
OLR Bill Analysis

sHB 5314

AN ACT DETERRING FRAUD AND ABUSE PERPETRATED AGAINST SENIOR CITIZENS.

SUMMARY

This bill requires:

1. certain professionals to complete a training course on elder abuse, neglect, exploitation, and abandonment;
2. the Department of Social Services (DSS) commissioner, within available appropriations, to hire enough staff to ensure that its Protective Services for the Elderly Program staff members have a caseload of 25 or fewer; and
3. certain individuals assisting Medicaid applicants with their applications to disclose specified conflicts of interest and provide a written disclosure regarding the applicants' legal rights.

EFFECTIVE DATE: July 1, 2022, except the elder abuse reporter training provisions are effective upon passage.

§§ 1 & 2 — ELDER ABUSE REPORTER TRAINING

The bill generally requires mandated elder abuse reporters to complete the DSS elder abuse training program, or another DSS-approved program, by December 31, 2022, or within 90 days after becoming a mandated elder abuse reporter (see BACKGROUND). The requirement does not apply to any reporter who has already received the training from an entity required to provide such training to its employees. By law, any institution, organization, agency, or facility that employs people to care for seniors age 60 and older must (1) provide mandatory training on detecting potential elder abuse and (2) inform employees of their obligation to report such incidences.

By law, the DSS commissioner must develop a training program on identifying and reporting elder abuse, neglect, exploitation, and abandonment and make the program available on the department's website and in-person or otherwise throughout the state.

§ 3 — PROTECTIVE SERVICES FOR THE ELDERLY PROGRAM STAFFING

The bill requires the DSS commissioner, within available appropriations, to hire enough staff for the Protective Services for the Elderly Program to ensure that no staff member has an investigation caseload of more than 25 cases at a time. Under this program, DSS staff investigate complaints of abuse, neglect, exploitation, or abandonment of seniors age 60 or older living in the community and provide them with any needed protective services.

§§ 4 & 5 — REQUIRED DISCLOSURES TO MEDICAID APPLICANTS

The bill requires any person who assists with a Medicaid application, other than those related by blood or marriage, to do the following:

1. while assisting a senior age 60 or older, disclose any affiliations, business relationships, ownership interests, or employment with a business or entity that may bill Medicaid for services provided to the applicant and
2. while assisting any person, provide a conspicuous written disclosure about the protection of the applicant's legal rights and assets.

Under the bill, the written disclosure must read as follows:

"Please know that you have legal rights that can protect your assets.

You may wish to seek the advice of an elder law attorney PRIOR to completing this Medicaid application to ensure your finances and rights are protected.

For example, if you are seeking long-term medical care or home care services and you:

- (1) Have a spouse;
- (2) Own real estate;
- (3) Have a child who is disabled; or
- (4) If someone has been living with and caring for you in the last two years:

You may have rights that can be protected with the help of an elder law attorney.

If you have suffered Medicaid ineligibility and/or significant financial loss due to the actions or advice of a non-attorney Medicaid planner, you may file a complaint with the Connecticut Department of Consumer Protection by calling (860) 713-6100.”

BACKGROUND

Mandatory Elder Abuse Reporters

Existing law requires doctors, nurses, long-term care (LTC) facility administrators and staff, other health care personnel, and certain other professionals to report suspected abuse, neglect, abandonment, or exploitation of the elderly and LTC facility residents to DSS within 72 hours of suspecting the abuse or face penalties. They must also report to the department if they suspect an elderly person needs protective services (CGS §§ 17a-412 & 17b-451).

COMMITTEE ACTION

Aging Committee

Joint Favorable

Yea 15 Nay 0 (03/10/2022)