

Aging Committee JOINT FAVORABLE REPORT

Bill No.: SB-975

AN ACT STRENGTHENING THE BILL OF RIGHTS FOR LONG-TERM CARE

Title: FACILITY RESIDENTS.

Vote Date: 3/11/2021

Vote Action: JOINT FAVORABLE Substitute

PH Date: 3/9/2021

File No.:

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

At times in long-term care facilities residents have been isolated due to their access to current technology. This lack of access to technology can create a poor quality of life for those residents. Additionally, residents should have the knowledge of how to make a living arrangement recommendation or grievance within the facility. The bill affirms that residents at long-term care facilities have the right to treat their living quarters as their homes and have the same rights as other residents, including the right to use the technology of their choice and to file grievances for violations of their rights.

The JFS language includes a sentence in Section 1 of the bill, in lines 11, 12, and 13, "subject to rules designed to protect the privacy, health and safety of other patients at a nursing home facility, residential care home or chronic disease hospital".

RESPONSE FROM ADMINISTRATION/AGENCY:

Senator Paul Formica, Connecticut General Assembly: His testimony was submitted in support of the proposal that seeks to prevent social isolation of seniors who reside in nursing homes and to respect their rights to family contact and privacy. As a member of the Governor's Nursing Home and Assisted Living Facility Oversight Advisory Working Group he has had a much closer view of the challenges these facility residents have faced.

Senator Cathy Osten, Connecticut General Assembly: She offered her comments in favor of this bill and indicated that the bill is essential as we prepare for any future pandemics that might occur.

Mairead Painter, Long-Term Care Ombudsman, Dept. of Aging and Disability Services: She 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. Long-Term Care facilities will not be able to impose policies to restrict certain use of technology by residents. The Connecticut nursing Home and Assisted Living Oversight Workgroup indicate articles and reports that have identified concerns about social isolation of older adults and long-term care facility residents, pointing out that technology can have benefits including reducing social isolation, providing connectedness and resident engagement, improving quality of life, brain stimulation and fun and helping assure the quality of care.

Michael Werner, Attorney, Commission on Women, Children, Seniors, Equity and Opportunity: Their testimony was offered in support of this measure. The language allows for reasonable accommodations to permit freer association and communications with loved ones and others through technology. This is important considering the restrictions placed on long-term facilities. This allows for further safeguards against coercion, discrimination or reprisal, in presenting grievances and in the recommendation of changes in policies and procedures in various facilities, residential care homes, and hospitals.

Dept. of Social Services: Their testimony appreciates and supports the intent of the bill, but certain aspects of the proposed legislation may require further clarification. The language states that patients admitted to any nursing home facility, residential care home or chronic disease hospital can treat their living quarters as their home and as such, provides that the patients have no fewer rights than any other resident of the state but they point out that Residents of those facilities are subject to various statutory provisions that are related to transfer of discharge. It is unclear if conferring such patients with no fewer rights than any other residents of the state unintentionally imposes certain aspects of landlord-tenant law upon all such patients that relate to patient transfer or discharge.

Deidre Gifford, M.D., Commissioner, Dept. of Public Health: The bill revises 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 can treat their living quarters as their home. They support the intent of this bill that allow for patient privacy and the ability to communicate with family and loved ones and to ensure that the resident's rights are being upheld.

NATURE AND SOURCES OF SUPPORT:

Mag Morelli, President, LeadingAge Connecticut: They support this bill and its aims to enhance existing rights for resident of nursing homes and managed residential communities. Additionally, the state has enacted a bill of rights for the resident of managed residential communities and the Dept of Public Health has regulations governing assisted living services agencies (ALSA) and they have a separate bill of rights that protects managed residential community residents receiving ALSA services. We want you to know that these current rights are protected and enforced.

Kathleen Flaherty, Executive Director, Connecticut Legal Rights Project, Inc.: Their testimony is in support of this proposal with suggested amendments. In the same way that

you propose amending the Bill of Rights they encourage the legislature to consider amending the Bill of Rights for psychiatric facilities. They suggest that the line "and shall furnish access to a computer and the internet for the purpose of sending and receiving e-mail" and "patients shall have access to their own personal cell phones to make and receive calls, to send and receive texts and to send and receive e-mail, except as provided in this section."

Anna Doroghazi, AARP, Connecticut: They support this legislation. Codifying these rights in the Residents Bill of Rights acknowledges their importance and establishes that any facility that deprive a patient of rights or benefits created or established for the well-being of the patient shall be liable in a private cause of action for injuries suffered. It is important for residents to know that they have recourse and this bill will establish this.

Anna Mills Aranha, Attorney, Connecticut Legal Services, Stamford: Testimony from her office is in support of this bill. The right to associate and communicate with people of the resident's choice and to purchase and use technology are specific examples of the rights specified in this bill. Also, the bill strengthens the current right of residents to voice grievances and recommend changes in services, policies and procedures. The experience with the pandemic shows that these are essential right needed to allow residents to report their experiences, suggest changes and voice grievances to the appropriate authorities.

Sharon Echtman, e-mail testimony: She expressed her support for this bill.

Irma Rappaport, e-mail testimony: She submitted her comments in support of this proposal and offered her experiences with her mother during the pandemic.

Valerie Marcella, Niantic: She offered testimony in support of this bill. She related her story about her grandmother and some of the difficulties she has had concerning the facility she is in. Her grandmother has reported incidents of aggression and verbal abuse with staff but when she visited someone on staff was present. She believes this bill would be of help to those who cannot protect themselves.

NATURE AND SOURCES OF OPPOSITION:

Matt Barrett, President, Connecticut Assoc. of Health Care Facilities: The proposed changes suggested in this bill are duplicative of rights already provided under federal law and have the potential to create confusion in their application. Existing federal regulations included extensive and detailed rights which must be afforded to all nursing home residents. Considering the existing federal regulations, the proposed additions to the Bill of Rights are overly broad. The language creates confusion because most residents' rooms are not private but rather are shared with unrelated persons and therefore any rights must be exercised without infringing on the rights of other residents. The proposed legislation also provides that each nursing home resident has the right to present grievances and recommend changes in policies, procedures and service and again they point out that these provisions already exist in federal law, including the right to access representatives from state and federal agencies.

Tina Yeitz, President, Connecticut Assoc. of Residential Care Homes: They offered testimony on this bill and describe the language as problematic and vague. They point out 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, for instance, many homes may establish quiet times to avoid loud music or other disruptive behavior late into the night. They are concerned about the ambiguity with the language, "and has no fewer rights than any other resident of the state." They believe the terminology is confusing and vague and fails to fully consider all the other public health laws and regulations that homes must abide by.

**Reported by: Richard Ferrari, Assistant Clerk
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