



State of Connecticut
Department of Aging and Disability Services
Long-Term Care Ombudsman Program

**Aging Committee
Public Hearing
Tuesday, March 9, 2021
Testimony of Mairead Painter, State Long-Term Care Ombudsman**

Good afternoon Senator Slap, Representative Phipps, Senator Kelly, Representative Wilson and distinguished members of the Aging Committee. My name is Mairead Painter and I am the State Long-Term Care Ombudsman. Thank you for the opportunity to offer testimony today. The Long-Term Care Ombudsman Program (LTCOP) is mandated by the Older Americans Act and Connecticut General Statutes Sections 17b-400 through 17b-406 to provide services to protect the health, safety, welfare and rights of the residents of long-term care facilities. As the State Ombudsman, it is my responsibility to facilitate public comment and represent the interests of residents in order to recommend changes to the laws, regulations, policies and actions which affect the resident's quality of life and care. On behalf of the 30,000 residents in Connecticut's skilled nursing facilities, residential care homes and managed residential communities, I would like to testify regarding several bills that are before you today.

H.B. No. 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 Long-Term Care Ombudsman Program (LTCOP) supports this bill and has been asked to offer this support on behalf of the Executive Board of Presidents of Resident Councils as well as individual Presidents of Resident Councils. These Councils are created and designed to include and represent the interests of long-term care residents. For years we have told residents in long-term care communities that their room in these facilities is their home. It is for this reason that we support and believe in the idea that residents should have access to any and all technology that they feel best supports the highest quality of life in their home. During the pandemic we were able to see the many ways technology helped to accommodate and support a resident's quality of life.

I have been astounded by the types of technology manufactured in the past ten years and what it is capable of doing. People can play games "together" virtually and ask a black box on the nightstand for all kinds of facts or to play their favorite song from 1942. Residents can also be afforded the security that many of us choose to use in our own homes including devices that can monitor the area and help the resident or loved one know if something is out of the ordinary. This added security and connection would have been invaluable during the pandemic. It is also so important for someone in a facility who may have a physical disability, who might have a challenge using a phone, to have an alternative that gives them the ease and comfort of listening to their child or grandchild talk to them through a speaker. These are accommodations that both residents and their families will benefit from.

I appreciate the language emphasizing that the use of such technology shall not violate a resident's right to privacy. Such protections are a priority for me and the LTCOP. I agree that any monitoring should only be done with the informed consent of the resident. For rooms with roommates there are ways to protect choice and privacy if that concern does arise. One thing we have learned over the last year is that access to the internet and connecting individuals to the community at large is essential. The LTCOP,

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residents and family members appreciate the committee moving forward this bill that honors individualized choice and allows individuals to remain connected and live their highest quality life.

The LTCOP thanks the Aging Committee and co-sponsors, Sen. Catherine A. Osten and Rep. Bobby G. Gibson, for introducing this bill.

S.B. No. 973 AN ACT STRENGTHENING THE VOICE OF RESIDENTS AND FAMILY COUNCILS.

The Long-Term Care Ombudsman Program (LTCOP) supports this bill and has been asked to offer this support on behalf of the Executive Board of Presidents of Resident Councils as well as individual Presidents of Resident Councils. S.B. 973 allows for residents and family members to be informed of changes that would directly impact care, services and life in the nursing home.

“Do with and not for” - this is a phrase the LTCOP prides itself on and asks of others supporting long-term care residents. It is very important to allow residents, residents councils and family councils to provide input and be active members on committees and stake-holder groups that influence nursing home laws, policies, and practices. While we recognize that there may be times where urgent decisions must be made for the good of the many, we appreciate the opportunity that will be afforded to provide input regarding the impact of decisions being considered or that have been made.

This bill will provide residents and family members the access and accommodation to be a part of the conversation and ensuring that decision makers are fully informed as to the impact of the potential changes being proposed. We firmly support a bill that allows for residents and family members to become active participants in creating change and not just the bear the brunt of change.

The LTCOP thanks the Aging Committee and co-sponsor Sen. Catherine A. Osten for introducing this bill.

S.B. No. 975 AN ACT STRENGTHENING THE BILL OF RIGHTS FOR LONG-TERM CARE FACILITY RESIDENTS

The Long-Term Care Ombudsman Program (LTCOP) supports this bill and has been asked to offer this support on behalf of the Executive Board of Presidents of Resident Councils as well as individual Presidents of Resident Councils. Over the last ten or more years there has been a culture change movement to promote a person-centered and home-like environment for long-term care (LTC) facility residents. The language acknowledging the right to “Treat his or her residential unit as his or her home and has no fewer rights than any other resident of the state” is incredibly powerful and will have positive impact for residents across the state in all long-term care settings.

I agree that residents deserve the same rights and privileges that many of us take for granted in our homes: options to use smartphones, tablets, laptops, smartwatches, remote monitoring, home security, voice-activated devices and still other emerging possibilities. This bill assures LTC facility residents the affirmative right to use technology of one’s choice, and with such use, to associate with persons of the residents’ choice in private. LTC facilities will not be able to impose unilateral policies to restrict certain technology use by residents. The bill also emphasizes that resident use of technology shall not violate an individual’s right to privacy under state or federal law, something that is incredibly important to our program.

The Connecticut Nursing Home and Assisted Living Oversight Workgroup, recent articles and reports, and long-standing research have identified concerns about social isolation of older adults and long-term care facility residents (See below, 1, 2, 3). Technology can have many benefits including reducing social isolation, providing connectedness and resident engagement, improving quality of life, brain stimulation and fun, and helping assure quality of care.

Federal long-term care facility resident rights requirements (see below, 4) support the goal of this bill and include the following excerpts: “...The right to reside and receive services in the facility with reasonable accommodation of resident needs and preferences except when to do so would endanger the health or safety of the resident or other residents; ...*Self-determination*. The resident has the right to and the facility must promote and facilitate resident self-determination through support of resident choice....The resident has the right to make choices about aspects of his or her life in the facility that are significant to the resident and ...The resident has a right to interact with members of the community and participate in community activities both inside and outside the facility. Other rights include: The facility must protect and facilitate that resident's right to communicate with individuals and entities within and external to the facility, including reasonable access to: (i) A telephone, including TTY and TDD services; (ii) The internet, to the extent available to the facility.... The resident has the right to have reasonable access to and privacy in their use of electronic communications such as email and video communications and for Internet research.”

To show the importance of the benefit of technology, the LTCOP, in conjunction with the Department of Public Health, distributed tablets to each nursing home and offered them to Residential Care Homes during the summer for resident use and connectedness. CMS provided Civil Monetary Program funds to states for grants to LTC facilities to purchase of technology for resident benefit. The LTCOP used CARES ACT funds to provide a mini projector to a LTC facility resident wishing to watch her grandchild's wedding remotely, but life-size. The Executive Board (E-Board) of Presidents of Resident Council has also been provided iPads to support E-Board council leadership and advocacy efforts.

Regarding video monitoring, a report from the National Center for Elder Abuse (NCEA) and Consumer Voice (see below, 5) identifies nine states that allow the installation of cameras for monitoring in nursing home rooms with appropriate consent. LTCOP supports reasonable and appropriate safeguards and protections with the use of video monitoring.

The LTCOP thanks the Aging Committee and co-sponsor Senator Paul M. Formica for introducing this bill.

Respectfully submitted,



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Department of Aging and Disability Services

Sources

- (1) CT Nursing Home and Oversight Workgroup - https://www.cga.ct.gov/app/taskforce.asp?TF=20201109_Nursing%20Home%20and%20Assisted%20Living%20Oversight%20Working%20Group;
- (2) Consumer Voice Report: [The Devastating Effect of Lockdowns on Residents of Long-Term Care Facilities During COVID-19 \(January 2021\)](#); Altarum Report October 2020 [Experiences of Nursing Home Residents During the Pandemic: What we learned from residents about life under Covid-19 restrictions and what we can do about it](#); AARP Connecticut Urges Lawmakers to Address Deficiencies in Nursing Home & Long-Term Services - <https://states.aarp.org/connecticut/aarp-connecticut-urges-lawmakers-to-address-deficiencies-in-nursing-home-long-term-services>;
- (3) Quinnipiac University Professor Nicholas Nicholas and 2009 article in Journal of Advanced Nursing <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1365-2648.2008.04959.x>
- (4) Federal Long Term Care Facility Requirements and Resident Rights 483.10 - <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9aa7f6c10c9ab67f9ffac8373d907d2&mc=true&n=pt42.5.483&r=PART&ty=HTML> and https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9aa7f6c10c9ab67f9ffac8373d907d2&mc=true&n=pt42.5.483&r=PART&ty=HTML#se42.5.483_110
- (5) NCEA and Consumer Voice 2020 Report “Balancing Privacy and Protection: Surveillance Cameras in Nursing Home Residents’ Rooms Fact Sheet” [cv-ncea-surveillance-factsheet-web-3.pdf](#)