

Human Services Committee JOINT FAVORABLE REPORT

Bill No.: HB-5227

AN ACT ESTABLISHING THE COMMUNITY OMBUDSMAN PROGRAM FOR

Title: HOME CARE.

Vote Date: 3/8/2022

Vote Action: Joint Favorable Substitute Change of Reference to Appropriations

PH Date: 3/1/2022

File No.:

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SPONSORS OF BILL:

Human Services Committee

REASONS FOR BILL:

Committee Bill No. 5227 will establish a Community Ombudsman program within the Office of the Long-Term Care Ombudsman to respond to complaints regarding home and community-based long-term services. Additionally, this legislation will require the State Ombudsman to annually report to the Aging, Human Services, and Public Health committees.

SUBSTITUTE LANGUAGE:

Proposed Substitute Bill No. 5227 adds that an authorized representative can give access to the Ombudsman for home care records when an individual can't consent. Furthermore, it defines authorized representative and requires the Ombudsman to handle client health data in accordance with HIPAA.

RESPONSE FROM ADMINISTRATION/AGENCY:

Deidre S. Gifford, Commissioner of the Department of Social Services (DSS): The Department appreciates the intent and purpose of this program but is unable to support Committee Bill No. 5227 as the Governor's budget does not include funding for the program. As stated in the testimony, this is because the Ombudsman program is funded in large part by the OAA and administered at the federal level. Additionally stated, while initially the Biden Administration had planned expansion to include HCBS, no expansion is currently under discussion. The Department commends the Committee for raising this bill and looks forward to continued collaboration in this effort.

Mairead Painter, State Long Term-Care Ombudsman of the Department of Aging and Disability Services:

The Long-Term Care Ombudsman Program (LTCOP) supports the expansion of the office to cover community-based long-term services and supports (LTSS) with the necessary appropriations. They believe that having the community program within the already established Long-Term Care Ombudsman Program will allow individuals to stay connected with the regional ombudsman teams they are already familiar with.

Commission on Women, Children, Seniors, Equity & Opportunity: CWCSEO is in favor of Committee Bill No. 5227. In the written testimony, CWCSEO expresses that the bill properly addresses the autonomy and independence requirements necessary for the program, by expanding the current structure and leveraging its institutional knowledge and proven leadership, which will quickly allow for the Office to get set up and get to work. Additionally, having an Ombudsman available to all LTSS recipients, regardless of setting, will ensure a safety-net for a rapidly growing population of taxpayers, who continue to contribute to our local municipalities and who, as a public policy, serve the state well by aging at home, in our communities.

NATURE AND SOURCES OF SUPPORT:

Anna Doroghazi, AARP Connecticut: AARP Connecticut strongly supports Committee Bill No. 5227. In the testimony, AARP states that the LTCOP provides critical support, resources, and advocacy that should be available to all long-term care recipients, including those who have chosen to receive their care in less restrictive settings. Additionally, his bill will more importantly improve the quality of life for individuals who receive care in their home. AARP understands that there will be costs associated with expanding the LTCOP that are not supported in the Governor's budget, but strongly believe that investing in these services would further advance the State's work to serve more individual in home and community settings, which are less expensive than institutional settings.

Kathleen Holt, Associate Director/Attorney Center for Medicare Advocacy: The Center strongly supports such an Ombudsman's program, but state that it should be expanded to assist all Connecticut residents navigate obstacles to care at home, prevent misuse of public funds, and protect residents in their homes. It is stated that there is a significant need for protection, oversight, accountability, and reform that such a Community Ombudsman Program would provide.

Fairfield Senior Advocates (FSA): Fairfield Senior Advocates (FSA) are in support of Committee Bill No. 5227. It is stated that it is critically important to extend the current Ombudsman Program to include Home and Community based services to assist seniors to age in place. They argue that with a rapidly aging CT population, more seniors are seeking home or community care, and this trend in all probability has been exacerbated by the COVID pandemic. Additionally, with accelerating Nursing Home and Assisted Care Costs, economics are increasingly dictating for in-need seniors and disabled citizens that their initial option target Home Health Care and/or Community based services; hence, a Community Ombudsman program is a requisite to assist these citizens.

Leah Cantor, Connecticut Resident: Leah Cantor, Connecticut Resident, is in support of Committee Bill No. 5227. The testimony states that there is a huge gap in the availability of real information, advocacy support, and resources for those seeking and managing safe

home care for their loved ones. Ms. Cantor is hopeful that the opportunity arises to fill a growing gap and to affect positive change to protect CT's elderly population. She hopes that a new community ombudsman program for home care would provide desperately needed assistance, so others aren't faced with the struggle that her family endured.

Mark Korzick, Hamden, CT Resident: Mark Korzick, a Hamden, CT resident, strongly supports Committee Bill No. 5227 because it would provide a drastically needed support for families and caregivers who must deal with the Home Health industry by themselves.

David Peck, President, Statewide Coalition of Presidents of Resident Councils: The Statewide Coalition of Presidents of Resident Councils are in support of Committee Bill No. 5227 because there is a need for an organization like the Long-Term Care Ombudsman Program that can be in contact and aware of complaints and then act on them.

NATURE AND SOURCES OF OPPOSITION:

Coco Sellman, All Pointe Home Care: Coco Sellman with All Pointe Home Care opposes Committee Bill No. 5227. In the testimony it states that Community Ombudsman Program is a wonderful idea but other areas of home health need to first be funded before adding new programs that will inevitably need dollars and oversight. Additionally stated, the best way to support home health constituents with access to available services is through the wise counsel of a home health social worker. A home health social worker can provide the same support without adding a whole other program.

Bree Sanca, Regional Vice President of Behavioral Health, Elara Caring: Bree Sanca, Regional Vice President of Behavioral Health with Elara Caring, supports the intent of the bill but states that funding an additional program before the foundation of home health is restored seems counterintuitive. The testimony states that the payment of the delayed one time 5% FMAP payment with no definitive timeline for distribution would provide some much-needed relief to those agencies that continue to provide services to the Medicaid community. Elara Caring asks that the remaining 10.5% to the medication administration rate be restored so that they can continue to improve the lives and outcomes of Connecticut's behavioral health population.

Home Care Association of America Connecticut (HCAOA): HCAOA Connecticut is not opposed to the community ombudsman program but recommends addressing the significant caregiver shortage and increasing Medicaid reimbursement rates for Medicaid providers before adoption. According to HCAOA Connecticut, the program may provide unnecessary duplicative oversight, which is already in place through Elderly Protective Services. In the testimony, it is suggested that any program costs should instead be invested in the sustainability of HCBS providers.

Ann Wilson, Client Services Manager, Companions & Homemakers, Inc.: Ann Wilson, a Client Services Manager with Companions & Homemakers, Inc. supports the concept of an Ombudsman Program but states that the long-awaited financial resources needed to stabilize the home care system in Connecticut is allocated first. Ms. Wilson is asking that the promised 1.7% increase in reimbursement rates be put into effect immediately and also the promised ARPA funding be put in place by March 31st.

