



Connecticut Department of Public Health

Testimony Presented Before the Committee on Aging Committee

March 9, 2021

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

The Department of Public Health (DPH) provides the following information in regards to Senate Bill 975, which will affirm that residents of a nursing home, managed residential care facility, residential care facility, or chronic disease hospital have the right to treat their living quarters as their homes, have the right to use technology of their choice for purposes including virtual visitation, and to file grievances to report violations of their rights. Thank you for the opportunity to testify on this important issue.

Sections 1 and 2 of this bill revise the Patients' Bill of Rights to ensure that a resident living in a nursing home, residential care facility, chronic disease hospital, or managed residential community is entitled to treat his or her living quarters as his or her home by providing the resident with the ability to communicate privately with persons of the resident's choice, and to allow a patient to use technology to facilitate virtual visitation with the resident's family or other persons identified by the resident. The ability to provide the resident with tools to facilitate communication with his or her representatives and family members is imperative to the well-being of the resident. As we learned during the COVID-19 pandemic, when visitation is restricted virtual communication with representatives and family is crucial. Lastly, Section 1 revises the statute pertaining to presenting grievances and recommending changes in policies, procedures and services to ensure the resident can do so without restraint, interference, coercion, discrimination or reprisal from the facility. The Department supports the intent outlined in this section to allow for patient privacy, facilitate communication and ensure the resident's rights are being upheld.

DPH, on behalf of the Centers for Medicare and Medicaid Services (CMS), conducts annual certification activities in nursing homes to ensure compliance with all state and federal laws and regulations. In addition to the statutes pertaining to the Patients' Bill of Rights, the Department provides the following information regarding federal conditions of participation, which a nursing home must comply with.

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In accordance with §483.10(h) of the U.S. Code of Federal Regulations (CFR), each resident has a right to privacy for all aspects of care and confidentiality. A nursing home resident has the right to personal privacy of not only his or her own physical body, but of his or her personal space - including accommodations and personal care. Ensuring informed consent when electronic monitoring will be utilized for both the resident and if applicable, a roommate, is critical to the process.

Further, §483.10(j) of the CFR speaks to a resident's right to voice grievances to the facility or another agency, such as the Connecticut Long-Term Care Ombudsman, or other entity that hears grievances without discrimination or reprisal, and without fear of discrimination or reprisal. Such grievances include those with respect to care and treatment, the behavior of staff and of other residents, and other concerns regarding their stay. During the course of survey activities, grievance files are reviewed to ensure adequacy of the response or action taken when a grievance is made known.

Additionally, in accordance with Section 19-13-D8t(g) of the Regulations of Connecticut State Agencies, all allegations of resident abuse are required to be reported immediately to DPH. All reports of resident abuse are reviewed for investigation.

Thank you for your consideration of this information.