



The Commission on  
Women, Children, Seniors, Equity & Opportunity

**CWCSEO**

Connecticut General Assembly

**Testimony of the Commission on Women, Children, Seniors, Equity and Opportunity  
Presented to the Committee on Aging  
March 9, 2021**

**\*H.B. No. 6552 (RAISED) 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.**

**\*H.B. No. 6554 (RAISED) AN ACT CONCERNING AGING AND COVID-19.**

**\*S.B. No. 973 (RAISED) AN ACT STRENGTHENING THE VOICE OF RESIDENTS AND FAMILY COUNCILS.**

**\*S.B. No. 975 (RAISED) AN ACT STRENGTHENING THE BILL OF RIGHTS FOR LONG-TERM CARE FACILITY RESIDENTS.**

Senator Slap, Representative Phipps, Senator Kelly, Representative Wilson, and other distinguished members of the Aging Committee; my name is Michael Werner, Law & Policy Fellow focusing on Aging Issues for the Commission on Women, Children, Seniors, Equity and Opportunity ("The Commission"). Thank you for the opportunity to testify before you today.

The Commission wishes to testify **in support** of the following bills:

**1. Raised Bill 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.**

- a. The statement of purpose for Raised Bill No. 6552 is, “[t]o allow residents of long-term care facilities to use technology of their choice.”
- b. A consistent theme of the era of coronavirus has been that of the disproportionate impact brought upon seniors and disabled populations, particularly in hospitals and long-term care facilities. The high death rates and forced isolation, away from loved ones and Essential Support Persons for those Older Adult residents and disabled people left remaining, has led to a widely recognized **epidemic of failure to thrive** among these vulnerable and protected populations.<sup>1</sup>

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<sup>1</sup> <https://apnews.com/article/nursing-homes-neglect-death-surge-3b74a2202140c5a6b5cf05cdf0ea4f32>



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- c. Consistent testing, under state and federal guidance, in long-term care facilities, triggers de facto "no visitor" enforcement policies, preventing needed access to outsiders, which is otherwise necessary to safeguard well-being, sustainability and social-emotional reinforcement.
- d. Absent further guidance allowing for Essential Support Persons and family member visits, affirming the right to "virtual visitation" represents a reasonable accommodation and an important step, to help triage the suffering of Older Adults and the disabled in long-term care facilities.
- e. The bill addresses potential privacy concerns among staff, other residents and impacted roommates by providing for constructive notice mechanisms, including consent forms to be developed by the Office of the Long-Term Care Ombudsman and the Department of Public Health.

## **2. Raised Bill No. 6554 An Act Concerning Aging And COVID-19.**

- a. The statement of purpose for Raised Bill No. 6554 is, “[t]o study the impact of the COVID-19 pandemic on senior citizens.”
- b. The work surrounding issue of COVID-19 in long-term care facilities has been looked at in a focused way, as was expressed recently by the state-ordered Mathematica report and the work of other groups.<sup>2</sup>
- c. A majorly impacted and relevant cohort that has been left out of studies thus far includes community living Older Adults. During the pandemic, public health guidance has generally required Older Adults to stay home for a very long time, and they are now among the least socially and otherwise connected. In conjunction with the subsequent inaccessibility of formerly available community supports, it is important to now begin to assess the impact on Connecticut's Older Adults, who have been living in isolation at home during the pandemic.

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<sup>2</sup> <https://portal.ct.gov/-/media/Coronavirus/20201001-Mathematica-final-report.pdf>



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### **3. Raised Bill No. 973 An Act Strengthening The Voice of Residents and Family Councils.**

- a. The statement of purpose for Raised Bill No. 973 is, “[t]o require input from residents councils and family councils at long-term care facilities on any state-wide policies affecting living conditions for residents of such facilities.”
- b. "Resident councils" are elected and run by residents of long-term care facilities that bring concerns to management of such facilities about residents' living conditions and care. "Family councils" are comprised of family members of residents of long-term care facilities that bring concerns to management of such facilities about residents' living conditions and care.
- c. The constituencies represented by these councils have been disproportionately impacted through policy-imposed restrictions in living conditions, in many cases, without consideration given to the perspective or consent of those subjected to these new emergency rules.
- d. Affirming the participation of these councils, through reasonable accommodations of access to video and audio technology, ensures that the voices are heard, of those impacted most by new decision-making.

### **4. Raised Bill No. 975 An Act Strengthening The Bill Of Rights For Long-Term Care Facility Residents.**

- a. The statement of purpose for Raised Bill No. 975 is, “[t]o affirm that residents of long-term care facilities have the right to treat their living quarters as their homes and have the same rights as all other state residents, including the right to use technology of their choice for purposes, including, but not limited to, virtual visitation and file grievances for violations of their rights.”
- b. The Patient's Bill of Rights was first brought forward by the American Hospital Association in 1973 and later updated in 1992, in recognition of the importance for patient populations and their families to know and understand their rights in relation to health care providers and settings. Connecticut has since adopted these principals into legislation, in accordance with provisions of the federal Social Security Act.



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- c. This bill recognizes the extraordinary hardships placed on residents of long-term care facilities and affirms the right for Older Adults and disabled populations to treat his or her living quarters as their home, in furtherance of equal protection, with no fewer rights than any other resident of the state. The language allows for reasonable accommodations to permit freer associations and communications with loved ones and others, through modern technology. This is important in the light of strict restrictions put in place, triggered by constant COVID-19 testing of personnel at long-term care facilities. This update to Connecticut's Patient Bill of Rights, allows for further safeguards against coercion, discrimination or reprisal, in presenting grievances and recommending changes in policies and procedures to various facilities, residential care homes, and hospitals, as well as clear access to the Department of Public Health, the Department of Social Services, or the Office of the Long-Term Care Ombudsman for any concerns.