



COMMITTEE ON AGING

March 9, 2021

Testimony of Jean Mills Aranha

In SUPPORT of:

H.B. 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;

SB 973, An Act Strengthening the Voice of Residents and Family Councils; and

SB 975, An Act Strengthening the Bill of Rights for Long-Term Care Facility Residents.

My name is Jean Mills Aranha and I am the Managing Attorney of the Stamford office of Connecticut Legal Services, Inc., where I practice elder law. Connecticut's legal aid programs are private non-profit law firms that provide free legal services to low-income residents of Connecticut, including residents of long-term care facilities. I served on the Governor's Nursing Home and Assisted Living Oversight Working Group, which examined solutions to the crises that arose in these facilities during the COVID-19 pandemic.

The Oversight Working Group learned that the lived experiences of residents and family members were crucial to understanding what went wrong during the pandemic. All three of these bills address the need for and ability of long-term care residents and their family members to communicate with the world beyond the facility to make their needs and concerns known. The pandemic has only highlighted the longstanding dangers of secluding residents of long-term care facilities and failing to listen to their voices. I urge you to support all three of these bills.

H.B. 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

Nursing home and other long-term care residents have suffered tremendously during the COVID-19 pandemic. We have all heard about the shocking prevalence of illness and death in this community. But even residents who did not get COVID-19 were affected when visitation to long-term care facilities was abruptly stopped exactly one year ago today. Family members and friends who had long been a constant presence in the facilities and the lives of their loved ones were shut out. The attempts of facilities to ameliorate this problem through the use of technology, varied from facility to facility, often with little success. Even now, visitation to residents in long-term care facilities is severely restricted.

Facility residents should be able to use all possible means to connect with their family, friends and other persons outside the facilities. This is necessary for them to maintain their relationships, their mental health, and to allow oversight of conditions within the facilities by people important to the residents. These residents deserve to use and benefit from the 21st century technology of their own choice. The rules cannot be left to a patchwork of decisions made by individual facilities on a case-by-case basis.

This bill carefully balances the right of a resident to communicate through technology with the privacy rights of staff, roommates and other individuals. It is a thoughtfully crafted proposal worthy of your support.

SB 973, An Act Strengthening the Voice of Residents and Family Councils

The people with lived experience in long-term care should be involved in the formulation of policy or law about such care. In this bill, policy makers are required to solicit input from long-term care residents and family councils before implementing any statewide policy, legislative proposal or regulation concerning living and care conditions in long-term care facilities.

These councils already exist in many facilities. They are organized by residents and family members to discuss and bring resident concerns to facility management. This bill would require that policy makers and lawmakers affirmatively seek the input of these councils when changes to statewide policy or law that affects the residents is proposed, and that members of these councils are included in any statewide task force studying living conditions or care.

As the disability community frequently says, “Nothing about us without us!” For too long, the voices of residents and family members have not been solicited or heard while policy was developed that directly impacted residents’ lives and care conditions. This was evident during the pandemic when visitation rules were imposed without input from the people affected. Many of them have suffered mentally and physically as a result.

No one knows the reality of conditions on the ground better than the residents and their family members. They understand with a deep intensity how policy can affect this vulnerable population. This bill would help to make sure that their input is solicited and incorporated into policy decision-making and new laws.

SB 975, An Act Strengthening the Bill of Rights for Long-Term Care Facility Residents.

This bill seeks to amend in important ways the existing Bill of Rights for residents (referred to as “patients” in the Bill of Rights) of nursing homes, residential care homes and chronic disease hospitals and the Bill of Rights for managed residential communities.

First, it establishes the principle that the resident “is entitled to treat his or her living quarters as his or her home and has no fewer rights than any other resident of the state.” The right to associate and communicate with people of the resident’s choice, and to purchase and use

technology of the resident's choice (provided the privacy of others privacy is protected) are specific examples of this right in the bill.

Secondly, the bill strengthens the current right of residents in nursing homes, residential care homes and chronic disease hospitals to voice grievances and recommend changes in services, policies and procedures. It expressly recognizes their rights to present grievances and recommend changes in policy to management of the facility, government officials or others "without restraint, interference, coercion, discrimination, or reprisal" from the facility, and to have access to the Department of Public Health, the Department of Social Services and the Long-Term Care Ombudsman.

Our experience with the pandemic shows that these are essential rights needed to allow residents of long-term care facilities to report their experiences, suggest changes and voice grievances to the appropriate authorities.

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.

Jean Mills Aranha
Connecticut Legal Services, Inc.
203-388-1705
jaranja@ctlegal.org