games, "Together," but virtually, they can also ask questions to the box on the nightstand, or even ask it to play their favorite song, and they can do this with a level of independence. They have the ability to be afforded the security that many of us choose to use in our own homes, including devices that monitor the area, and can tell us, or our loved ones when something out of the ordinary is happening. This added security and connection would have been invaluable during the pandemic. I appreciate the language related to residents' rights as this is a priority for our program.

We want to know that individuals have the ability to know when there's a device on, and have choice in

that. For roommates or concerns related to roommates, I believe there's ways to provide protection and choice if those issues do arise. Over the last year, through the Mathematica report, NA-LOG and personal stories, we've learned that access to the internet and connecting individuals to the community at large is essential.

The next Bill I'd like to present on is, SB 973, an act strengthening the voice of residents and family councils. I support this Bill, as it allows for residents and family members to be involved in changes that would directly impact the care and services that provide for their lives. "To do with and not for," is a phrase that our program prides itself on. Allowing residents and family councils to provide input and be active members on committees and stakeholder groups that influence nursing home laws, policies, practices, all of this will honor the importance of their voice.

We recognize that there may be times where urgent decisions must be made, but we appreciate the opportunity to be heard as soon as possible for those decisions. As an example of how this will change the landscape for these residents, our Presidents of Resident Council Executive Board have submitted virtual testimony that they recorded for you today, and so you should all receive a copy of that. They have challenges when it comes to being able to write things sometimes or to put their thoughts together, so they recorded messages on what this Bill, and what you put forward meant to them.

The next Bill, SB 975, an act strengthening the Bill of Rights for long-term care residents. For years, we've been embracing long-term Care cultural change, promoting person centered care, and a home-like environment for long term care residents. This language acknowledges the rights for individuals to treat their home, their room as their own, with no fewer rights than any other person in the state. This is incredibly powerful, and will have a

positive impact on residents across our state. Residents deserve the same rights and privileges that many of us take for granted in our own homes. The option to use smartphones, tablets, remote monitoring, even to be excited and ready to embrace new technology.

The Bill addresses the individual right to privacy, under state and federal law, and again, this is something that our program takes incredibly seriously. In my written testimony, I've included links to articles and reports about social isolation of older adults and residents in long-term care settings. Technology can have many benefits, including the reduction of social isolation, providing connectedness and improving the quality of life, helping to ensure good quality of care. The Federal long-term care facility resident rights requirements support the goal of this Bill, including reasonable accommodation for self-determination, choice and the right to interact with members of the community, and participate in community activities, both inside and outside of the facility. We truly appreciate the Committee's commitment to the state's long-term care residents, and I'm available if you have any questions.

SENATOR MILLER (27TH): Thank you, Ms. Painter. Are there questions from the Committee?

CLERK: Representative Hughes has her hand up.

SENATOR MILLER (27TH): Representative Hughes.

REP. HUGHES (135TH): Thank you, Madam Chair. Thank you so much Mairead, and also I want to thank Senator Formica for your really tireless work on the Governor's Task Force in long-term care in the wake of the COVID catastrophe. My question is, do you feel like these two--Well, you just read them, three Bills, do you think that they adequately represent the recommendations of the work of those oversight committees?

MAIREAD PAINTER: Yes, I think they absolutely embrace the spirit of the Committee's mission, and what came out, as well as honoring the fact that the Committee had residents and family members participate and give their opinion in how they felt things should move forward.

REP. HUGHES (135TH): Great. Is there anything you would add to it?

MAIREAD PAINTER: Not off the top of my head. I was very happy at the extent to which the Bills went.

REP. HUGHES (135TH): Great. Thanks. That's it, Madam Chair. Thank you for your testimony.

MAIREAD PAINTER: Thank you.

SENATOR MILLER (27TH): Thank you, Representative. Mr. Clerk, is there someone else?

CLERK: No other hands raised that I can see.

SENATOR MILLER (27TH): Okay. I had a couple questions. Let's look at 973 first, regarding the council. It states, basically, that if there are any changes, that the proposals or regulations shall seek written input or testimony from resident councils and family councils concerning such policy. So how would that happen? Logistically, how would that work?

MAIREAD PAINTER: So, we are actively working with resident councils currently, and we post on our website, and then we push information out to the nursing homes when there's a significant change, for the recreation directors to be able to let the resident councils know, and we would ask if they wanted to have an opportunity to send something in.

SENATOR MILLER (27TH): Okay. So, the responsibility to give information to the resident, the nursing home, the facilities will come from you?

MAIREAD PAINTER: I think it's a joint effort. It's something that we have been doing since the pandemic began. I do a weekly Facebook Live on Wednesdays that we will continue to be doing after the pandemic, to connect people to information. That's one way we will do this. But yes, we will also be sending out information directly to the nursing homes. We would ask that they would forward that to the resident council, and make sure that they had the opportunity to respond. We do have regular meetings and interact with the Executive Board of Presidents of resident council, and meet with them several times a month, and they can also speak on behalf of all of the Presidents for resident council.

SENATOR MILLER (27TH): Okay. So I guess, my concern is, it doesn't really specify who shall make sure that this is done, to make sure that the councils are informed. And the word, "Shall," as you know, is a very strong word, and so, what are the consequences if you don't? I don't see that in the Bill as well. So, that's something that would may want to consider, just to clarify that a little. And so then-- Oh, go ahead, I'm sorry. Were you going to say something?

MAIREAD PAINTER: No, I was just going to say thank you. Yes, we can talk about that, and the spirit of the Bill with the developers and see how we can maybe tighten that up, and put some other layers in there.

SENATOR MILLER (27TH): Thank you. And then 6552, where we talked about, the roommate who wouldn't agree, and you said that there are ways that you may be able to work that out. Can you give us an example, because it says that the facility has to-- there has to be an alternative, so you can ask them

to move, or the facility excuses, facility first has to intervene and try to convince the unwilling roommate to give their consent. And then you said there are ways that you could get them to consent. So, if you could give us an example.

MAIREAD PAINTER: So, I reached out to some other states where they have had this level of approval, and they do use different types of devices, and sometimes they talk about, maybe if someone's worried about conversations being recorded, maybe it's just a camera, maybe it's certain times a day, around putting parameters in place. And so, we really believe that through conversation and mediation, you can also get to an agreement to things when there's a challenge.

SENATOR MILLER (27TH): I'm sorry, thank you. So, since there are no more questions, thank you for your testimony, we appreciate you being here today.

MAIREAD PAINTER: Thank you very much, welcome as well.

SENATOR MILLER (27TH): Thank you. We Next we have, Dianne Stone.

DIANNE STONE: Good afternoon.

SENATOR MILLER (27TH): Good afternoon.

DIANNE STONE: Senator Miller, Representative Phipps, Senator Kelly, Representative Wilson, and esteemed Members of the Aging Committee, my name is Dianne stone, I Chair the Aging Sub-Commission of the Commission on Women, Children, Seniors Equity and Opportunity, and I'm representing them here today.

We've submitted written testimony in support of several Bills before you today, all of which are directly related to our residents in long-term care. The past year has simply been devastating. The

people that live in long-term care have been hit the hardest by COVID, they have the highest percentage of fatalities, they have the most severe illness, and they had the greatest impact of all of the mitigation strategies. We've heard the stories about isolation, and it's heartbreaking. We can't change what's happened, but we do owe it to older adults and people with disabilities to learn from this and to do better, and several of the Bills before you our efforts to do just that.

The Commission does support HB 6552, which is the act concerning the rights of residents in long-term care facilities to use technology of their choice. This is not a new issue for this Committee, but as we all know, the pandemic has now made it an urgent one. You're going to hear and read testimony from advocates, from agencies, and from individuals today that will make this clear, much better than I can. You'll also hear from advocates and agencies that are going to help shape how this can be implemented. But there is no doubt it must move forward.

Similarly, the Commission supports raised Bill 973, an act strengthening the voice of residents and family councils and raise Bill 975, an act strengthening the Bill of Rights for long-term care residents. I wanted to take a moment to talk about House Bill 6554, an act concerning aging and COVID-19. This Bill calls for three executive branch departments to study the impact of the COVID-19 pandemic on senior citizens, with an emphasis on residents of nursing home facilities and manage residential communities.

Although the pandemic, it's not over yet, the state has already started studying the impact on residents of long-term in managed care through the Mathematica report, and through the nursing home and assisted living oversight working group. So, speaking for a minute as the President of the Connecticut Association of Senior Centers, we've been telling all older adults, and people with disabilities who

live in our communities, to stay home and stay safe for a year now. We've seen the impact of social isolation and decreased activity on people living in the community, and we've seen the challenges that they've had in accessing services. I heard an expression the other day, "The tarnished silver lining," and we have found that as well, we've learned a lot about how we can reach people who are isolated, and we have always had people who are isolated in our communities. We need to carry those lessons forward, we can do better. So, we do support a study that involves more stakeholders, that has a scope that includes all older adults and people with disabilities, and that will lead to the identification of best practices and recommendations for how we can move forward. Thank you.

SENATOR MILLER (27TH): Thank you for your testimony. Mr. Clerk, any Members that would like to speak?

CLERK: Yes, Representative Hughes has a hand up.

SENATOR MILLER (27TH): Representative Hughes

REP. HUGHES (135TH): Thank you, Madam Chair. And thank you, Dianne, for your tireless advocacy, not just for senior centers, but for all community members, and for especially lifting up those with disabilities also, that we don't have a committee that specifically is the committee of cognizance of them, so I really want to make sure that we include those folks in our best policies going forward. So, did I hear you say about the study, that you would like to include more stakeholders, or you have specific recommendations for HB 6554?

DIANNE STONE: Yeah, so I think it right now, it's just looking at three executive branch departments, so it would be more of an administrative review. I think that we can do a lot better by including a lot of stakeholders, including older adults, and people

with disabilities in the community, including our community service providers, people that are providing home care services as well. I think the broader the tent, the bigger the tent, the more information you can get, and the better recommendations we can get. We'd also include public health, who've played a significant role in what we're doing in the community.

REP. HUGHES (135TH): Great. And through you, Madam Chair, is there anything else that you would add to that concept, I suppose? Of HB 6554.

DIANNE STONE: I think that it's fairly broad right now. And I don't have direct recommendations, whether there's some specific areas that would want to be looked at, but I think technology and access to technology has been a huge one in the community. So, we learned that with education, where every kid got some kind of an internet connected device, and every older adult needs one too. So we have to figure out how to do that. There's kind of this mythology that older adults don't use the internet, and nothing could be further from the truth. Some of them weren't interested in doing it, some people still are not interested in socializing with a computer, but my 83 year old dad, he's a Zoomer now, he can do it. I think we'll find more people-- Our computer classes at senior centers, we're kind of getting a little thin, I think people are going to be signing up now. But we have to make sure that people have appropriate internet connected devices, and it's not a luxury anymore for anybody.

REP. HUGHES (135TH): It's an essential. Thank you, Madam Chair. And thank you, Dianne, and your task force work that we've made recommendations together, and championed them, the stakeholders. Thank you so much.

SENATOR MILLER (27TH): Thank you, Representative. Mr. Clerk, is there anyone else?

CLERK: There are no other hands raised currently.

SENATOR MILLER (27TH): Thank you. Ms. Stone, I want to personally thank you for the work that you've done, as well, on behalf of our seniors and the advocacy, and I would appreciate if you would send a list to the members who you think should be a part of this workbook, because it's true, how can we have a study group or work group and not have the people that it impacts as a part of that? So again, thank you, and I would appreciate, and any other recommendations. Because you're closer to the ground than we are, and so if you could-- We welcome any other recommendations that you have on any of these Bills. So again, thank you for your testimony today.

DIANNE STONE: Thank you very much, and welcome, Senator.

SENATOR MILLER (27TH): Thank you. So next we have, Sara Polo. And after her will be, Susan Lask.

CLERK: Okay, so, Madam Chair, Sara has not showed up yet, so the next person in line will actually be number seven. We'll see if Sara, Susan or Olivia show up later. But number seven is, John Shulansky.

SENATOR MILLER (27TH): Thank you very much. Mr. Shulansky, are you online? And after Mr. Shulansky we have Mr. Cantor.

JOHN SHULANSKY: You do? Okay. I just was able to unmute, thank you very much, Senator. Senator, thank you very much, welcome to the Committee, I really appreciate your presence here. Members of the Committee, my name is John Shulansky, I'm managing director of Elders Choice of Connecticut, which is a registered homemaker companion agency that's classified as a registry, and also an employer paid, in fee paid employment agency registered with the Department of Labor. I am the former president of the Connecticut Association of Homecare Registries.

I'm here to speak about Bill 974, which makes some changes regarding registries that are homemaker companion agencies. Registry is placed care providers as private duty aids for non-medical services. Much of the language in this Bill arises from House Bill 5322, in the 2017 session, for which I submitted testimony to this Committee almost three years ago to the day. Representative Bolinsky will remember that reasonably well. I have said then, and I'm going to say now, and I've said for seven years to the Committee, what we call chapter 400, the homemaker companion services section of our statute needs comprehensive review to meet the realities of health care.

It's just not where it needs to be. Homecare is an extension of healthcare, and consumers and care providers are at risk in our state every day. As a state, we're doing a disservice to our citizens who need this kind of care, and individuals who provide the care. This Bill really does nothing of substance to address the real issues of homecare. I've provided some written testimony, which is much longer than three minutes, I would really ask the Committee to read them carefully.

I will make a few comments about the Bill. Some of the changes are unnecessary, particularly Section 15, which adds the word, "Registry," after homemaker companion agency. That language is redundant, a registry is defined in the statutes as a homemaker companion agency. The use of the word, "Employee," when referring to a registry is very misleading. Federal wage in our regulations prohibit a registry to be the employer of a care provider. The registry cannot set the pay, terms of services, or control the provider. A registry is an employment agency and refers an individual acting as an independent contractor to be placed in a consumer's residents. The changes proposed in Section 2, line 61 through 94 arise specifically from an absolute need to inform consumers of the benefits and risks of using a registry. I support most of these comments.

The Committee should be aware that the requirements report care provider earnings attempts to address a problem in reporting and collecting employment taxes do.

A consequence of Section 2B3 is to recognize, "Other forms of insurance," in the absence of an affordable worker's compensation product for consumers in Connecticut, and their direct care workers, such as home care providers, cooks and housekeepers. And finally, regarding Section 3, non-compete clauses are simply not legal for a registry, we have no position on that. Under federal wage in our regulations, or registry is not allowed to control a care provider, so we can't restrict their actions. I have number of cases that have gone private because the family wanted them to.

I really implore the Committee to take the lead where no other Committee or elected official has yet to lead. I've been at this now for seven years before the General Assembly, I have 40 years of experience in geriatrics and gerontology, I have been involved in hands on direct care of frail elderly for well over 15 years now. Homemaker and Parent agency is the wrong term for this business. We're talking about homecare, and we need to distinguish homecare from home health care. Lots of people use the terms interchangeably, but those are the two terms in the industry.

CLERK: You're reaching end of your three minutes, would you please--

JOHN SHULANSKY: Thank you, all wrap it up. We need to rewrite the entire regulations, we need to require caregivers to have training, we need to protect the caregivers who are providing for the frail elderly. We do not have adequate protections for them on our public policy, we do not have any training for caregivers. It is not a requirement,

it's a shame what we do in our state to the frail elderly. I've worked with Commissioner Hernandez before, and I'm standing ready to work with this Committee now. Do something please. This Bill is not enough, we really need to rewrite the statutes, and make it clear for consumers, and protect caregivers. We're not doing the best job we could. And I'll leave it at that.

SENATOR MILLER (27TH): Thank you, Mr. Shulansky. Before I go to the Members of the Committee, is there another state, do you know if there's another state that trains their caregivers?

JOHN SHULANSKY: There are many states that require training of caregivers, many, many, many states. And Pennsylvania is a good example. I have a partner in Pennsylvania, the Department of Aging takes the lead in Pennsylvania on all non-medical homecare, they have registration for homecare registries, and homecare agencies. Every agency or registry is required to have a training manual that is approved by the Department of Aging, and every care provider is required to take an annual test to affirm their knowledge of the basics. The Department of Aging also conducts a biannual inspections of homecare agencies to assure compliance. There are lots of things that we could do here.

We could empower homecare agencies to follow a particular curriculum that's approved by the state, and we can start training people better. This is an entry level position, a lot of people who are-- We need people to provide homecare, they need to be trained, we could do a wonderful job in building a job pool, and this is a entry level job in healthcare that can move to other positions, from licensed practical nurses, to nurses to physical therapists. This is a stepping stone into a career of professional healthcare, and we don't have enough people. We're not training them, and we have too many people who are at risk because caregivers are untrained.

I will add, Senator, a little to your question, that there's a difference between personal care and basic companionship. And this is going to take some study, but the reality is that-- And the elephant in the room, and I've said this in my written testimony is, this is really an issue between the Department of Public Health and the Department of Consumer Protection. Some of the work that is done by home caregivers today requires training to transfer someone from, let's say, a chair to a wheel-- a wheelchair to a chair, or on a commode, to be personal care. And that requires training. And the training is not consistent for care providers, there are well over 600 homecare agency in the state, and the number of 30,000 daily care providers at service in Connecticut has been used in public testimony more than once, so I'll stick with that number.

We're not training people, nor are we requiring health exams. We all know from the pandemic that care providers are going into facilities, as well as private residences, and they have, for lack of their own care, but they have also helped to spread COVID. And not on purpose, but it's just a natural consequence of the disease, and the work of the care providers do. We need to be sure that people are trained, we need to be sure that someone doesn't have, say, brittle diabetes, or a serious heart condition or seizures, that would find them alone in a residence with someone, and then unable to provide care. There has to be some general modicum of health for a provider to be able to go in and out of the house. And again, that needs research and study.

SENATOR MILLER (27TH): Thank you very much for your testimony. Mr. Clerk, do we have Members in the queue to speak?

CLERK: Yes, we have Representative Bolinsky, followed by Representative Wilson.

SENATOR MILLER (27TH): Thank you. Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you, Madam Chair. And thank you, Mr. Shulansky. About shinning a little bit of light, because clarity in defining what homecare actually is, is something that we institutionally do not understand from a government perspective. It's more than regulation, it's more than an owner's manual, it's more than instructions.

And in my experience, homecare was the most effective aging in place mechanism that I employed, particularly, with my mother. But you have to be lucky enough to find the right person, somebody who doesn't just understand the best practices, but somebody like you sir, that is able to play the matchmaker role, because so much of the home care and companion, and then later in life, higher levels of aging in place can't succeed without having the right person, with the right personality, and the right orientation, which is also challenged by the fact that these individuals, even those amongst them that are angels, are terribly underpaid.

As a state, we need to actually get serious about the concept of aging in place, because we spend just a ton of time talking about it, but it seems like governmentally, and from an agency perspective, particularly with DPH, there's a reluctance to actually get out there and allow these choices, which for many people are far superior choices. It's almost as if we don't want to mess with the way we've done things in the past, the institutional care that happens, which is the most expensive and least caring way to deal with a relative that needs the extra level of care, or is in cognitive decline. They hold all the power in the state when it comes to aging in place, it's an existential threat to them. And as a government, we need pull on our big boy pants and understand what's really important for constituents, and the wellbeing, not just of the aging members of our community, but the wellbeing of

their families and their caregivers, in being able to augment the times when they can't be there to provide the care themselves.

So, there was no question in there, it was just a recognition of the fact that we're just not taking this very seriously. Alright, and for God's sake, I'm not sure if it's a task force, I'm not sure if it's something that gets done at the executive level, which I actually would question because the Governor and his staff have pretty much got their hands more full than they need to be, but somebody who understands this dynamic that doesn't have attachments to the establishment, needs to be in there planning this. Because right now, the best way to care for many people is to keep them the hell out of these institutions.

JOHN SHULANSKY: Yes.

REP. HUGHES (135TH): But that's where we wind up going when there isn't an infrastructure built around being able to age in place. So, God love you for your advocacy. I'm there with you, I really, really wish we could find a committed bunch of people with the courage to actually do something to make this available more widely, and have it be covered by insurance, and do all kinds of really revolutionary things, so that people that have lived their lives raising us and doing community service, could have dignity as they come in towards the runway at the end of the life. Thank you very much. Thank you very much, sir, I respect your work. And thank you, Madam Chair for indulging me.

SENATOR MILLER (27TH): Thank you, Representative. I'm sorry, Mr. Clerk, was it Representative Wilson you said was next?

CLERK: That is correct.

SENATOR MILLER (27TH): Representative Wilson.

REP. WILSON (66TH): Thank you, Madam Chair. And thank you, John, for being here. I'm going to sound a little bit like Representative Bolinsky. I'll give you my background so that you understand where I'm coming from. I was 40 plus years in the insurance and financial service industry. I was certified by the State of Connecticut in the Partnership for Long-Term Care back in 1989, that'll give you a little picture of the background. And when I hear you talk about education, and I think I heard you use the word, certified or certification, I'll go to both my experience as an adviser with many clients who ended up on claim for long-term care, but also go to my own dad, who at the twilight of his years, was seven times in and out of Rosehaven here in Litchfield, Connecticut.

And all seven times we were fortunate enough to have long term care insurance, and we were fortunate enough to use a great agency here, Northwest VNA. And in full disclosure, I was a board member there. But after he passed, because my journey with them made me realize how important they are, and I kind of stepped forward and said, "Look, if you're ever looking for somebody to be on your board, I'd be happy." And I was blessed to spend many years on that board.

I'll just use this as a way of describing where I'm going, there's registries, and then there's registries. And I see you nod your head, so I know you know what I mean. I have a former client right now who takes care of an elderly woman in her 90s in Avon, no relation just longtime good friend. And one of the sad parts of all of this is that, you may go to a, "Registry," and you may get this caregiver to come in, and then form a relationship. The client or the patient forms a relationship with that individual, and would hate depart from that individual. But then when their conservator or healthcare power person realizes that they have long-term care insurance, but because that caregiver is not educated and certified, the insurance company

will not reimburse. And they now have to deal with an emotional situation, trying to have that person switched to a new caregiver, going through an agency that does have certified people.

So what you've spoken of here today really rang very true with me. And so my question is-- and my concern is, of course, we've talked about this in past years and nothing's happened, and here we are again, and now we get someone with your background, testifying again. And we haven't written the legislation in such a way that it really gives us what we think we need. And so my question is, do we have enough time right now to rewrite this so that we can actually accomplish something this year? In other words, if you helped us and rolled up your sleeves, and came in and said, "Okay, don't do this, but do this," and so forth, would you be able to contribute to that?

JOHN SHULANSKY: Thank you, Representative Wilson. The short answer is, yes, I could contribute to that, but I don't hold any special comments other than the fact that I've got a lot of experience in a variety of different settings. And the fact is, that it's not that simple, in my opinion, to promulgate effective education or core criteria right now.

We really need to sit down between agencies and registries combined-- Registries, I've said in my written testimony, registries have a much higher standard, and in my opinion, a registry absolutely must refer someone who has been trained as a CNA, HHA, LPN at a minimum, because they're placing someone private duty into a home. Agencies, and there are all kinds of homecare, whether it's full time, live into, an hour here or there. So, every business model is different over 600 plus HCAs. And what's good for the largest provider and the state Companion and Homemakers and they have a lot of really fine care caregivers, and franchisees. But like everybody else, some caregivers are not always as good as others.

And it's not just one agency, there are 600 of them, and there's no consistency. There's no guarantee that the consumer gets the person walking in the door knows what to do. That's what we need, some basic, common understanding. It's going to take a little time, because as I said earlier, companion care is very different from personal care. And the services described in Section 400 of the statutes simply incorporates all of that. And we have to find a way to do it fairly, correctly, safely in a person centered manner. But I don't want to lose sight of the fact that we also need to do a better job with our care providers and protecting them when they go into-- Before they start a case, they need to know how much they're getting paid, what the compensation is, what their benefits and holidays and vacation are.

They need to know that they have some privacy in the house when their belongings are secure, they need to know the chemicals, they need to know that chemicals are appropriately labeled, and are secure. They have lots of protections that need to be provided to caregivers in the home. So we have a lot of work to do. And I really believe that the state Commissioner, Hernandez, is available. I spoke with Kathy Abercrombie, probably three years ago, she was going to call a working committee group. I don't think this is a political issue, this needs a working committee, not a task force.

So, it's time for us to really get serious, maybe during the recess, we can start working on this and have something, so next year, we could really do it right, and have a section on homecare that incorporates everything we really need to do. And also start training people who want to be trained, and have a job. We can get people trained. I can't tell you how many agencies I know call me looking for caregivers, which I don't have, or want to know if I can help them because they can't find a caregiver to support a client that's called them.

REP. WILSON (66TH): Well, I really appreciate your comments and your knowledge, sir. I guess my sadness is that, it sounds like we're still on the drawing board, and even when we got to implementing new legislation on this, there's going to have to be a timeline to get the agencies up and compliant and their employees up and compliant. And in the meantime, it's just going to take a while for people to really be assured that they're going to get the care and the value for the dollars that they're putting out to take care of their loved ones and themselves. So, thank you very much for being here today, I really appreciate it. Thank you, Madam Chair.

JOHN SHULANSKY: Thank you.

SENATOR MILLER (27TH): Thank you, Representative. Mr. Clerk, is there anyone else in the queue?

CLERK: Yeah. Representative Bolinsky has his hand up again.

SENATOR MILLER (27TH): Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you, Madam Chair. I'll address these comments through you to both of the prior speakers. If what we have is demonstrably not what we need, rather than failing to take action again this year, for lack of having a Bill that has some efficacy, the words, "Task force," usually strike fear in the hearts of every legislator, and every--

JOHN SHULANSKY: Retired legislator.

REP. BOLINSKY (106TH): Yeah. With the help a lot of very concerned people, a couple of years ago, we turned a Bill for dyslexia in education into a task force, and we had appointees by the Governor, appointees by the legislative leadership, appointees

from industry, and we had them operate. And they operated for about a year, and they came back with recommendations that were concrete. They just took that thing, and they cared about it, and they carried it.

And this year, we have a couple pieces of legislation on the education component of the requirements for dyslexic education, working their way through higher education. Because education doesn't start unless you place it someplace with people that are about to become certified or licensed in something. Considering how many task forces we conduct that don't do anything, or don't come to conclusions, that dyslexia task force was awesome, and maybe we turn this Bill into a task force rather than failing at it, and then coming back again next year to fail at it again, let's come back next year with a plan. Again, no questions in there, but for my Ranking Members, for the Chairman, Co-Chairs, we should probably talk about that in our Committee meeting coming up, or offline in a caucus of some sort. So, thank you very much, I appreciate the opportunity to comment a second time, Madam Chair.

SENATOR MILLER (27TH): Thank you, Representative. Mr. Chair-- Sorry, Mr. Clerk, are there--

CLERK: No other hands raised.

SENATOR MILLER (27TH): I have a question, and you may have addressed this, Mr. Shulansky, in your testimony. Do you have any comments on the language change from individual to employee?

JOHN SHULANSKY: Yes, I did. And let me add again, we already have in the definition section, the word employee includes an individual who's providing services to homemaker companion agency, but as classified as an independent contractor.

So, the word employee is a misnomer for a registry under federal wage in our laws, I can't have these individuals as employees, I don't refer to them as my employees. And I have agreements with them that stipulate that they are independent contractors to me, I cannot manage them, I can't direct them, I can't set their pay. And that's explicit in my agreement with the caregiver, and explicit in my agreement with the consumer.

So, the word employed is really a misnomer. On the other hand, the definition includes an independent contractor, I guess I'm okay with that. It really is confusing to the consumer, in my opinion, but we can live with it because of the way the definitions are written on the statute.

SENATOR MILLER (27TH): Okay, thank you very much. So, if there aren't any more questions, Mr. Shulansky, thank you so much for your testimony.

JOHN SHULANSKY: Thank you. And I stand ready to support the Committee and the state in any way possible.

SENATOR MILLER (27TH): Thank you very much. Next we have, Brian Cantor, followed by Joseph Markley. Is Mr. Cantor on the line?

CLERK: He should be. I see him on here. Mr. Cantor, you just have to take yourself off mute. There we go. Looks like it's just connecting. Let's give him a minute to connect to the audio.

SENATOR MILLER (27TH): Modern technology.

CLERK: Mr. Cantor, it says you're on mute again. I gave you a prompt to unmute.

REP. VARGAS (6TH): There are three dots on the upper right hand side, three dots, if you hit on those three dots, you'll see unmute.

CLERK: So, why don't we go to Mr. Markley, until Mr. Cantor, can--

REP. VARGAS (6TH): You just unmute it for a second.

SENATOR MILLER (27TH): Did he?

REP. VARGAS (6TH): You unmute it for a second and then you remuted it.

BRIAN CANTOR: Can you can hear me now?

SENATOR MILLER (27TH): Yeah.

BRIAN CANTOR: Is that better?

SENATOR MILLER (27TH): Yes, thank you.

BRIAN CANTOR: Thank you so much, I apologize for that delay. Good afternoon, Members of the Committee, my name is Brian Cantor, and I'm an attorney with an office in residence in Fairfield, Connecticut, and I've been practicing law since 1987.

I have the honor of appearing before you today to submit testimony in support of HB 6552, on behalf of the Elder Law Section of the Connecticut Bar Association, which I am a member. The people have spoken before me have spoken very eloquently, and I'm going to refer to my written testimony which repeats a lot of what's been said before. Instead of making another speech, I'm going to try and basically highlight some of the questions and comments that have been made by some of the Senators, and the Representatives, and others speakers.

My grandfather used to say, "Out of something bad, make something good-- Make something good out of something bad." And, out of this pandemic, there is one thing that you can do to improve the lives of these residents in these long-term care facilities,

and that is by approving this Bill. The isolation that these members, these people who live in these long-term care facilities have experienced you understand that. The technology that is out there would be used by these people living in these long-term care facilities in their homes, and you have to remember that these residences are their homes, these long-term care facilities. They should have the right to have the same modalities, and same technology that they would have in their homes.

We've all visited somebody who's sick, or who are in these long term care facilities, and you can see the smiles that you bring to their faces, the difference you make by visiting with them. Many of our residents of these long-term care facilities, their family members and loved ones do not have the ability to visit with them because of distance, pandemics, flu epidemics, as well as work schedules. This technology will allow them to connect with their loved ones.

But more importantly, a couple of things have been addressed, and some things haven't been thought about, one thing is that, if you allow for the technology, in these long term care facilities, the technology companies will develop technology that will improve the lives of the residents, and improve their care, by virtue of there being a market for it. The cost to the facilities is minimal, because it's being born right now and through this Bill by the residents themselves. However, as they vie for private patients, okay? Private dollars, I believe that they will want to improve their technology, and the use of the technology as a sales feature for the facility.

CLERK: Sorry to interrupt, you are reaching the end of your three minutes, if you please just wrap up your last thought. Thank you.

BRIAN CANTOR: Sure. The other item is on privacy issues with a roommate. The social workers and staff at these facilities are extremely talented, and I've seen them work wonders dealing with the residents, and I have faith that they will be able to work with the residents to work through any concerns that roommate may have. There's also privacy protections built in with signs being on the door of residence room, and there's also something called, the curtain too, where I'd have some privacy for the roommate. So, I think it's a wonderful bill, and I would ask that you support it. Thank you.

SENATOR MILLER (27TH): Thank you, Mr. Cantor. Are there any questions from the Members?

CLERK: Yes, Representative Leeper has her hand up

SENATOR MILLER (27TH): Representative Leeper

REP. LEEPER (132ND): Thank you, Madam Chair. Hi, Brian.

BRIAN CANTOR: Hi.

REP. LEEPER (132ND): I just wanted to say thank you.

BRIAN CANTOR: Thank you.

REP. LEEPER (132ND): And I'm so glad to have you participate in this Committee from Fairfield.

BRIAN CANTOR: Good to see you.

REP. LEEPER (132ND): And on behalf of our most vulnerable seniors. So, thank you very much for weighing in.

BRIAN CANTOR: Thank you very much.

REP. LEEPER (132ND): Thank you for the indulgence, Madam Chair.

SENATOR MILLER (27TH): Thank you, Madam. Is there anyone else, Mr. Clerk?

CLERK: There are no other hands raised.

SENATOR MILLER (27TH): Thank you. Mr. Cantor, thank you for joining us today and giving us your testimony, it's always good to hear from the public. But I do have a question on the roommate, and I guess that'll be a question for everyone who's in support of this Bill, the roommate who refuses to participate, and you said something that was interesting, you said that they're usually social workers in these facilities that know how to work with the patient. But what if we have a facility where they're pushing back against this particular law? So how do you handle it then, where they're not really encouraging the social workers to encourage to work with the resident that's refusing? Do you have any comments on that?

BRIAN CANTOR: Well, if this bill is passed, it is a statute to law, if they're impeding the residents ability to utilize the technology, well, I don't see a private right of action. In this Bill right now, there might be some cause of action out there. By bringing in advocates for the patient, they could encourage the facility to encourage-- Well, actually, I drop back on that, I had said earlier that technology and the use of this technology is going to be a sales point for these facilities, for the private pay patients, which are very important to these facilities.

So, I really don't think you're going to get facilities in the near future, if this bill is passed, who are going to continue to object to this. And I think it's going to be a sales point for them. But if they push back, that might be a problem, we may have to come back later on to amend this Bill, to put some teeth in it, if the courts aren't enforcing it. But I think that the marketplace will

take care of it, because a facility A, is encouraging and using this technology. And by the way, they've paid for a nanny camera, whatever the device is, or the residence has already been pre-installed, it's going to make that location more attractive to families, because they can keep in touch with that loved one much better. If you are a loved one, why would you want to go to a facility where they're not encouraging this technology? So I think the marketplace will probably take care of those that don't want to use the technology. I think that's probably the best answer to your question, Senator.

SENATOR MILLER (27TH): Good. Thank you very much, and that's a very good point. Okay, since there are no more questions from the--

CLERK: Actually, we have two more that just came up. We have Representative Hughes, and then representative Vargas.

SENATOR MILLER (27TH): Representative Hughes.

REP. HUGHES (135TH): Thank you, Madam Chair. I just wanted to address that point that currently-- And I believe, is Marie or whoever LCO is on this that, grievances or concerns would go through the Ombudsman's office if a facility wasn't implementing properly. Again, it's not civil, but it is a grievance avenue, I believe, and some facilities will have difficulty. We talked about this a lot in our Committee meetings, we'll have difficulty implementing it, but there can be some guidelines issued afterwards to support facilities and implementing this. Thank you.

SENATOR MILLER (27TH): All right, thank you, Madam.

REP. HUGHES (135TH): Thank you, Madam Chair.

SENATOR MILLER (27TH): Thank you. Representative Vargas.

REP. VARGAS (6TH): Thank you, Madam Chair. Attorney Cantor, in your experience, has there been an issue with some of these facilities entering into private agreements with a provider and excluding other providers in exchange for some benefit to the facility?

BRIAN CANTOR: I have an experience that at all. It may be that that could be an issue in the future, but without this bill, I don't see that being the case. It's not certain that without this Bill it's enabling a legislation that the technology is really being used out there. That that is a very good question. That could be a problem in the future.

REP. VARGAS (6TH): Thank you very much. And thank you, Madam Chair.

SENATOR MILLER (27TH): Thank you, Representative. Mr. Clerk, are there any other Members who would like to speak?

CLERK: There are no other hands up.

SENATOR MILLER (27TH): Okay, great. Seeing none, thank you very much, Mr. Cantor, for joining us today.

BRIAN CANTOR: Thank you.

SENATOR MILLER (27TH): And we appreciate your insight. Our next speaker is, Joseph Markley, followed by Tina Yeitz.

JOSEPH MARKLEY: Thank you, Senator Miller, and congratulations. And thank you, Representative Phipps, and distinguished Members of the Aging committee. I'm Joe Markley, the communications liaison for Companion and Homemakers.

I appreciate the opportunity to testify, and your consideration of SB 974, an act concerning homemaker

and companion services. The homecare program for elders in Connecticut which permits the use of federal funds for medical and non-medical home care services, is one of the great successes of state government.

In the 36 years this program has been in place it's enabled tens of thousands of our seniors to remain safely in their homes where they prefer to be. And by helping seniors avoid long term care facilities, it saves taxpayers about \$450 million each year. Most of the service essential to that program, is provided to agencies like Companion and Homemakers.

The value our agency brings to this system is the match we create, what Representative Bolinsky referred to, the matchmaking between people in need and caregivers who can help them, and the training, oversight and support that we provide to that relationship. Our care managers understand the talents of our caregivers, and they have experienced assessing the needs of our clients. Their expertise enables them to make the right match of caregiver to client, then to monitor that relationship, and to make sure backup is available when needed.

Creating and nurturing this relationship is at the heart of what we do. Two years ago, a law went into effect banning non-compete agreements in the home care industry. The fact is, non-compete agreements weren't a problem in home care. Caregivers have long been able to work for other agencies simultaneously, and they have their own private clients if they wish. Our concern is that the law went much further than non-compete agreements, banning non-solicitation agreements as well.

Non-solicitation agreements prevent employees from taking existing clients to another agency, or converting them into private clients. It's a protection that's available to virtually every business in every state. Non-solicitation agreements stabilize the provision of homecare. Without this

protection, the match we make between the caregiver and the client, the value we bring to homecare can be taken from us. We run the risk of becoming a mere referral service, introducing a caregiver to a client only to lose them both. That destroys the continuity of care that agencies offer. Our managers closely monitor the work of our caregivers, make changes as needed, find substitutes, and replacements to provide critical service when a caregiver is unavailable.

The agency model is by far the most popular for homecare, because people see the benefits we provide. Section 3 of this bill, which is the part that deals with non-solicitation would allow us to ask caregivers to respect our existing relationship with our clients, by continuing to serve the people we match them with, through our agency during their employment with us and for six months thereafter. It is a reasonable and customary arrangement, and restoring it is critical to protecting the agency model for care in Connecticut. I ask you to consider supporting SB 879, and I would be very happy to answer your questions.

SENATOR MILLER (27TH): Thank you, Senator, and it's great seeing you again.

JOSEPH MARKLEY: Thank you, it's good to see you. And I hope you enjoy yourself in that lovely chamber.

SENATOR MILLER (27TH): Well, thank you. I haven't had the opportunity to go in there yet, but I'm excited. Thank you. Mr. Clerk, do we have members that would like to make comment?

CLERK: Yes, we have Representative Case, followed by Representative Wilson.

SENATOR MILLER (27TH): Representative Case.

CLERK: Representative Case, you're on mute.

REP. CASE (63RD): Now I'm unmuted now. Thank you, Madam Chair, and it's good to see you there. And, Joe, it's always good to see you testifying. Question for you, so the solicitation, because we've been working on this for years, in your business model, where else do you see this in other types of business? I think the six month is pretty generous, or not very generous, for most businesses, it's a year before you can solicit and go out to another company. But your model, as far as taking care of a client and having the caregiver stay with the client is a great model, and that's the way you grow your business on, and it also makes a stable relationship with the person that's getting the care. So, where do we see this in other industries?

JOSEPH MARKLEY: I think in most industries, there's-- I would say, virtually all industries, there's a prohibition against the solicitation of an existing client. And I'll give you an example from my own life, Representative, I've for years, on and off taught College Board courses, preparation courses for high school students and for people taking graduate record exams, and I did it for Stanley Kaplan. So, Kaplan says, "You can't set up your own business on the side, you can't go to work for another College Board prep course." We don't have that prohibition. Companion and Homemakers would say, "If you want to work for another homecare agency at the same time, please do."

All we're asking is that you not take our existing clients. And an example would be if I had a class full of high school students that I was preparing, if the day I met them I said, "Listen, instead of doing this through Stanley Kaplan, why don't next Wednesday meet me down at the McDonald's and you can pay me directly." And obviously, I think I would make more that way and they would pay less.

The trouble is, that the business model of Stanley Kaplan would disappear, because every time they

matched a teacher up with the students, they'd leave. Very hard for a business to exist if the very people you introduce them to can then be taken away from the business. And all we ask, is not that people don't go to work for another agency or even have private clients, but just to say, "If we introduced you to this person, because we had a relationship with the client going in, please respect that relationship and continue to do your work for that person through us." That's what we mean by solicitation.

REP. CASE (63RD): And I think that's fair. And through you, Madam Chair, in our discussions in the previous years, we have talked about that, of not using an agency like this as a referral agency to come in and go with a client, and like the client, stay with the client, and pull them out of the agency that hired, but you have no problem with the worker going and working for another agency because, most of these, the CNA works are the caregivers, they go out and they have to go work with multiple clients. So you might not have clients available for that PCA or for that CNA or somebody, so they have no choice, but you do everything-- Do you do everything you can through Companion and Homemakers to make sure, especially during COVID time, that your workers stay within your client base so you have control over that, and they can make a living?

JOSEPH MARKLEY: you make an excellent point. We're happy when caregivers work for other agencies at the same time they're working for us, because we want them to stay in the field if they're good caregivers. And if we can't give them as much work as they need, if they can find it somewhere else, that's great.

We just want to make sure that the clients that we have solicited, and the caregivers we solicited-- This is the heart of the business, is finding the clients, finding the caregivers, and then putting them together, that having done that work, that the

whole thing just doesn't disappear on us because somebody says, "Well, now that you've introduced us, we're going to go off on our own."

REP. CASE (63RD): But it's not only the caregiving job, and I'll end with this, Madam Chair, some of the caregiving in your back office stuff that works for the client, as far as DSS and other benefits in order to make sure. And the thing that I sort of learned about this was, if you go to private or you go to some other agencies, unlike yours, somebody calls off sick, you have somebody to fill in that spot. And I think that's very big for the industry, and it doesn't happen all over the place that way. Is that fair to say? So, there's a lot of benefits to being with an agency.

JOSEPH MARKLEY: And that's why the agencies have succeeded. You're absolutely right, if somebody calls in sick, or their car won't start or whatever, we will make quite an effort, and even if it involves paying a substantial bonus, to make sure that somebody gets out there immediately to take care of it. I'd also say, you're dealing with vulnerable people, in some cases, and the oversight of the relationship between the caregiver and the client is important too, because we want to make sure that it remains a healthy relationship, that the attachment doesn't turn into dependency or a situation where somebody takes advantage of somebody. So, it's good to have an agency as kind of a third party watching over everything that's going on.

REP. CASE (63RD): All right, thank you Madam Chair. And I thank you, Mr. Markley for coming forward to--

JOSEPH MARKLEY: Thank you, Representative.

REP. CASE (63RD): Have a good day.

SENATOR MILLER (27TH): Thank you, Representative. Representative Wilson.

REP. WILSON (66TH): Thank you, Madam Chair. And Joe, good to see you in your new role there, probably feels quite a bit different being on this side of the camera. You're sitting on there right now. So, when John-- I just lost his name here, Shulansky made his presentation, so, your agency and his agency are in similar lines of work, I presume I'm correct on That.

JOSEPH MARKLEY: But different, we're different types of businesses.

REP. WILSON (66TH): Are your folks independent contractors the same as his?

JOSEPH MARKLEY: No, that's the difference. Our people are employees of Companion and Homemakers.

REP. WILSON (66TH): Okay.

JOSEPH MARKLEY: So it's a different sort of a service.

REP. WILSON (66TH): Okay, all right. So, my question should have been-- I should have asked him my question instead of you, and it was about that independent contractor status, and the IRS' view on definition of an independent contractor. So, I apologize. But it was nice to understand the difference between the two types of agencies. Thank you very much. Thank you, Madam Chair.

SENATOR MILLER (27TH): Thank you, Representative. Are there any more questions? Representatives that would like to speak, Mr. Clerk?

CLERK: There are none.

SENATOR MILLER (27TH): Thank you. Senator is great seeing you again, and we appreciate your coming in to testify.

JOSEPH MARKLEY: My pleasure.

SENATOR MILLER (27TH): Thank you. Next we have, Tina Yeitz, I hope I pronounced your name correctly.

TINA YEITZ: You did just right.

SENATOR MILLER (27TH): Oh, thanks. And so, followed by her will, Jeanette Sullivan Martinez. Thank you.

TINA YEITZ: Good afternoon, Madam Chair and Committee Members. My name is Tina Yeitz, I am the Vice President of the Connecticut Association of Residential Care Homes, and the administrator of Eliza Huntington Home in Norwich. I'm here today to raise concerns with Bill number 975, an act strengthening the Bill of Rights for long-term care facility residents. Residential care homes care for some of the most vulnerable people in the state, with the majority of our residents having mental health diagnoses, and many other ailments.

The pandemic was a particularly challenging time for our residents and staff as our homes are congregate settings with shared living spaces. Our employees worked on the frontlines during the pandemic for wages, slightly above minimum wage, our administrators and experienced staff often covered additional shifts, at times working 80 plus hours due to the lack of available staff. And most of our residents spent months in lockdown with limited contact outside the home and some becoming ill with the virus.

We appreciate the intent behind the legislation to ensure the residents autonomy and rights are respected. It's important to remember that residential care homes largely care for residents who are mobile, and free to come and go as they please from the home. Most residential care homes have a set of house rules which have similarities to landlord-tenant agreements, but set additional

expectations for living in the community setting. These agreements ensure the resident understands that it's a community setting, and there are certain expectations for all residents. These agreements can involve living quarter dynamics since most residential care homes living quarters are shared rooms. For instance, many homes may establish quiet periods, so as to avoid loud music or other disruptive behavior late into the night.

Our concern with the language centers on the ambiguity with the language and has no fewer rights than any other resident of the state. We agree that the residential care home is their home and should be treated as such, however, the terminology, "No fewer rights than other residents," is confusing and vague and fails to fully consider all the other public health laws and regulations that the homes must abide by. Even landlord-tenant relationships impose certain dynamics that may lead to treating a rental differently than a homeowner. Residential care homes may establish customary door knocking rules to respect the residents' privacy, but also ensure the safety of everyone in the home. A resident may have the right not to respond in their home, or even an apartment to a knock at the door. But in our homes, if that was the case, we would eventually enter the room, consistent with our house rules and out of concern for the resident's safety.

We welcome the opportunity to discuss this issue with the Committee and any other stakeholders further, but believe the current Bill language is problematic and vague. Thank you for your time.

CLERK: Senator Miller, you're on mute still.

SENATOR MILLER (27TH): I'm so sorry, please forgive me. Are there questions from Members of the Committee?

CLERK: I see none.

SENATOR MILLER (27TH): Thank you.

TINA YEITZ: Thank you.

SENATOR MILLER (27TH): Thank you very much for your testimony. Next, we have Jeanette Sullivan Martinez, and after her is, Stacey Altomari. Mr. Clerk, is Jeanette Sullivan online?

CLERK: Jeanette is here. She's just done. Jeanette, you should have seen a prompt for me to turn on your video and unmute yourself. Let's give her a second. Jeanette, yeah, your video is on, you just have to get the-- There you go.

JEANETTE SULLIVAN MARTINEZ: Sorry for the delay, I needed some help. Good afternoon, Senator and distinguished Committee Members. My name is Janette Sullivan Martinez, and I am president of the Resident Council at Pendleton Rehabilitation and Health in Mystic, Connecticut. I am also president of the statewide coalition for resident council presidents throughout the state. I'm speaking to you today with regards to Bill 7-- 973, sorry. A little confused there for a moment.

It was my distinguished honor to be asked by the corporation Mathematicas, when they were doing some committee meetings with regards to isolation visitation, as well, and staffing issues throughout the state. I've spoken at several different public hearings with regards to increasing the personal needs allowance, and it is my distinguished honor to talk to you today.

What I wanted to bring about today is that, it's very important for people like myself, living in a nursing facility, to be able to have a voice for those issues that concern us. And so I'm in big support of this Bill, because I think it gives the opportunity for us to be made aware of issues, or concerns, or difficulties that we may be able to have input to, to give better understanding, better

clarity, better reasoning, and getting these Bills and legislation passed. I believe there will be others in other facilities that would love the opportunity to be able to speak up on behalf of their residents, and this type of Bill would offer us that opportunity. I believe it's important that a resident has the right, and the ability to either give verbal, written, or even visual consent.

This has changed my life in the last year, being able to come to this type of meeting, rather than having to get up, say, 9 o'clock in the morning, be on the road, have to pay for the transportation, pay for the staffing, then wait for your turn. As you know, things tend to always go longer than you plan, and that has added anxiety and stress.

And this means or mode of being able to speak with you today, on behalf of myself and the residents in the state of Connecticut, I give a big amen to, because I think it's going to open the doors for the committees, and the legislation at large to truly understand what residents go through, what they feel, and what is important to them. Just because we live in a nursing home doesn't mean we're dead above the neck. We have opinions and thoughts and feelings, and a lot of us have done jobs in the community that have added to vast knowledge that we'd be able to share with you on what it's like to actually be in a nursing facility, and help those coming behind us that might need help and assistance as well. Thank you for hearing me today, I appreciate your time.

SENATOR MILLER (27TH): Thank you very much Ms. Sullivan Martinez, we appreciate you taking this charge to be the voice of the patient, or clients in your facility. So thank you very much. I don't see any hands from the Members to ask questions. So, again, thank you for your testimony.

JEANETTE SULLIVAN MARTINEZ: My pleasure, truly. Thank you, Senator.

SENATOR MILLER (27TH): Okay. So, next we have-- I don't see Stacey Altomari, I'm told is not here, so next we have, Kathleen Flaherty, followed by Jean Mills Aranha.

KATHLEEN FLAHERTY: Thank you so much, Senator Miller, Representative Phipps and all the Members of the Aging Committee. My name is Kathy Flaherty, and I am the Executive Director of Connecticut Legal Rights Project. We represent people who are eligible for mental health services from the Department of Mental Health and Addiction services.

And just as a resident of this state, I want to thank this Committee in particular, for the interest in oversight that you have shown, in terms of the issues facing our seniors in the state, especially the people living in congregate care facilities. Part of the reason I wanted to testify here today is that you don't forget that there are elderly members of our community in DMHAS facilities.

DMHAS has two wings of CVH that are geriatric wings. They did not prioritize DMHAS facilities for access to the vaccine. You may not be aware that COVID ran through one of those geriatric units in late January of this year, and everybody on the unit ended up either in COVID isolation, or at Middlesex Hospital.

The Bills that you've put forward are 6554, 6552, 973, and 975, I support all of them as they examine the issues that face our seniors, but I would encourage you to consider similar changes to the patient's Bill of rights for psychiatric facilities. The folks who stay in state operated facilities, they are not short term stays the way they are in private psychiatric hospitals, there are people who spend years there, if not decades there. Please don't forget them. They have been isolated from friends and family the same way people in nursing homes have, because visits have been restricted since last St. Patrick's Day, and people deserve to

have access to technology, to cell phones, all that kind of stuff. I've included in my written testimony, and I see Joe kind of trying to get my attention.

The suggested language change. So I just think if you would consider amendments to your Bills, and do a JFS language to the floor, our folks would really appreciate it. So thank you for giving me the time.

SENATOR MILLER (27TH): Thank you very much, Ms. Flaherty. Are there questions from Members of the Committee? I don't see any hands raised. So, I want to thank you, and we will take a look at your testimony. I know the three minutes, you didn't get a chance to highlight some of those changes, so just give us a couple of changes that you recommend.

KATHLEEN FLAHERTY: Well, the highlight really is, we have a patient's Bill of rights for psychiatric facilities, the same way that nursing home residents have a Bill of rights. And we have communication rights in the patient's Bill of Rights, but they are pretty much trapped in the 20th century way of doing things.

People have access to a communal telephone, and they have access to the US mail. And we all know that the problems that we've had, that everybody has had with the postal service, and people have had to use a shared phone that's in the hallway. So there's no sense of privacy. Connecticut does not allow psychiatric patients to keep their own cell phones on them if they have them when they come into hospitals. That does happen in other states, it does happen in other countries.

The way people keep in touch nowadays with access to the internet and email, that's the way people communicate now. I appreciate what the department has done in terms of getting cell phones so that people could do FaceTime, or Google duo, or whatever the other apps are with their individual family

members, but they're still doing it on a shared phone. So, that would really be my suggestion, is that there has to be access and to not take people's property away from them. Because these end up being places where people live.

SENATOR MILLER (27TH): Well, thank you for those comments, and thank you for your work, your advocacy for this population. And I call it, being the voice for the voiceless. So, I really appreciate the work that you do on their behalf. Thank you.

KATHLEEN FLAHERTY: Thank you so much, Senator Miller. The only supplement I would say to that is, I try to amplify their voices because there's, as you probably know, so often unheard. I like to speak with them, rather than for them, but it's a privilege and an honor to be able to do the work. And I'm so glad to see you as part of this Committee now, so welcome to the Senate.

SENATOR MILLER (27TH): Thank you very much. Okay, next we have Jean Mills Aranha, followed by Matt Barrett.

JEAN MILLS ARANHA: Okay, thank you. My name is Jean Mills Aranha, and I'm the managing attorney of the Stamford Office of Connecticut Legal Services, where I practice Elder Law. Connecticut's legal aid programs provide free legal services to low income residents, including those living in long-term care facilities. I served on the Governor's nursing home and assisted living oversight working group, which examines solutions to the crises that arose in these facilities during the pandemic.

The oversight working group learned that lived experiences of residents and family members were critical to understanding what went wrong during the pandemic. I'm testifying in support of three Bills that enhance the ability of long-term residents and their families to communicate to make their needs and concerns known. The pandemic has only heightened

the long standing dangers of secluding residents of long-term care facilities and failing to listen to their voices.

And HB 6552, residents have suffered disproportionate amounts of illness and death during the pandemic, but even residents who did not get COVID-19 were affected when visitation was halted one year ago. Family members and friends who had long been a constant presence in the facilities and in the lives of their loved ones were shut out. Some facilities tried to make virtual visits possible, often with little success, and visitation is still severely restricted. Residents should be able to use 21st century technology to connect with their family, friends and other persons, just as the rest of us do.

They deserve to maintain their relationships, their mental health, and to have oversight of conditions within the facilities. A patchwork of rules made by individual facilities is not acceptable. This Bill carefully balances the Right of a resident to use technology with the privacy rights of staff, roommates and other individuals.

I'm also speaking in support of Senate Bill 973, strengthening the voice of residents and family councils, because no one knows the reality of conditions on the ground better than the residents and their family Members. This Bill would require the policymakers and lawmakers affirmatively seek input of family residents and councils. As the disability community frequently says, "Nothing about us without us." For too long, the voices of residents and family members have not been heard, while others developed policy that directly affected their lives and care conditions.

This Bill would require that their input is incorporated into policy decision making a new laws affecting them. And finally, Senate Bill 975, strengthening the Bill of Rights for long-term care

residents, amending the current Bill of Rights, and establishing that the resident is entitled to treat his or her living quarters as his or her home, with no fewer rights than any other resident of the state, and to voice grievances and recommend changes and services without restraint, coercion or reprisal, and have access to the Department of Public Health, Social Services and Long-term Care Ombudsman.

These are basic human rights, and I urge you to support them. Please support all three of these Bills to help residents of long-term care facilities and their families have more of a voice in their own lives and living conditions. They can offer us a unique and necessary perspective on what is happening, and more importantly, what needs to happen in these facilities. These voices should be encouraged and not stifled. Thank you.

SENATOR MILLER (27TH): Thank you Ms. Aranha. Are there questions or comments from the Members? Being none, I want to thank you for taking the time to speak to us today. Thank you very much.

JEAN MILLS ARANHA: Thank you, it's my privilege, and I appreciate the opportunity.

SENATOR MILLER (27TH): Thank you. Next we have, Matt Barrett, followed by Jeryl Gray.

MATT BARRETT: Thank you, Senator Miller. And good afternoon, Senator Miller and Representative Phipps and to the distinguished Members of the Aging Committee. My name is Matt Barrett, I'm the President and CEO of the Connecticut Association of Health Care Facilities. We're the state's trade association and advocacy organization for 160 skilled nursing facilities and assisted living communities.

And I thank you for this opportunity to submit testimony concerning House Bill 6552, an act

concerning the Rights of residents in long-term care facilities to use the technology of their choice for virtual connections to family, friends, and other persons. The proposed legislation establishes a nursing home residents Right to the use of technology of their choice that facilitates virtual monitoring or virtual visitation. We recommend that there provisions on line 13 allowing a legally liable relative, who is not a conservator, guardian or healthcare representative to provide consent for the use of their monitoring or visitation technology, be additionally required to provide verification that the resident was unable to provide consent, and that these assertions be properly witnessed by impartial parties.

We're also recommending that the provisions in Sub-Section C or Sub-Division C1 on line 58, requiring the nursing home to provide internet access, electricity and a power source for the monitoring or visitation technology at no cost to a resident, be clarified as follows: First, and we think this is consistent with the intent of the provision, the language should be strengthened to require a Medicaid pass through, cost reimbursement add on, for any costs associated with both necessary internet upgrades, and any upgrades required for electricity and power supply, and also in conformity with applicable federal, state and local life and safety and fire code requirements.

Second, we're asking that there be a provision that establishes that, in no event should the nursing home be required to provide the internet access, electricity or power source if doing so would compromise or interfere with the electronic medical records transmission, medical equipment used by the facility to support the care provided, and once more, in conformity with the applicable federal, state or local life safety and fire protection requirements.

And finally, for the situations where roommates refuse to consent to the use of virtual monitoring, we recommend a clarifying revision to the language at lines 105 through 116 that would assure that any efforts required of the facility to seek an acceptable combination be unbiased and respectful of the non-consenting roommate and the residents seeking the virtual monitoring.

As drafted, we're concerned that the nursing homes intervention would have the appearance that the facility is attempting to persuade the roommate to consent when they have previously refused consent with no involvement from the nursing home whatsoever. A better approach would be to track the process now and place for addressing issues between roommates that may arise, specifically federal rules found in the Code of Federal Regulations already require a nursing home to make reasonable efforts to accommodate resident needs and preferences. And this is commonly authority used to address issues of this type. And once more, Senator Miller, thank you so much for the opportunity to testify in the Bill, and I'd be happy to answer any questions that you may have.

SENATOR MILLER (27TH): Thank you. Are there questions from the Members? Representative Wilson.

REP. WILSON (66TH): Thank you, Madam Chair. Thank you, Matt, for briefing us. So as you read your suggestions, I was listening to the one about trying to get Medicaid to reimburse the facility, if I understood it correctly, for the electric use of plugging in these devices. Did I understand that correctly?

MATT BARRETT: Representative Wilson, it's the provision that begins on line 63 that concerned us. It reads that the technology be considered, or the improvements be considered a capital improvement eligible for a higher rate of reimbursement for a

nursing home facility under the provisions of Sub-Section F of 17B340.

That's a Medicaid provision, and the way we read that, we think the intent is that, the authors of the Bill would like to see any costs associated with implementing these technologies be reimbursable to the facility, and the way this language reads, I think we could easily construe that it would be eligible for reimbursement, but not guaranteed for reimbursement number one, and number two, it would be some sort of add on to the Medicaid per diem rate that the facilities have. Whereas we would take it much more appropriate that any cost associated here would be an actual dollar for dollar reimbursement add on, similar to a grant aid to the facility.

But this would be under the Medicaid program, so it would be reimbursable under the general provision that is 50% covered by the federal government. But under the pandemic, we have, I think, an additional 6.2 federal matching rate, so it's like 56% federal matching, if you do it under Medicaid.

REP. WILSON (66TH): So, my brain goes to how in the world would the facility be able to measure on, let's say, a per room basis, the electricity used by these devices? That's, in my mind, the first technical question. And then the second one is, well, if my patient is not on Medicaid, and they're either private pay, private insurance, or let's say short-term, three months stay, or whatever, for rehab of a broken hip or something on Medicare, this sounds like a nightmare to me.

MATT BARRETT: Oh, thank you very much, Representative Wilson, for that question. It gives me the opportunity to qualify or clarify that, under no circumstances would the nursing facility seeking any reimbursement for the cost of the electricity or electric usage, the costs would be associated with having to make infrastructure changes to the room in the event that the power supply we're going to place

that couldn't accommodate the device, or there was competition for use of that power supply from, say, an electric bed, or some other medical equipment that required electricity.

And so, there are always the concern that there might be circumstances where that room would need to be rewired, and that power outlet need to be revamped and perhaps even moved. And so, in the same way that internet improvements carry with them considerable costs, we just wanted to make sure that, similarly, if there were supply issues that had considerable costs for the nursing facilities, they also be captured. And what we think is the Bill intent, the Bill's intent, which is to create a Medicaid provision that would cover those costs.

REP. WILSON (66TH): Well, thank you for that explanation, and it just says to me that, in everything that we write, there's always unintended consequences. So, we should be very careful on how we do that writing. Thank you very much, Matt. And thank you, Madam Chair.

MATT BARRETT: You're welcome, and thank you, Representative Wilson.

SENATOR MILLER (27TH): Thank you, Representative Wilson. Representative Case.

REP. CASE (63RD): Thank you, Madam Chair. Good evening, Matt, how are you?

MATT BARRETT: Good evening, Representative case.

REP. CASE (63RD): So, going back to this Bill, where do we fall? Because we've been doing this for a few years now in another Committee. Where do we fall with HIPAA on this stuff?

MATT BARRETT: I think this year's Bill is very carefully and thoughtfully constructed and drafted, that addresses so many of the issues that have--

That I think cause us to believe that previous versions of the legislation were under developed, perhaps.

And so, this Bill does address privacy issues, it address confidentiality issues, it addresses consent issues, and cost. That's a lot of alliteration of C's, I understand. But the legislation that the Committee is considering this year, I think addresses really so many, if not all of those underlying issues. And we're commenting on several of the provisions that I think the ambiguous language of the Bill just could use some more fine tuning, or more narrowly tailored language.

REP. CASE (63RD): So from what I'm hearing from you, when Rep. Wilson was asking questions, as far as the electricity and things like that, this-- and I'm in no way-- I want to understand that people need to see what's going on within the rooms. I explained to you once before, my brother was one of the first in DDS to have it, but it was only the-- take a picture of his head, for HIPAA reasons, because you're not supposed to see anything else that goes on in the room. So, we just don't want this to take priority over any other medical equipment, and a lot of our facilities are older, but we got to make sure that there's capacity to actually take on the use of this, correct?

MATT BARRETT: That's correct. But let's be clear, the Bill as drafted, would allow the video monitoring of the full person, that really is controlled by either the resident themselves or the residents representative, which in the way this Bill is constructed, could be a conservator or a guardian.

And that sort of speaks to one of our earlier recommendations, that the broad category of a legally liable relative, because the authority is so encompassing. It's a significant authority to be able to consent on behalf of another person, and

what they're consenting to, would actually be the opportunity to capture on video and include on audio, some of the most sensitive things that happen in skilled nursing facility care, in terms of patient care to nursing home residents. But the Bill does sort of address that those issues have to be elaborated upfront, and that they have to be spelled on very clear terms, what is actually going to be captured.

And, in so far as what's captured on film, or video, or an audio, is not really an unlimited right to the resident themselves when they have a roommate, the Bill makes a great effort to try to get the consent of the roommate. And so, it goes far, but I don't think would necessarily address the issue of what is being captured, that's going to be decided by the resident or the resident's representative. The nursing home would have no role in determining that.

REP. CASE (63RD): Which I can understand. So, is the concept that these are being able to be put out on the web, they're being able to be put through Wi-Fi so families at home can see what's going on, or is this all a mess?

MATT BARRETT: It would be our strong objection that any of these images, or video, or streaming be used on social-- on the internet in any way, shape or form. And it's one of the reasons why I think the Bill includes provisions addressing the misuse. I don't think there's a way to, really in a foolproof way, guarantee that the information can be contained, but it goes-- the Bill makes an attempt at trying to address that issue. I do want to emphasize, we are not the authors of the Bill, but I do respect that they made an attempt to address that issue. I think the Bill attempts, or provides a guarantee that the information could not be improperly used.

REP. CASE (63RD): because that was one of the concerns at an earlier date, of making sure that we

could have a firewall that would leave the information within the building. But I know there's probably a lot of other people that have questions. But have employees weighed in on this as to different groups? Because they're the ones who are going to be on the video also.

MATT BARRETT: No, I'm not aware that they have weighed in specifically on House Bill 6552.

REP. CASE (63RD): Okay. I thank you, we've been working on this, and maybe we can get a happy medium, so people can feel comfortable, especially during COVID time, not being able to get into the facility, I think that's more of a push right now. But we were talking earlier on families being able to come in, and set up a camera that they could watch at home on their phone. That's what we were talking about a few years ago, which we were totally against, because once you put it out, there's no way of stopping it, of where it could go. That's kind of--

MATT BARRETT: You're right, I appreciate that very much. This Bill does allow that.

REP. CASE (63RD): It does allow for it to go stream?

MATT BARRETT: Yes. I think if you read the Bill in its totality, it really creates a residents right to choose the technology, and use it for their purposes, so long as it doesn't impede on the Rights, or infringe on the Rights of another person that would be principally a roommate. And so long as a full range of consents, and I think they are strong, I think they could be a little bit stronger as indicated in our testimony, but so long as all those provisions are addressed, then this Bill would allow internet streaming of the type that you have just expressed.

REP. CASE (63RD): And when you allow internet streaming, you're allowing the family member who has an internet stream, do whatever they want with that video or that stream. Correct? And you can't stop them once it's out there.

MATT BARRETT: Well, the Bill makes an attempt to first say that you must obtain the residents permission. And so, without the resident's-- In the event that a nursing home resident would be able to provide that provision, in other words, they have the capacity to do so, and they weren't otherwise conserved or had a guardianship, then I believe they could express that that not be allowed.

But as the Bill does indicate, there are several different entities that could act on behalf of the resident, and how they would come to that conclusion, or how they would limit the use of the material is really the resident's choice in this Bill. That's how, at least, I read it. I know there are number of other speakers, I think that's the intent, I think that was expressed by the Ombudsman and some of the earlier speakers that it'd be for that purpose.

REP. CASE (63RD): I thank you, Mr. Barrett, and just one last point, one last question for us to think about as a Committee, I know Senator, you're coming into this right in the cracks of it, but there's got to be the-- from what I believe, there's got to be the thought of the facility and the employees also. Because, yes, we're looking to protect the residents, we're looking to protect mom and dad, grandma and grandpa, but there's also others that are going to be on this video.

And this feed that could possibly go out and be in the cloud, and I just think that there's a lot of things to be careful of, but we do want to make sure that our loved ones have the best care possible. I think we're going down a road to try and do that, but there's a lot of a little things that we need to

tighten up. And, Matt, I thank you for coming forward, and I'm sure will work for our friends.

MATT BARRETT: Thank you Representative Case.

SENATOR MILLER (27TH): Thank you, Representative Case.

REP. CASE (63RD): Thank you, Madam Chair.

SENATOR MILLER (27TH): You're welcome, sir, and thank you for your comments. So there aren't any more Members that would like to speak. Mr. Barrett, thank you very much, and you gave us a wealth of information, and things to consider as we pursue the drafting of the Bill. So, thank you very much for coming in.

MATT BARRETT: Thank you, Senator Miller, and Representatives of the Aging Committee. It was a pleasure to testify in front of you.

SENATOR MILLER (27TH): Thank you. Stacey Altomari has joined, so it will be Stacey, followed by Jeryl Gray. Sorry, Jeryl. Thank you. Stacey.

STACEY ALTOMARI: Hi. I'm sorry I got on so late, so I probably missed a lot, and this might be a repeat. I did send in a testimony, my biggest testimony is my mother's Rights. It appears that during this whole COVID thing, the Rights of the residents has been pushed to the side, I don't want to say ignored, but pushed to the side.

And I understand that everyone is so concerned about their safety and all of that, but in the process, you have literally stripped them of any Rights. You stripped them of the Right to go outside, you stripped them of the Right to see their family, you stripped them of the Right to go out and visit, or go to a doctor's appointments. There's a lot of things that my mother was stripped of, because of this isolation and quarantine, and still is. Just

today, I've been fighting for months to get my mother outside. And my mother doesn't mind the cold, and I understand that most people in the nursing homes don't like the cold, but my mother's not that way, she loves to be outside. And bundled up, she could spend a half an hour outside, which is good for her mentally and physically.

But in the whole month, I'm being told my mother has the Right to stay in bed, if she wants to, my mother has the Right to not get dressed, if she chooses not to, my mother has the Right to not use her walker and sit in her wheelchair. My mother has those rights, but if she wishes to be outside, all of a sudden, she doesn't have that Right? Who has the Right to determine what her Rights are?

And let's face it, those other Rights are convenient for the nursing home, because when my mother is in bed and not up and about, she's less that they have to care for. She's in bed, and she's doing her own thing, and they don't have to worry about her, or watch her as much. But if she's up and about, and outside, then all of a sudden their responsibilities are front and forward, and they have to do something.

They might have to have somebody out there with us, or just keeping an eye on us, or they might have to have somebody there to make sure she walks instead of using her wheelchair all the time. I will tell you in the year that this has happened, my mother's mental stability has declined a great deal. And she is literally in her wheelchair 99% of the time, because it's easier than getting somebody to help her walk with her walker.

And I understand that the staffing and the shortage on those staffings has a lot to do with that. I have been fighting nursing homes for the last 20 years, from one family member to another, for more accountability, for more visibility. Because I want to know what those counts are every day. And every

day for a while there, I was calling to get those counts on who the staff was. And the counts I were getting, were numbers like, "Well, this is who's scheduled," but it wasn't their actual counts.

So when we make that, make sure that it's actual counts, because actual counts are the real people that show up. So, you might have eight people on, scheduled, but there's only three that show up, or four that show up for a facility of 100 people. That's just not okay. That's just incomprehensible, especially when you're talking a long-term care facility or nursing home, where most of those people need care, need hands on, and they need to know that someone's going to be there for them. And my heart goes out to every single one of those aide--

CLERK: I hate to interrupt, but you're reaching the end of your time, if you could please just wrap it up. Thank you.

STACEY ALTOMARI: Certainly. So, here's my last thing to say, there are prisoners out there who have more rights than my mother does right now. And my mother has been tried and sentenced without a jury. She's been put into a home because of her consequences, but she never asked for us to literally shut the doors on her so that she has zero, zero Rights, zero, nothing. So think about that, because it's time we open those doors, because I've seen enough that I don't want her in there anymore. And if there's one more shutdown, I will go and take her out. Thank you, Senator Miller, and for the rest of you, thank you.

SENATOR MILLER (27TH): Thank you. I had a question. In your testimony, you didn't specify what you're testifying on, which Bill?

STACEY ALTOMARI: It was the cameras, it was the 6552.

SENATOR MILLER (27TH): Okay.

STACEY ALTOMARI: I believe that's the number. Yeah, I was testifying on that, because I really wanted to see what was going on. I wanted to see my mother in bed more than up.

SENATOR MILLER (27TH): All right, thank you, Representative Bolinsky, you have your hand raised, sir.

REP. BOLINSKY (106TH): Thank you very much, Madam Chair. Stacey, thank you very much, and I understand your pain. And I understand the situation that your mother is in, because I have lived it. You asked questions, and it seemed to me that at some point, you were directing your frustration at this Committee. This Committee is just, for your information, is trying to fix the very problems that you see. And for the couple times that you asked, "Who took away my mother's Rights? Who locked her in?" The rest of that, the answer is, the Governor Lamont. So, I'm sure I'll get some flashback from that, but as far as having access on a limited basis, or some accountability getting care, the legislature was part and parcel removed from the process on March 13th of 2020. Thank you very much. I hope things work out well with your mom.

STACEY ALTOMARI: Thank you. I appreciate your response, and I do understand this is an organization that did not put her there, or did not create this situation, but I also understand that you, right now, have the ability to make change that are important—

SENATOR MILLER (27TH): I'm sorry for the interruption. Representatives, would you make sure your mics are on mute, please. And so, Ms. Altomari, let me say this, that I too, had a dad in a facility and pre-COVID. And there were days that I left there in tears. So, the only thing that COVID has done is that is highlighted and exacerbated the issues with our long-term care facilities. And it's something

that we as a state need to take serious. It's not just this, there're other areas as well. So, I'm sorry that you had to-- You're going through what you're going through and as well as your mom, and I can say, I don't know what I would have done had my father been in the situation, so I cannot imagine what you're going through. So, thank you for coming and testifying before us today. Thank you.

STACEY ALTOMARI: Thank you for listening.

SENATOR MILLER (27TH): We next have Mr. Jeryl-- I don't know if it's Mr. or MS, Jeryl Gray.

JERYL GRAY: Can you hear me?

SENATOR MILLER (27TH): Yes, we can.

JERYL GRAY: You can hear me?

CLERK: We can hear you, Mrs. Gray, if you could just turn your video on.

JERYL GRAY: Okay, start my video. There we go. Good. Okay. Good afternoon, Aging Committee Members and all. I am Jeryl Gray, I'm an elder person born and raised in Connecticut, and I am testifying today in favor of Bill Number 6553, which is an act protecting property owners aged 50 and over from foreclosure.

The Bill in Section 1 seeks to protect Connecticut taxpayers age 50 and over from the perpetration of municipalities placing excessive and unfair tax liens on the property of Connecticut elder persons. I reviewed the submitted testimony of other constituents and I saw that almost entirely, these submissions have been made by the tax collectors of various Connecticut municipalities. These tax collectors testimonies, without exception oppose the passing of this Bill. There were only three written testimony submitted by Connecticut older person citizens, me included, the all of us support this

Bill. I come to my participation in addressing this Bill from a very different and very painful perspective from that which the tax collectors provide as reasoning for their opposition to this Bill, that being their litany of opposing the Bill on basis of fairness, and equity, and equality, and protection, and efficiency. On the surface, these would appear to be reasonable arguments against giving Connecticut older persons, supposedly, special treatment.

But what appears on the surface is so entirely unrelated to what lies beneath the surface, and the subject of taxing of the property of Connecticut elder persons. What lies beneath the surface is so much of what is being done to Connecticut elder persons by various, "Interested parties," in and by Connecticut Equity Courts, the Connecticut governmental agencies, the Connecticut politicians and legislators, and official actors at all, is so devoid of equality and equity and fairness that the justification of using the arguments of fairness and equal treatment and equity are so far removed from the reality, that they are in themselves ludicrous and partial as a defense of treating older persons the same as other persons located in or residing in Connecticut.

In my written testimony, which I implore you to read, I provide this context, a very brief historical review of my and my family members treatment by the, "Interested parties," whom I have just referenced here. In summary, my great depression era parent came up from absolutely nothing, they came up from being extremely poor in 1930s, Bridgeport, Connecticut, my mother's earliest terrified memory being hiding in the closet with her mother while the landlord banged on the door, she came to collect the rent.

My father's earliest memory, being growing up in a project and running through a grocer's garbage bins, looking for discarded vegetables to bring home in

order for his mother to make soup to eat. If you can take the time to read my written testimony, it tells, as I have told and prior submitted testimony to both this Aging Committee and the Labor and Public Employees Committee, of how older persons in Connecticut, especially those with property and or assets are targeted prey of a rapaciously, predatory money making racket. It tells us how COLP, Connecticut older persons, are targeted prey to a collusive collaborative rego-style business enterprise comprised of probate and elder law, and DSS--

CLERK: I'm sorry to interrupt but you're reaching the end of your three minutes, if you can please just wrap up

JERYL GRAY: I'll wrap it up, --Elder on municipal agents who are stripping Connecticut older persons of their Civil Rights and all Rights of self-governorship, for the purpose of these predators, then sentencing their prey to being under complete control of probate judge appointed conservators and guardians, who then take complete ownership and control of the older person's assets and properties of these assets as are transferred into the pockets and coffers of the predators as payment for their surfaces of so conducting this rape and pillage upon their victims.

This human trafficking business is a huge insiders cottage industry all over this country, and it is arguably the worst in Connecticut, where residents will reside so many right for the plucking elder persons with assets. It's raping of Connecticut elders, is a public corruption at its most unbridle and contains as all the operative players are complicit, collaborative, conspiratorial, in participating in stealing from the now helpless elder prey for their own mutual self-benefit.

I will conclude by saying, our own US Senator, Dick Blumenthal, has testified and sponsored Bills

exposing the corruption of Connecticut probate courts, particularly probate Connecticut courts, Connecticut probate courts currently have--

SENATOR MILLER (27TH): Please wrap it up, you've extended your time.

JERYL GRAY: Okay. Do I have any questions that I can answer?

SENATOR MILLER (27TH): I'm going to call, Representative Vargas.

REP. VARGAS (6TH): Yes, thank you, Madam Chair. Jeryl, I just have one question. I'm the introduced of this Bill, and I'm a strong supporter of this Bill to protect the properties of seniors. And when I was studying this issue, I asked the Legislative Commissioner's Office, the LCO, to do some research on this issue, on how people who are in a situation like this could defend themselves. And they inquired from the judicial system and from the judges, what there was available for people, and they came up with all these programs that allegedly help people, mediation programs, programs that people can avail themselves to protect their property. Do you think those programs really help at all?

JERYL GRAY: No, no, absolutely not. It is a very, very inborn, completely encapsulated. It's definitely a racket, it's a system, and all those are in the service, they are red herrings, they-- there is nothing. Once you are targeted and they want your money, a probate racket, the conservatorship, guardianship racket, that's the power driving force.

It is the number one elder industry in America right now, as all of the so many people are becoming elders. And once they've got you in your sights-- once they've got you in their sights, you are lost. We went from having nothing, my family having nothing to building \$15 million worth of assets, and

every bit of it has been stolen, every bit of has been stolen. I spent \$250,000 on lawyers trying to get through this and they just-- they were part of the problem, they took the money--

REP. VARGAS (6TH): Jeryl, one of the things I've been told, and I've been told this by many, many people, that even though there allegedly is a mediation program and all these assistance programs, that they don't really tell you about them, and that finally, if you do find out about them, they say it's too late to avail yourself of them.

JERYL GRAY: Well, what kind of mediation programs, Mr. Vargas, are you specifically referring to?

REP. VARGAS (6TH): Well, in terms of before foreclosure happens, they're supposed to have a mediation program where you can avert the foreclosure, and avail yourself for those.

JERYL GRAY: Okay, I'm not-- Thank you for clarifying that, that's not what I'm talking about at all. I am at the end stage right now of my home being taken by the town of Strafford, is it in right real time right now being taken as a foreclosure. But for 12 years that preceded this, that's part of the \$15 million worth of assets that have been taken.

The whole power behind this is the probate court, and once they decide that they are going to come after you, it's a streamlined, very, very smooth system for them where you just can't get out. I'll just give you an example, my mother, and it's in town of Strafford, so you know who I'm talking about, town of Strafford, with judge, it's probably judge in there, my mother's attorneys, and a town of Strafford attorney petitioned from my mother who was not even a Connecticut residents anymore, Connecticut visiting Florida resident up here, staying in this Strafford cottage with me, that she bought and paid for in the 70's, by cash for, what

happened was, in spring of 2009 while she was up in Connecticut visiting a petition to the Strafford-- and this is exactly how it's done, it doesn't matter if you have \$1,000, \$1,000,000, 15 million in arcades, they petitioned to the Strafford probate judge to take my mother who was multimodality medically diagnosed as capable and competent and no need of a conservator to be placed under involuntary conservatorship of person and estate.

REP. VARGAS (6TH): Now that you mentioned that Jeryl, recently I saw on, I believe, it was either Netflix or HBO, a movie about a court, "I care a lot" and it's similar to what Representative Gonzales and I have been through with juveniles, and with the whole thing of guardian for young people--

SENATOR MILLER (27TH): Could you not talk over each other, please. Thank you.

REP. VARGAS (6TH): And because we have a probate issue here over 20 years ago, where the estate of, her name was liquidated by a probate court, and that led to West Hartford separating their probate court from the Hartford probate court, because of the amount of corruption that had happened with people's estate. So my heart goes out to you. But I know we have a lot of other witnesses that want to testify, so--

REP. PHIPPS (100TH): Thank you, Representative Vargas, for the quest-- Is there any other quest-- Are there questions for Ms. Gray, though? But thank you for your comments, Representative Vargas.

JERYL GRAY: Thank you.

REP. PHIPPS (100TH): Are there any other questions for Ms. Gray? Well, once again, thank you, Ms. Gray, for sharing that, and what's been a very, very powerful testimony, and thank you for your words.

JERYL GRAY: I appreciate the opportunity.

REP. PHIPPS (100TH): All right. So we're going to move on to the next speaker, the next speaker is, Louise Roman.

LOUISE ROMAN: Hello, I'm Lewis Roman. Hello.

REP. VARGAS (6TH): Yes, we're hearing you Louise.

LOUISE ROMAN: Oh, okay. Yes, sir. Yes, good afternoon, I'm Louise Roman. I'm the President of Pro Se group, which is comprised of about-- close to 1000 families throughout the state of Connecticut, who in one way or another are involved in a foreclosure case, and they're on the verge of losing their homes.

We've been doing this for almost 22 years, and we've learned a great deal about the process. One of the difficulties that people don't understand is that we go to a court for justice, unfortunately, what we get is not justice, especially when it comes to real estate, and the foreclosure process. I'm very familiar with Ms. Gray's case and her family's condition. And the amounts that she's mentioning, is a lot, it's 15 million plus, actually, because her family used to own a health food store in Stratford, the only one at the time, and they were able to sell it for that amount of money to the current buyers.

And I'm an international banker, but I was a vice president for JP Morgan Chase, I have an extensive amount of experience in banking and financial analysis. My recent experience with the tax liens, this is an issue that is a revelation, and something I never expected to see, tax liens used as a weapon or a tool to take people's homes, when in fact the liens are in effect, I would say, fabricated, but I guess the best way to explain it is to give you a scenario.

One of our people-- we have people that go and are court watchers, they see what goes on in the courts,

they report back, as a matter of fact, Jeryl Gray is one of those people. We have people that go to the town clerk's office, and more or less go through records to do title searches. In one particular case, one of our people came back and she said, "Look, Louise, you're not going to believe this. They were pulling up your file, your lien, your records." And I had over \$150,000 worth of equity in my property, and what I discovered was, I was targeted. I am going to be 74 years old in April, and I am a senior, and I am appalled at the land grab that this cottage industry that's been created, and the public corruption that's involved in this whole process.

I learned a great deal, I have people in different places to tell me a great deal, I have the largest foreclosure mill in Connecticut, used to be called Hunt Chester Leeward and Jacobson. Well, Sam Chester, one of the original founders, and I became very good friends, and he gave me a great deal of insight information. He retired from the firm because he got cancer, and they pretty much kicked him out of the firm, and he was very bitter. But she was very open with me, and he gave me information that was shocking. I was next door neighbor to a superior court judge, Judge Holden, William Holden. I've known Bill for 30 years, and he was--when he became a judge from being the chief public defender of Fairfield County, Bill--

CLERK: I'm sorry to interrupt, but you're reaching the end of your time, if you could please just wrap up your last thought. Thank you.

LOUISE ROMAN: Right. The issue is public corruption and a cottage industry. And I would like this Committee to be aware of the fact that this is something that is a huge moneymaker, and it's in the hundreds and hundreds of millions of dollars. All of it can be substantiated, the public need to know-- you should know that this act, that 6553, we

strongly supported. We want this to help us, otherwise, there's going to be nothing left.

REP. PHIPPS (100TH): Thank you. Are there any questions from our Members? I see Representative Wilson.

REP. WILSON (66TH): Thank you, Mr. Chair. And thank you, Mr. Roman for coming forward. You've got my curiosity, so as this scheme plays out, who ends up with all this real estate?

LOUISE ROMAN: Very interesting point. Okay, there are two cartels, let's call it that. And that's in real terms. One handles the real estate property liens, tax liens, that'd be Ed Marcus Law Firm, out of New Haven. And the other one is out of-- Judah J. Epstein out of Bridgeport.

Now, Mr. Epstein and I go back 30 years, I've known him since he was a child. I've watched them go through everything, including law school, and, and I know how he got where he is. I was shocked, recently, when I saw an article in a luxury condo publication out of Florida, where Judah bought a condo for \$6.3 million dollars. Now, his family's always been middle class, and by the way, just so that you know, sir, he only works for the city of Bridgeport as an outside collector. He does nothing else but WPCA tax liens, all right?

Prior to him getting so incredibly wealthy, he was bragging to me that his organization, which is affiliated with a Hasidic group in New York that owns 6500 units of housing in the city of Bridgeport. That's a very substantial portfolio, and they're deriving revenues from rents, or they flip them, but primarily they hold them for rents. The bottom line is, all of this can be substantiated. There was a reporter for The Hartford current, who I know very well, he did an investigation, he checked the Secretary of State's land record, I gave him the name of an individual that Judah was telling me was

the bag man effectively, his name is Lisga, Fraso Lisga, he's an assistant City Attorney for the city of Bridgeport. Russell had 45 different real estate holding companies in his name registered in Connecticut, and he was-- The addresses, this is the mind blower, the addresses that these companies were domiciled was the city attorney's office in Bridgeport.

You want to talk about in your face and public corruption? This is an unbelievable situation. Now, some of you may look at this and say, "Well, it's not real." Well, I got news for you, do you know that the city of Bridgeport just arrested the Chief of police? Not the city of Bridgeport, but the FBI, Chief of police is going to be incarcerated. The Director of Human Resources in Bridgeport, the mayor in Bridgeport, was in prison for seven years, and they were involved in the same little business going on back then, and then he came back in and he took it over again. There is something really amiss here that is beyond comprehension. Really, and it's funny, because the same thing that applies to that particular movie that, "I care a lot," it's applicable with what's happening with the seniors in the tax lien business. Now, one last comment, if I may, the--

REP. PHIPPS (100TH): One last comment, please.

LOUISE ROMAN: Yes, sir. Last comment is very simple, a sample case, woman by the name of Baldino, she's 88 years old, she's a widow, she lives on a piece of property, she has very little mortgage and no debt. She has about \$115,000 on equity. She's asked to turn around and enter into a reverse mortgage. She takes the reverse mortgage because she's a widow, she's living alone, and the unbelievable part of this whole thing is that, when they did the closing for that mortgage, she had no representation, she was alone in her house.

The mortgage company came to her house, two individuals came, she signed the papers, they gave her a reverse mortgage, they took title to her house, but they didn't tell her. They told her you have to pay your taxes. Six months later, she gets a call from the bank, the bank says, "You don't have to pay the taxes anymore." She stopped making her tax lien payments-- I'm sorry, her tax payments, which she had been paying at \$300 a month for years. After six months, it was over. Guess what happened? They put a tax lien on her house, and guess what happened? They foreclosed on her house. Now she's in a convalesce.

REP. PHIPPS (100TH): Thank you, Mr. Roman.

LOUISE ROMAN: You're welcome, sir.

REP. PHIPPS (100TH): I think I saw, Senator Miller's, hand up.

LOUISE ROMAN: Yes, sir. Senator Miller.

SENATOR MILLER (27TH): Yes-- Mr. Chair.

REP. PHIPPS (100TH): Okay, Representative Vargas.

REP. VARGAS (6TH): Thank you, Mr. Chairman. Now, I've been told that it doesn't matter-- procedure and is foreclosed, it doesn't matter if they violate state law, federal laws that- Unfortunately, some-- enablers of the situation, that they run roughshod over the Americans with Disabilities Act, which is a federal laws, they run roughshod over state law, federal law, that's in the experience of the people who sent out the monitor these courts?

LOUISE ROMAN: Absolutely. The judges are legislating from the bench, there's a select group of judges, some of which and are handpicked by the Chief court administrator. And he puts them in different positions. Judge Barber Bellas, Judge-- He picks retired judge magistrates, who are just

thrilled to be back on the bench again, and actually be involved on a daily basis, and rather than sitting at home or playing golf. Once a judge has power, he has a hard time losing.

The answer is, absolutely yes, they are enablers, they're participants. Now, there is an FBI investigation, there is an FBI agent from the public corruption-- task force who was involved in this. I worked with her, I more or less keep her informed, but what I've learned about the legislature here in Connecticut is, you're in the blind, you're really oblivious to what's really going on. You get Pat Carroll telling you that there are no-- We're remediating the situation, we're modifying people's loans, and that to the tune of 80-90%.

Now, I got that information from none other than the banking Commissioner. Jorge Perez told me, in his office, he asked me the question, he said, "Lou, what do you think is the percentage of people that are having their homes mediated and modified?" And I said, "If we're lucky, maybe 2%." He said, "Would you believe 90%?" I said, "No, impossible, who said that?" He told me it was Patrick Carroll. On a report that he was filing to the state legislature that he was required to file as a result of the millions of dollars that were granted to the state of Connecticut, for that purpose out of the \$25 Billion interstate settlement.

So, there is so much dirt here, but the important part that I like about you can verify it. We hired a former state police sergeant, who was in charge of the Major Crime Squad to work for us, and that sergeant is a private investigator, and he got into things that I was quite surprised that he did, but he learned a great deal. Things that will come out in a in a criminal investigation, because we will surrender that information to the FBI.

REP. VARGAS (6TH): Well, thank you, Lou. Thank you, Madam Chair.

LOUISE ROMAN: Thank you. Any more questions?

SENATOR MILLER (27TH): No, there aren't any Mr. Roman. Thank you very much for joining us.

LOUISE ROMAN: Thank you, Madam Chair.

SENATOR MILLER (27TH): Okay, thank you. Next we have David, and I apologize if I don't pronounce your name correctly, is it Kluczowski?

DAVID KLUCZWSKI: Kluczowski.

SENATOR MILLER (27TH): Kluczowski. Hi, how are you? Thank you for joining us, and followed by Mark McGoldrick. Thank you. You may start.

REP. WILSON (66TH): Madam Chair, could I excuse myself for one second? Rep. Case has lost his internet connection and he just wanted me to inform the group.

SENATOR MILLER (27TH): Okay, thank you very much Representative Wilson. You may begin, sir.

DAVID KLUCZWSKI: Okay. Hello, everyone. First off, I wanted to express my congratulations to Madam Chair Miller, on her recent election to the State Senate. Good afternoon, Co-Chair Senator Miller and Representative Phipps, and other distinguished Members of the Aging Committee. My name is David Kluczowski, I am tax collector for the town of Fairfield, as well as Co-Chair of the Legislative Committee for the Connecticut Tax Collectors Association.

As an association, tax collectors are opposed to raise Bill 6553, an act protecting property owners aged 50 and older from foreclosure. The mission of our association in part, is for uniformity in the practice and application of statutory procedures when enforcing collection of property taxes.

Treating every taxpayer the same, in an equal manner, ensures that tax collections are efficient and effective in order to fund municipal budgets each year.

The proposed legislation challenges our mission by applying different age guidelines to how we enforce property tax collections. The agent property tax owner is not part of the data collected or shared with tax collectors, making it nearly impossible to determine who would be eligible and who would not.

Approximately 17 tax collectors submitted testimony in opposition to this legislation, because they all understand that it would harm, rather than benefit all taxpayers, including those 50 and older. It is misleading in that it could encourage those 50 and older to delay paying their taxes timely without consequences and accrue high debt.

For example, a home valued at 200,000 would not be leaned under this current legislation until the debt exceeds \$30,000. In some towns, it could take 5-7 years for a taxpayer's delinquency to exceed \$30,000. This would in turn increase taxes for everyone, including seniors to make up for the shortfall in revenue. The potential of a lien is an incentive to pay timely, and the filing of liens protects the town interest and ensures that the revenue is received in a timely manner. To have a system in place that encourages those 50 or older to approve such high debt would be irresponsible on our part as public officials and would lead to severe consequences for the financial health of municipalities and the vital services they fund, such as education, law enforcement and fire protection.

Therefore, the Connecticut Tax Collectors Association is strongly opposed to HB 6553, and I thank you for the opportunity to speak today.

SENATOR MILLER (27TH): Thank you, sir. I have a question. Can you take us through the lien process?

DAVID KLUCZWSKI: Sure. So, again, the filing of the lien is an incentive to pay timely, it protects the town's interest in the event that the homeowner were to sell refinance. But the lien, it doesn't necessarily mean that a tax collector is going to foreclose.

A tax collector has three types of enforcement at their disposal, traditional foreclosure, they can do a tax sale auction, or they can do a lien assignment. You'd be hard pressed, the majority of tax collectors are going to say that, they're not going to do these enforcement measures unless they absolutely have to. We actually support having guardrails in place, or protections in place to prevent these from happening. We've even discussed this with the Banking Committee during this session.

The Banking Committee is also-- they've also discussed lien assignments, and the issue that comes with when the assignment is lien-- I mean, when the lien is assigned, some of these investors will not communicate to the residents or the taxpayers, and they will foreclose on them. So, it comes down to the tax collector needs to do their due diligence, and most do, they do their due diligence, they research these investors and they make sure that they are assigning these liens to an investor that they can trust. And most tax collectors, and this is what we mentioned the banking Committee, is that we want guardrails in place, there are guardrails. And by guardrails, I mean there's required notifications when you assign a real estate tax Bill. There are not currently required notifications wanted to sign for sewer use, sewer assessments. We would be in support of that, to add that.

We're also in support of adding guardrails such as-- and again, this theme of treating everyone the same, being equal, we would argue that, don't do an

enforcement action like a tack sale, or lien assignment until the debt is three or four years delinquent, or more. So, have a criteria in place. And many tax collectors already use a criteria like this, they'll say, "We're not going to enforce collection until you owe more than three or four years of taxes." Because we want to work with these taxpayers, and do everything possible to-- and there's notifications, we send delinquent statements.

By law, before a lien is filed on their property, we have to send an intent to lien notice, 15 days before the lien is filed, notifying them and warning them of what is going to happen. So, the majority of tax collectors, we support organization, guardrails, protections, we don't want our taxpayers to get into a situation where they have large debt, and our fear is that this current legislation, as written, would encourage that. Because without the presence of a lien, there really is no incentive to pay timely, there is all that incentive in the world to defer your taxes and let that debt accrue, especially with this current setting of 15% of your assess value. Like I said, a-- assess value, you have to approve \$30,000 of tax debt before there's any consequences.

And to us that's problematic, because the majority of our residents are over 50 that own property. So yes, either, they're not going to have the consequences of a lien but they're going to pay more taxes in the long run because, this is going to be a huge hit to municipal budgets. 95% or more of a town's revenue is based on property taxes, they depend on a tax collector to collect 98 to 99% of those property taxes on a yearly basis to fund municipal budgets and all this critical services. So again, if you take away the ability to file a lien, there's no longer incentive to pay timely, and then taxes go up, because we have to make up for that shortfall.

SENATOR MILLER (27TH): Excuse me. So, you mentioned that you assigned to lead to someone you can trust, what happens if is assigned to someone who can't trust? That's a bad player? Or a bad actor, I should say.

DAVID KLUCZWSKI: No, I understand. So, I can't really speak from experience on that. To be honest, I have not done a lien assignments, so I'm kind of speaking through my colleagues on this. I don't want to name anyone, but there are cities or towns that we like to believe that this is why that these types of legislations occurs, is because there are towns or cities out there that, unfortunately, have done this, where they don't do their due diligence, but, for the most part, when I think of some colleagues that do lien assignments, it is a process where, like I said, they research these investors ahead of time, anyone that does bid for the liens, and they make certain that it is someone that they can trust. Unfortunately, I can't speak from experience on the question that you're asking, though.

SENATOR MILLER (27TH): Okay, thank you. So I'm interested. So, I'm assuming that the proponent, the impetus for this Bill is a situation, or I should say the proponent has been approached by someone, right? So I'm interested to know, since COVID, for your organization, has a number liens increased? Since COVID, out of the ordinary, I should say.

DAVID KLUCZWSKI: At this point, it's hard to tell, because per Executive Order from the Governor, we have been going through, either or both, you could do a tax deferment.

In Fairfield, our taxes are deferred, so any tax that became due on January 1st, normally had a 30 day grace period, is currently in the middle of a 90 day grace period. And some other towns have opted to do a lower interest, where their annual 18% interest was reduced to 3% annual during the deferment period. So we haven't really-- we haven't gotten

numbers as an association from every town, I think we'll have a better idea at the end of this fiscal year, because we were in a deferment at the end of last fiscal year, and I believe-- we don't believe there will another deferment in this current fiscal year, so, the current deferment that we're in will end on April 1st.

SENATOR MILLER (27TH): So, thank you for that, and you're absolutely correct. I guess the point I was trying to get at is, I'm concerned with housing, for instance, the moratorium on evictions, and that there's-- the floodgates are going to be open once the moratorium is lifted. And so, I have the same concern about liens, that once COVID we get-- and I guess it's post-COVID, that the municipalities may go after these families, putting liens on their properties, and these families losing their properties to no fault of their own.

DAVID KLUCZWSKI: And again, that's why, like I said, we are in support of adding guardrails, additional guardrails and protections to the collection enforcement process. So for example, a tax sale auction or a lien assignment, have a uniform statewide policy for every town in Connecticut that says, "If you want to go through this process, then they need to meet some type of threshold or criteria, they need to owe three years or more, four years or more of delinquent taxes." You can't just foreclose simply because you file the lien. You can't go through.

But our concern is, we have to file this lien, because one, Section 12-1-- I believe it's 172 of the state statutes, there is an encoded lien already, an unrecorded lien from the date that-- Two years from the date that the property becomes assessed. And then additionally, again, I keep saying it's an incentive to pay timely. So when we file the lien, we're just protecting the town's interest. We're not trying to foreclose, we're not trying to take someone's property, we're just trying

to ensure that the town taxes get paid. Without that lien mechanism, our concern is that, again, there's no incentive to pay timely anymore, and then municipal budgets suffer.

SENATOR MILLER (27TH): Alright, thank you, that's a very good point. So I'll be interested to see your recommendation, on the guardrail. Your suggestions on the guardrails that can be put in place. Are there any questions from Members? Representative Vargas.

REP. VARGAS (6TH): Thank you, Madam Chair. And thank you, Mr. Kluczowski for your testimony.

DAVID KLUCZWSKI: You're welcome.

REP. VARGAS (6TH): As the proponents of the current Bill 6553. The reason I proposed this Bill--I'm sure that the members who represented many of them are doing the honorable thing, and are doing everything they can to make sure that the elderly stay in their home and are not evicted. And that these liens are not abused. I know that for a fact, because right here in the city of Hartford, we were able to convince our tax assessor, our mayor, and our city council not to sell the liens to these unscrupulous companies anymore.

And Hartford no longer does that. Unfortunately, some sell them in blocks. They'll buy property of 50 liens in a block, they don't even notify the property owner because they like the 18% compounded monthly. They just let this accrue at a higher and higher level. By the time the person even realizes that they owe money, they go to town assessor they tell the town assessor I'd like to settle. I know I owe \$5,000 in taxes. I'd like to settle. They say, "Well, we can't really deal with you, because we've sold that to an outside company." They go to the outside company. They'll say, "We paid the 5000 to the city on your behalf. But we found that out through a law firm that specializes in collecting

these tax liens." Person finally tracks down the attorneys responsible for this. And they try to settle and say, "Sure, you know if you can come up with \$100,000 we'll be happy to settle your case." Because I thought it was only \$5,000. "Yes, but this has been accruing and 18% compound that there's fees." There's this. There's lawyers' fees which by the way, under state law is illegal. Because state law says only Corporation Counsel for the city has the right to collect legal fees and recover legal costs.

No outside lawyer can represent the municipality. So my question to you and I've been listening very carefully to what you're saying. And I heard very loud and clear that you said that 15% of the accrued value of the property might take too long for whom I take six, seven years, and that it might hurt your tax collection ability. But there's your willingness to go perhaps three or four years before you foreclose on an elderly person. But let me ask you a question. Aren't there are other ways to address this? For example, can't we take that usually rate of 18% compounded monthly is that could we not reduce that to a more reasonable percentage? What's your thought on that?

DAVID KLUCZWSKI: Yeah. And so as tax collectors, we're not policymakers. We work under state statutes. So if it were to be reduced, we would have--we would just follow that change. So say it goes from 18% down to a uniform, easy rate of say, 12% or 1% a month. We wouldn't have any issue with that. But again, we're not policymakers. It's more likely that say CCM Mayor Selectmen, they would step in and have issue with that, because then we're talking about a loss in revenue, because interest is something that is budgeted on a yearly basis in all municipalities.

So if you go from 18, to 12, there's a loss of revenue, it would be no issue for us because, again, our greatest power in bringing in the revenue for

municipalities as effectively and efficiently as possible is when all towns--where every town's tax collector is doing it uniformly. So it's the same interest rate in Hartford and Fairfield. And there's no confusion, there's no discrepancy. So we're enforcing the law the same. So--

REP. VARGAS (6TH): I understand that--

DAVID KLUCZWSKI: No. I asked Association, we would be okay with that. It's just it wouldn't be our call is what I'm trying to say.

REP. VARGAS (6TH): Well, you know, if you're okay, with reducing fees, I consider that 18% compounded monthly to be usury, frankly. Especially people who have worked all their lives to pay off the mortgage on their home 20 years, 30 years. And then all of a sudden to have over some tax lien sold to some unscrupulous outfit out there. How would you feel about a state statute that simply would ban the sale of liens to outside parties? This whole--you've probably been listening to the whole pot agenda--

DAVID KLUCZWSKI: Yeah. Again, I would be more in favor of a lot of what the Banking Committee has already suggested this session, which is just kind of tightening it up and having those guardrails in place that not says that after three years of delinquency, you automatically assign the lien. It's just because most towns may not even do that after three years.

It's just having policy in place that says, "Hey, listen, you cannot even consider assigning a lien until after three years or more." In most towns--and Fairfield, we wouldn't do that after three years. I'm just saying, have policy in place that has a protection like that. So that when someone has a lien filed on their property by the municipality, they cannot automatically just go to an enforcement action like that. There's time and a process that's in place before that were to occur.

REP. VARGAS (6TH): And why can't the corporation council be in charge of the lien in the foreclosure but if it comes to that, why does it need to be farmed out in the first place?

DAVID KLUCZWSKI: Again, I don't do lien assignments in Fairfield. I can't speak for the other cities and municipalities that--lien assignments have been going on, I want to say for about 25 years now in Connecticut, it works for some towns, it doesn't work for others. It's just one of the tools at our disposal, such as liens, along with tax sales and traditional foreclosures, but I can't speak for why it works in one town and not another.

REP. VARGAS (6TH): Well, you probably heard the testimony of the previous witness who said that a lawyer, middle class lawyer got involved in this business and just bought a \$6 million second vacation home in Florida. I read in the newspapers that just to share for unit-- a Sheriff that serves papers, working for these outfits, earn \$3 million in a year. Now I know that you can get a job as uniformed Sheriff serving papers with a high school diploma. And that most of these people are pretty well off, if they're making 50 or \$60,000 a year. If they're making--they're hustling and making 80 or 90,000, that's pretty good. But is there any reason why somebody involved in this business is just simply serving papers, earned \$3 million at the expense of putting people out of their property? It just doesn't seem right to me?

DAVID KLUCZWSKI: Well, from what I understand, again, not having experience in doing these actual lien assignments. But from what I understand is that when it comes to the sewer assessments, sewer use Bills, when you assign a lien, for those, there is no mechanism in place that requires a certain amount of notifications by the investor, to the homeowner.

And again, we've discussed this with the Banking Committee last week, and we are in favor of adding additional protections like that, so that maybe it does weed out and push away some of these investors that are a little less trustworthy and are not as dependable in doing these types of things. So we are in favor of, as long as it stays uniform, as long as it's same interest rate. It does have to be 18. We said it can be lower. We're looking for uniformity, and also the protections that the Banking Committee is looking forward to as well, so that hopefully it does push away some of those investors that some of these towns have not done their due diligence on.

REP. VARGAS (6TH): Well, Mr. Kluczowski, I agree with you that probably most tax assessors are fair people that are doing their job on behalf of their town, just like I believe that most probate court judges try to do the best they can for the people that show up before their courtroom. And I agree that the guardrails need to be there probably for some people that aren't really playing by the rules.

And if you do have some ideas, I mean, I'm more interested in the end result that aim in the specific language of the legislation. So 66553 can be amended in a way that meets your needs, but at the same time reaches the goal, which is to protect seniors from losing their property. I mean, I don't think any of us want to see people put out, become homeless or forced into a nursing home under Medicaid Title 19, or whatever because they've lost all the equity in their property after a lifetime of work. So I think if we can achieve the goal, I'd be interested in looking at your recommendations. Thank you, Mr. Kluczowski. Thank you, Madam Chair.

DAVID KLUCZWSKI: Thank you.

SENATOR MILLER (27TH): Sorry, I'm having a conversation with myself here. So thank you, representative. And thank you very much for your

testimony. We appreciate you taking the time to testify before us. Thank you.

DAVID KLUCZWSKI: Thank you.

SENATOR MILLER (27TH): Next we have Mark McGoldrick followed by Mag Morelli.

MARK MCGOLDRICK: Can you hear me?

SENATOR MILLER (27TH): Yes, we can hear you sir.

MARK MCGOLDRICK: All right. I don't know when my video's not coming up but--Oh, there it is. Okay. Good evening, Senator Miller and other members of the Aging Committee. My name is Mark McGoldrick. I own and operate six Comfort Keepers homecare offices across the state of Connecticut. I'm also the current chairman of the Home Care Association of America, Connecticut chapter. And I'm here to testify in support of Bill 974 today.

I think that this Bill provides additional protection for seniors and that's always our number one priority. I think the additional disclosures that are required--I guess I'll back up for a second. The Home Care Association of America is an association of employer based agencies. So what that means is that our caregivers are our employees. We hire, train, orient, manage, supervise, schedule, background check, all the kind of protections you would want when you had a caregiver in your home versus the first gentleman who spoke Mr. Shulansky operates as a registry. That provides--when a when a homeowner hires a registry, a caregiver from a registry, they assume a lot of risks that they aren't necessarily aware of. They become the employer of record, they're supposed to withhold payroll taxes for that caregiver, which they're liable to the IRS for. There's no workers comp insurance provided to that caregiver. So if they have an accident in the senior's home, they're liable, the senior becomes liable for the healthcare

of that individual, for the accident they had in their home. And things like theft, and those things aren't protected either.

So seniors take a lot more risk, which they currently are unaware of, because registries don't have to provide a lot of notice of the business model that they're operating under. And we think that 974 will at least provide seniors with a little bit more information before they make decisions on hiring agencies. We also are in support of the non-solicitation language that's included in this Bill, as Mr. Markley spoke about earlier. There was a law passed two years ago, that would have been 19. It was not even a separate stand-alone Bill. It was snuck into a budget implementer which kind of tells you how disingenuous the Bill really was. And, you know, the Bill--Senate was a ban on non-competes. But it did a lot more than that.

A ban on non-competes is just the ability of one caregiver to work for multiple agencies. And that's always been something that homecare agencies have supported in the state of Connecticut. We encourage it. It's the way that--

JOE PERKUS: You're reaching the end of your three minutes. Would you please just wrap up?

MARK MCGOLDRICK: Sure. It's the way that these people earn the best living but the way that the law was written it also banned not solicitations and no hire agreements with clients. So it basically eliminated all of the contracts that agencies have with their caregivers and their clients to run their businesses. Thank you.

SENATOR MILLER (27TH): Thank you Mr. McGoldrick. So I don't see any hands from the members. I have a question. So can you tell me what happened? You said that there was in 2000? Did you say 2017?

MARK MCGOLDRICK: 19.

SENATOR MILLER (27TH): 19. So they implemented-- they changed I guess the non- complete or non-solicitation. So can you talk about that a little more please because I'm interested. And you're right that some of the caregivers or home caregivers, companions work with different agencies to make ends meet. So you're saying once they removed that, that that took that ability away from them?

MARK MCGOLDRICK: No. So ostensibly, when they wrote the law, they were saying that they wanted to make sure that it was written in law that caregivers had the right to work for multiple agencies. And we supported that, but there's kind of three parts of a contract that you have, right? You could have a non-compete with an employee that controls where they can or can't work. You could have a non-solicitation with an employee that says they can't solicit your client, right? To take them off the books and work privately for them. And then there's the agreement you have with the client that says, "Hey, I introduced you to this caregiver, you're not going to try to steal this caregiver privately from me."

So those are the three different types of contracts, that that one law banned. So they said it was a ban on non-competes, but the way the law was written, it eliminated the validity of all of the contracts that homecare agencies have with their clients and caregivers. And the reason it happened was--it emanated from DSS. So that's another thing that's kind of interesting here because, Medicare is a minority of the care giving that's given in the state of Connecticut, the vast majority is private care giving. People paying out of their pockets for caregivers, and DSS--I will use the term colluded, because I believe that's what it was, with a representative on the Human Services Committee and snuck this Bill in.

And it became law and it was only a ban on non-competes in the homecare industry. It didn't touch

any other industry. I mean, if that doesn't tell you something's not copacetic, then I don't know what would.

SENATOR MILLER (27TH): Right. Thank you, Representative Wilson.

REP. WILSON (66TH): Thank you, Madam Chair. And thank you, Mark for your testimony. So I guess the question that comes to my mind is okay, so this was passed in legislation and what is the result?

MARK MCGOLDRICK: The result is now that I can have a caregiver steal a client of mine, and take them privately away from me, and expose that client to all kinds of risks. There's no backup, if the caregiver gets sick, right? There's no one's supervising that caregiver to make sure that they're doing their job when they're supposed to be doing their job. Imagine if you're dealing with a memory care patient, the potential for abuse there. And you know, the same thing. A client can do the same thing. I introduced a client to a great caregiver, two weeks later, they can say, "Hey, you know what, I'm tired of paying these guys. Why don't I pay you \$1 more than they are, and we'll just do it off the books?" What it does is it invalidates every contract that a homecare agency has to run its business.

REP. WILSON (66TH): I guess I'll push you then just a little bit further. How has the law affected you and your business?

MARK MCGOLDRICK: I deal with situations every year with clients and caregivers colluding. And the way it works is I'll get a cancellation notice from a client. We're going to terminate services on this date. And at the same time, I get a resignation letter from the caregiver. And I'm like, this is kind of funny. Mary's going because Mrs.--Mary quit the same day Mrs. Jones stopped services. And I can

send my care coordinator by the house a couple days later. And there's Mary's car in the driveway.

REP. WILSON (66TH): And so I think I think this says that you're the chairman of Home Care Association of America, Connecticut chapter. I'm sure you're in communication with your associates and colleagues. And are they all going through the same thing now because of this law change?

MARK McGOLDRICK: Yes, absolutely. Mr. Markley actually--we had run a survey of our members on how many people were impacted by this law. And it was a majority of people who had been impacted negatively.

REP. WILSON (66TH): And so has anyone complained to the state on what's happening or tried to bring this to light?

MARK McGOLDRICK: Yeah, I mean, we've tried to. We tried to propose legislation last year, because it got canceled, the session so we couldn't. We talk to legislators all the time about it. I spent a fair amount of my time meeting with various legislators, like Senator Slap who's on this committee. We met with, over the summer and had some discussions about this. I have an office in West Hartford, where he's based. And so we have, we've tried to reach out to all the legislators that we can. We actually met with some people in the governor's office to complain about this as well. That's why we wanted to propose legislation because the only real impact is through a Bill.

REP. WILSON (66TH): And so do you think that 6553 is the solution to the problem here? I'm sorry, I'm on the wrong. What's the Bill Number 6975 was it?

MARK McGOLDRICK: It is--hold on a second. I keep getting the numbers wrong.

SENATOR MILLER (27TH): Representative, I believe it's 974.

REP. WILSON (66TH): Yes, I'm sorry.

MARK McGOLDRICK: Yes. 974.

REP. WILSON (66TH): Okay. Thank you.

MARK McGOLDRICK: Yes. What 974 does, it says, "Listen, the ban on non-competes is fine. But we can't allow for solicitation." And that's what it does. There was a law similarly in the past in Massachusetts, not just against the homecare industry, just generally about non-competes in the state. And they went so far as in their Bill to explicitly state that this law did not, in fact, impact non-solicitation agreements. They were still valid. That's another way to amend this Bill.

REP. WILSON (66TH): All right. Well, thank you very much for your answers to those questions. And we appreciate you taking the time and staying with us this long. Thank you, Madam Chair.

SENATOR WILSON (27TH): Thank you, representative, and I don't see anyone else wanting to speak. Thank you, Mr. McGoldrick for your testimony.

MARK McGOLDRICK: Thank you, Chair. Take care.

SENATOR WILSON (27TH): Thank you. Next we have Mag Morelli, followed by Anna Doroghazi.

MAG MORELLI: Thank you, Senator Miller, and members of the Aging Committee. My name is Mag Morelli. And I'm the president of Leading Age Connecticut membership association, representing not for profit provider organizations serving older adults across the entire field of aging services and senior housing. We were pleased to submit testimony and several Bills today, but I'd like to focus my time on House Bill 6552, an act concerning the rights of residents and long term care facilities to use the technology of their choice.

This proposal would establish a statutory framework to govern and facilitate the use of technology by residents in nursing homes. This Bill offers us the opportunity to put into place a comprehensive state statute that will establish good public policy on this very important issue. And we believe we need to do it right. Therefore, we've provided extensive written comments with the intent of assisting in the development of a statute that addresses the many complex issues and concerns of ensuring residents rights within this highly regulated setting. And in consideration of the common situations that impact many nursing home residents.

Our priority goal is to ensure that the self-determination, privacy and dignity of the nursing home residents. Secondary to this is the issue of the financial impact of the Bill's requirement for providing internet service that can support streaming video surveillance throughout the building. And finally, we are requesting that the managed residential communities be removed from the Bill. We ask the committee to consider our detailed written comments in a constructive manner in which they're presented and allow us to continue to work with all interested parties to develop and pass a strong and comprehensive statute. We have greatly appreciated the opportunity to discuss virtual visitation with the committee earlier in the session, and thank the committee for including some of our suggestions in the Bill before you today. But this Bill reaches beyond the use of technology for virtual visitation in nursing homes and incorporates the use of technology for virtual monitoring. As such, we're requesting that revisions be made to adequately address the sensitive issues connected to monitoring.

And as I said, we have offered detailed comments to assist with that, to summarize our requests. First, while the Bill does incorporate certain procedures to address resident and roommate consent for virtual monitoring. These provisions need to be strengthened

to safeguard resident privacy and dignity. And we would like to build to include a level of consent for use of all video and audio technology. With today's technology, the same device that is used for remote zoom visit or dropping calls can easily be used for ongoing monitoring and recording. Next, we want to raise, excuse me, sorry. Next, we want to raise a concern that the Bill has the potential of adding a financial burden to many facilities by requiring that the facility provide internet access that is capable of handling multiple streaming video and audio monitoring.

While the Bill proposes Medicaid reimbursement to cover the capital costs related to the initial upgrades and the ability to shift some costs to private residents. We don't see these provisions as workable and would instead request that a grant program be developed to provide the upfront costs of upgrades. And with respect to the ongoing costs that this be--since this is something outside of the current Medicaid reimbursement formula that we requested it be reimbursed through an add on increase in the Medicaid rates. And finally, the Bill applies to long term care facilities including not only the nursing home setting but also the managed residential community, which is the location where Connecticut residents receive assisted living services. The MRC in Connecticut is not a licensed healthcare facility. It's a private residential setting where the resident already has the right to purchase and use technology for any purpose. Including the MRC is not necessary and could be viewed by some of the residents as intrusive. So we respectfully request that the MRC be removed from this Bill.

Again, we've offered detailed comments with our testimony. And we look forward to contributing to the development and passage of the statutory policy that protects the price privacy and dignity of all nursing home residents. Thank you for the

opportunity to testify, I'd be happy to answer any questions.

SENATOR MILLER (27TH): Thank you Ms. Morelli.
Representative Hughes.

REP. HUGHES (135TH): Thank you, Madam Chair and thank you Mag for your testimony. This may be concord, but I believe there's a Bill on the infrastructure recommendations which included the capacity for these internet devices, the bandwidth to be included in internet as a service. As an essential service, and I believe that Bill might be before Public Health. But my question to you Mag is, if there was another provision that does expand on a dedicated grant to improving infrastructure for this purpose, would you support that?

MAG MORELLI: Absolutely.

REP. HUGHES (135TH): Okay.

MAG MORELLI: Absolutely.

REP. HUGHES (135TH): Great. I think that's--I don't want to speak for the Chairs. But I think that is--was I thinking on why this basically centered on it as a right and not the implementation of it?

MAG MORELLI: Right. There is a provision in this Bill that talks about applying for a certificate of need to get the capital needs improvements done in the way the current rate structure works. For nursing homes, that's not a guarantee that you'll receive it. And then it comes throughout the life of whatever you've invested in the rate through the Medicaid system. And so we're saying what came out of the working group that we all worked on, was the idea of infrastructure grants, so that we could implement this right away. I think a lot of the buildings are going to need an upgrade, we found that through this pandemic. Several buildings had to go through an upgrade, just to be able to provide the visitation. And still these are older buildings.

They have some spots in the building that just the internet doesn't reach. They want to provide a separate service outside of their secured service that they use for the medical record. So the upgrades are going to be needed. And it now seems to be the time where if we could use some grant funding, even from the COVID relief funding, to be able to provide it to do the upgrades, it would be worth it and much easier for nursing homes..

REP. HUGHES (135TH): Yeah, no, thank you. And through you, Madam Chair. I was just going to sort of, parenthetically flag those new relief funds for infrastructure upgrades that included, internet capacity as an essential service for visitation and to resident rights. And I don't know if it works to plug that into this Bill or not, but yeah, we're on the same page with that. Absolutely. It's definitely needed. And there's-- definitely needs to be a new way of investing in that. And with new funds, and maybe not through the Medicaid reimbursement rate. We did talk about that. But like I said, I don't know where that landed in terms of this Bill or another Bill. Thank you.

SENATOR MILLER (27TH): Thank you, Representative Hughes. I don't see any other hands. So thank you very much Mag for joining us, and have been waiting so long to testify.

MAG MORELLI: Thank you. I look forward to working with you. Thank you.

SENATOR MILLER (27TH): I feel the same. Thank you. Next we have Anna Doroghazi followed by Josephine Miller.

ANNA DOROGHAZI: Hello, good evening and congratulations Madam Chair. And thanks to you and members of the Aging Committee for the opportunity to join you today. My name is Anna Doroghazi and I am one of the policy directors at AARP Connecticut.

I'd like to express AARP Connecticut's support for House Bill 6552, an act concerning the rights of residents and long term care facilities to use the technology of their choice. Senate Bill 9373 and act strengthening the voice of residents and family councils and Senate Bill 975 and act strengthening the Bill of Rights for long term care facility residents.

This week marks the one year anniversary of when Connecticut banned visitation in nursing homes due to COVID-19. In the past year, I've heard devastating stories from nursing home residents and their loved ones about what that decision meant for their lives and how traumatic it was and how they felt helpless to what was going on. I know you've heard those stories as well and many of you have had your own personal connection to this issue. I just briefly want to express my condolences to Representative Bolinsky for the loss he shared at the beginning of the hearing.

Nothing on today's agenda makes COVID-19 go away or gives back what people have lost during the past year. But I think Senate Bill 973 an act strengthening the voice of residents and family councils acknowledges the mistake that I know I sometimes make as an advocate and you sometimes make as policymakers, which is that we don't always put the right seats at the table. Older and disabled people can speak for themselves and their families can speak for themselves, and we need to provide adequate accommodations, to make sure that they have a say in conversations about their own health, safety and futures.

Senate Bill 973 would help this happen and AARP strongly supports its passage. We also strongly support House Bill 6552, which would give nursing home residents the ability to use cameras and other forms of technology in their rooms. I'd ask members of the committee to consider all of the different types of technology that you use in your own homes

and lives and how those devices make your life easier, give you peace of mind and help you stay connected to the people you love. Nursing home residents deserve to have access to that same widely available technology in the place that they call home.

More than a dozen states already permit cameras and nursing home rooms either through law or state regulation or there are a couple states that have programs that actually loan cameras out to residents. The first law explicitly permitting cameras was passed in Texas 20 years ago, and new laws permitting the use of cameras in nursing homes went into effect in 2020 in both Minnesota and Missouri. Our written testimony includes more detail in support of this Bill and includes a few recommendations for how we think the Bill could be improved to better meet residents' needs.

I also want to acknowledge that this Bill does touch on some complicated issues related to privacy and who bears certain responsibilities associated with the technology. And we really appreciate everyone who's been involved in trying to work through these issues and improve this Bill and the Bill language over the past few years. Finally, AARP support Senate Bill 975, which strengthens the Bill of Rights for long term care facility residents. And we see this Bill as a necessary companion to House Bill 6552. 6552 gets into the nuts and bolts of how cameras and technology would be used in nursing homes. But it's Senate Bill 975, that codifies the use of that technology as a right and gives residents and families recourse if that right is denied. So thank you for the opportunity to share our thoughts and our comments. If you have any questions, we're happy to answer them. Thank you.

SENATOR MILLER (27TH): Thank you Ms. Doroghazi. Are there any questions from the members? None. Thank you for your testimony. And thank you for remaining with us so long. Thank you very much.

ANNA DOROGHAZI: Great, thank you.

SENATOR MILLER (27TH): Our final person to testify this evening that's listed is Josephine Miller.

JOE PERKUS: Josephine is not available, but Joan is the next one to speak. She is the last speaker.

SENATOR MILLER (27TH): Okay, Joan.

JOAN KLOTH-ZANARD: Yes, Hi. My name is Joan Kloth-Zanard. I am a resident of Connecticut. And I am speaking in support of Bill Number 6553. But I do recognize what David has said that we really need to fix certain parts because I see what he's talking about the tax issue.

But first let me just explain why I support this. But because there's a lot more going on than just the liens. I am in an illegal mortgage that was banned in 2002 and then placed in a loan modification for five years that I did with flying colors, but the bank refused to convert it to a permanent loan. Subsequent to that I was then placed in a secret loan program to prevent me from obtaining a proper loan modification.

We have now gone through 13 attempts at loan modifications since 2010. That does not include the five year loan modification that I did with flying colors. Prior to 2000 excuse me 2013. At any rate, I even tried filing a federal lawsuit against the banks. But I couldn't afford an attorney. With a pro bono attorney I was given, unfortunately the minute he saw the amount of evidence I have did not want to handle the case. We tried to go to mediation. Then afterwards the attorney admitted to me that number one, they never came to the table to mediate they were only there to do to get what they wanted. Number two that the mediation they were proposing, and the loan they were proposing was illegal. It had

a balloon payment at the end of it and he advised me not to do it.

Later on, when I went to go pick up my records from him, he advised me that he really couldn't do very much. Because if he fought them, and one, if he was up against them or working with them on another mortgage, they would definitely hardball him and he would get nothing. So he could not really help me. This is a travesty, because we're doing this now going on numerous years. The loan we were put in by Countrywide, that is illegal. We were put into it four years after the state of Connecticut banned it in 2002. We were put into it in 2006.

We didn't even know it was illegal to at least a decade later. Now, back to this Bill, which while I understand what David has said. I think there's got to be some kind of taxpayer relief program for seniors. If you don't qualify, you don't get it. If you don't know to apply for it, you don't get it. And that's a problem. Also, we have to remember that many of these people that are over 50, we're actually age discriminated out of jobs. So whatever jobs we can get are very low income. I understand that they need to be able to collect this tax money.

JOE PERKUS: So sorry to interrupt, you're reaching the end of your three minutes. Could you please just--

JOAN KLOTH-ZANARD: That's fine. I understand that but before threatening foreclosure, there's no reason that if the house has value, that if they need to get a lien, or they need to get assist--you need to help the families get assistance to either be able to pay their loan, or to pay their taxes or have the taxes escrowed into the mortgage. There were so many other ways that we could do this without foreclosing and causing somebody like my husband and I who are over 60 to lose our home. We don't even know what's going on with our mortgage because it's illegal.

SENATOR MILLER (27TH): Excuse me ma'am. I'm sorry you've reached--

JOAN KLOTH-ZANARD: That's okay, I'm done.

SENATOR MILLER (27TH): Thank you very much. Representative Wilson.

REP. WILSON (66TH): Yes. Thank you, Madam Chair. And Joan I'm sorry to hear your story. And I was looking in the submitted testimony. And unless I'm missing it. I did not see your testimony submitted. Have you submitted testimony?

JOAN KLOTH-ZANARD: Yes, Joe has it I can update it again. But in my testimony, I have the entire chronology of our situation. So you can read everything by date, and a single sentence. Maybe it's one sentence, maybe two, explaining everything.

REP. WILSON (66TH): So have you been on for a while and listening to the other folks who testified? Did you hear Matt Barrett? Did you hear his testimony?

JOAN KLOTH-ZANARD: I don't think I did. I came in a little bit late. But I did hear Lou Roman, I heard Jeryl Gray. There might have been one other person I also heard. And while I support the Bill, I think David may be right. After I heard what he had to say that we really need to figure out how to tweak it. I think the idea is there. It just needs some tweaking to protect the state's coffers that they need money to keep their towns running, but still provide some kind of assistance to seniors who are having a problem paying their taxes.

REP. WILSON (66TH): All right. Well, I look forward to seeing your written testimony. And thank you very much for coming in this evening and staying so long. Thank you, Madam Chair.

SENATOR MILLER (27TH): Thank you, representative. Are there any more members who would like to ask a question? I don't see any hands raised. Thank you very much, Ms. Miller for staying so long. We've kept you so long. And we appreciate you coming to testify before us today. Thank you.

JOAN KLOTH-ZANARD: You're welcome. My husband's the only one who's really complaining because he wanted dinner. Have a wonderful evening, everybody.

SENATOR MILLER (27TH): You too. Thank you. Mr. Clark, have we exhausted the list of participants for this public hearing?

JOE PERKUS: We have.

SENATOR MILLER (27TH): Thank you. So I want to thank everyone for attending and being flexible with the new technology. And I'd like to remind members if there are any issues that are concerns or amendments that you're interested in, please get in touch with the Chairs and the ranking member and to let us know tonight before tomorrow morning. I will also like to know if someone would like to make a motion to adjourn tonight's public hearing.

REP. HUGHES (135TH): So move Representative Hughes.

REP. WILSON (66TH): Second Representative Wilson.

SENATOR MILLER (27TH): Thank you Representative Hughes and Representative Wilson. I now declare this public hearing closed.