

Aging Committee JOINT FAVORABLE REPORT

Bill No.: HB-5314
AN ACT DETERRING FRAUD AND ABUSE PERPETRATED AGAINST SENIOR
Title: CITIZENS.
Vote Date: 3/10/2022
Vote Action: Joint Favorable
PH Date: 3/8/2022
File No.:

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

This bill would require mandatory training for mandated reporters of abuse, neglect, exploitation of elderly persons. It also indicates that the persons investigation abuse for the Dept. of Social Services are not assigned more than twenty-five cases and that persons assisting elderly with Medicaid applications be advised of conflict of interest and their legal rights.

RESPONSE FROM ADMINISTRATION/AGENCY:

Dept of Social Services states that the Dept. already has online training on their web site that details the Protective Services for the Elderly (PSE) for mandated reporters. The Dept. agrees that sufficient staffing resources are critical to the delivery of protective services and point out that the ideal case load requires detailed study, and they expect to receive funds from the American Rescue Plan Act (ARPA) and with that funding intends to recommend what number of cases should be covered by each social worker.

The Dept is concerned that the language in Section 5 could provide applicants with a misconception that they are required to seek the services of an elder law attorney prior to applying for Medicaid. They recommend an amendment that would limit the notice requirement to for-profit entities and that a revision of that nature would avoid any misconceptions that they are required to hire an attorney.

Mr. Michael Werner, Commission on Women, Children, Seniors, Equity and Opportunity, they support this proposal. The Senior Fraud Task Force completed its report in February 2022. This bill addresses mandated training for mandated reporters, caseload

burdens and disclosures for potential conflicts of interest by those assisting Medicaid applicants and provides for a conspicuous written disclosure note advising Medicaid applicants of their legal rights.

NATURE AND SOURCES OF SUPPORT:

Mr. Matt Barrett, President and CEO, CT Assoc. Of Health Care Facilities, and they offered testimony in support of this proposal. They support, conceptionally, the provision in Section 5, with language that would provide the applicant with a written disclosure concerning their legal rights. They also suggest language "any person who provides a person with assistance in completing an application for Medicaid benefits, who is not related to such person by blood or marriage" be inserted in line 69 after the coma.

Ms. Anna Doroghazi, Policy and Outreach Coordinator, AARP offered comments in support of this legislation and pointed out that because elder abuse is often hidden that detecting and preventing it is sometimes difficult. They also point out that a recent audit of Protective Services for the elderly found that current case load averages some where between 15 and 50 cases with case loads sometimes reaching as high as 80 cases. They also agree that a disclosure requirement would alert Medicaid applicant to their rights and protections.

Mr. Marc Gallucci, Chief Advocate, Center for Disability Rights offered their comments in support of this bill especially the provision about the disclosure of business relationships between SNF's and services that they refer residents to for long term planning and Medicaid applications.

Mr. Edward Lang, CT Chapter of the Nat. Academy of Elder Law Attorneys, testified in support of this proposal. He believes that this bill will have an important impact for elderly persons and their families by enforcing disclosures of potential conflicts of interest by the entities which persons are often encouraged to seek and protect families who would suffer undue stress and financial losses because they were not aware of rights and protections afforded to them.

Steven Rubin, President, CT Chapter of the National Academy of Elder Law Attorneys, offered comments in support of this legislation. Based on testimony that was heard at the task force the disclosures that exist in this bill are necessary and seem to be the best starting point for halting this form of fraud. He offered several antidotal stories which underscored the need for this protection. He believes that the importance of this issue cannot be understated and fully supports passing this bill.

Ms. Joan Reed Wilson, President Elect, CT Chapter of the National Academy of Elder Law Attorneys, testified in support of this legislation saying that the Task Force learned through testimony from several professionals that the reasons for the need are two-fold. (1) there is no central location for applicants to seek assistance and the various application assistors do not have mandatory or training and (2) applicants themselves do not have a full understanding of their rights to know when to seek legal assistance. Improper guidance not only impedes the consumer's rights but can also ultimately cost the State money. The solution is to ensure that all Medicaid applicant assistors provide a disclosure that the applicant may have legal rights to protect their assets.

Regina Stankaitis, Volunteer, AARP offered her testimony in support of this bill. She comments included her own experiences with fraud and abuse. She asks that the State considers passing this bill for all the Connecticut elderly who are abused and exploited.

Mr. William Lenahan, Fairfield Senior Advocates, they offer their comments in support of this bill and point out that it was a key recommendation of the State Task Force for ways to protect Seniors from fraud. He believes training for all mandated reporters is essential to increasing trained eyes and ears in the field to detect elderly fraud and exploitation. He does suggest that it would be beneficial that this program's information be listed on the Comm. for Women, Children, Seniors, Equity and Opportunity's web site.

NATURE AND SOURCES OF OPPOSITION:

Ms. Mag Morelli, President, LeadingAge, CT., they offered testimony strongly opposed to Section 5 of this bill. They believe that language would do nothing more than to frighten and intimidate Medicaid applicants and their families into paying legal fees to an elder law attorney's. They don't have opposition to the consumer orientated disclosure requirements proposed in section 4.

David Godbout, Constituent, he expressed opposition to all bills put forward by the committee, under the claim of nullification.

Reported by:

3/14/22

Cameron Clarke, Committee Clerk
Richard Ferrari, Asst. Clerk