

# Human Services Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-989

AN ACT CONCERNING NURSING HOME AIR CONDITIONING, COST REPORTING TRANSPARENCY, WAITING LIST REQUIREMENTS, INVOLUNTARY PATIENT TRANSFER NOTICES AND TRANSPORTATION

**Title:** FOR RESIDENT SOCIAL VISITS.

**Vote Date:** 3/28/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/16/2023

**File No.:** 554

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## **SPONSORS OF BILL:**

Human Services Committee

## **CO-SPONSORS OF BILL:**

Sen. Herron Gaston, 23rd Dist.

Rep. David Michel, 146th Dist.

Rep. Dorinda Borer, 115th Dist.

Rep. Jason Doucette, 13th Dist.

Rep. Eleni Kavros DeGraw, 17th Dist.

Rep. Kate Farrar, 20th Dist.

Rep. Aimee Berger-Girvalo, 111th Dist.

## **REASONS FOR BILL:**

Individuals residing in nursing homes have not been receiving the care and services they need on a daily basis due to staff shortages. This does not only affect residents but staff as well who are exhausted and under a lot of stress. Staff shortages can also be a factor in poor health outcomes, increased rates of falls, infections, to medication errors. Some facilities do not even have air conditioning available for residents, thus exacerbating these poor health outcomes.

Moreover, nursing homes are typically owned by large corporations with complex ownership structures that make it difficult to ensure that residents are being treated with the best interest in mind. Increasing the minimum staffing hours, transparency, access to transportation, and requiring ACs will allow individuals and families peace of mind knowing residents are getting the best care possible and nursing homes are being held accountable if they are not meeting standards. Nursing homes are a critical part of the long-term care continuum and residents deserve to live in dignity.

## **SUBSTITUTE LANGUAGE:**

The substitute language requires DPH to determine what nursing homes lack AC in patient rooms, the costs and feasibility of supplying it, and report back to the Aging, Human Services, and Public Health Committees by January 1, 2025. It then requires nursing homes to provide AC in every resident room by January 2026. Retains revolving loan funds to provide financial assistance to nursing homes. Additionally, it requires DSS to study whether the lack of reliable transportation for nursing home-bound seniors is a health-related social need that potentially could be covered under Medicaid and report to MAPOC. Deletes section requiring changes in nursing home requirements that wait lists be electronic in favor of a working group and report to HS. It pushes the requirement that nursing homes provide plain language summaries of items in cost reports to January 2024 and makes technical changes. Finally, the substitute language removes provisions requiring nursing home staffing ratio increases.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Department of Social Services (DSS), Commissioner, Andrea Barton Reeves;** cannot support this [bill stating concerns with certain sections of the bill](#) as it would include additional costs that are not included in the budget. It is stated that establishing statutory requirements may limit DSS from making future changes to the cost report.

**Connecticut State Long Term Care Ombudsman, State Ombudsperson, Mairead Painter;** supports this bill stating it is unacceptable for nursing home residents to not have air conditioning in the warmer months. It is stated that when an Ombudsperson goes to a facility and investigates complaints, they find that management has ACs in their offices while the residents suffer. It is stated that providing written notice to residents before discharge or transfer with resources will allow more accountability and won't burden state offices. It is also stated that allowing nursing homes to provide nonemergency transportation is necessary to stay connected to loved ones and their community. It is stated that the LTCOP opposes Section 5 as any changes made to the wait list statute as it protects the most vulnerable individuals. It is also stated that Sections 6, 7, 8, and 9 will help residents and provide quality care by having appropriate staffing.

## **NATURE AND SOURCES OF SUPPORT:**

**AARP Connecticut, Associate State Director, Anna Doroghazi;** supports this bill stating that residents have developed horrible pressure sores, have fallen when trying to get themselves out of bed, and have gone weeks without showers. It is stated increasing the staffing levels is necessary to ensure adequate care and safety for residents despite staffing challenges.

**AARP Connecticut, Volunteer, Susan Caplan;** supports this bill stating that the long-term care business model decreases residents' quality of care and unsafe working conditions for staff. It is stated that a major proponent of staff shortages is the difficult and dangerous working conditions staff face.

**AARP Connecticut, Volunteer, Kathy Null;** supports this bill stating this will continue the efforts the state is making to provide good care and protection to nursing home residents by increasing staffing levels and requiring written notification of care.

**Center for Medicare Advocacy, Senior Health Policy Specialist, Cinnamon St. John;**

supports this bill stating that requiring transparent cost reporting by nursing homes, ensuring residents receive necessary care, establishing minimum nursing home staffing levels, and imposing stricter oversight and accountability for violations of rules and regulations will advance the health and safety of Connecticut nursing home residents. It is stated that enhancing the state's ability to discover money mismanagement in nursing homes will provide the data to the state for future plans.

**Connecticut AFL-CIO, President, Ed Hawthorne;** supports this bill stating that safe staffing levels are important for protecting the quality of patient care and workplace safety to reduce staff burnout and turnover in an industry that needs to keep qualified and competent staff. It is stated that focusing on financial transparency will allow a better understanding of how nursing homes are spending Medicaid dollars and will give the state direction as to how to support long-term care services in the future.

**Connecticut Bar Association, Kathleen Hayes;** supports this bill stating it is inhuman that nursing home residents do not have ACs and may experience extreme heat and discomfort. It is stated that increasing the staffing standards will increase the humane treatment and reduce isolation and loneliness for residents.

**Connecticut Legal Services, Volunteer Attorney, Jean Mills Aranha;** supports this bill stating that the provisions would improve the lives of nursing home residents across the state. It is suggested that involuntary discharge or transfer notices be provided to the Long-Term Care Ombudsman to ensure that another entity is informed of the notice.

**CT Nurses United, Elizabeth Reis;** supports this bill and [shares her experience](#) as a geriatric long-term nurse.

**Connecticut Statewide Family Council, Vice Chair, Frederic Kaeser;** supports this bill stating residents in long-term facilities deserve a dignified level of care worthy that everyone can expect.

**Connecticut Statewide Family Council, Member, Elizabeth Stern;** supports this bill asking stating that nursing home residents deserve the same dignity, respect, and legal protections, as someone living independently and should not be denied transparency.

**Communities 4 Action, Amy Badini;** supports this bill stating that nursing home residents suffered throughout the pandemic due to isolation and not being able to see family. It is stated social services are important for residents.

**The following individuals have submitted testimony in support of this bill.** It is stated that the role of a healthcare worker is physically, mentally, and emotionally draining and there is little support. It is stated short staffing, underfunding, and lack of transparency have made it difficult to work in a nursing home, and therefore, now is the time to hold nursing homes responsible for not meeting staffing standards.

**SEIU 1199NE, CNA, Paulette Belin**

**SEIU 1199NE, CNA, Marybeth Cimino**

SEIU 1199NE, LPN, Merideth Elco  
SEIU 1199NE, CNA, Lisa Emmer  
SEIU 1199NE, LPN, Thompson Lorette,  
SEIU 1199NE, CNA, Waleska Martinez  
SEIU 1199NE, CNA, Lurlette Newell  
SEIU 1199NE, CNA, Yvonne McCleese Otero  
SEIU 1199NE, VP of the Service Employees International Union District, Natasha Royal

**Connecticut Resident, West Haven, Meari Avery;** supports this bill stating that it addresses not only increased staffing per resident but also transparency in cost reporting to assure that funds allocated to provide direct patient care are going to that care.

**Connecticut Resident, Meriden, Debra Ellis;** supports this bill stating transparency and accountability is needed as the nursing home industry has been getting away with a lot and residents continue to suffer.

**Connecticut Resident, South Windsor, Cynthia Hadden;** supports this bill stating staffing levels need to be increased and maintained to provide quality care to residents in long-term care facilities.

**Connecticut Resident, John Interlandi;** supports the bill stating that there is a lack of process, communication, suitable staff, commitment to action, and providing individuals with a safe and respectful environment. It states that this will help those who need protection, love, and guidance.

**Connecticut Resident, Newtown, Paola Lopez;** supports this bill stating that patients need quality care and dignity during their last years of life. It is stated more staff is needed and should be compensated in order for our loved ones to get better care.

**Connecticut Resident, Virginia Muscarella;** supports this bill stating she is her father's conservator who is currently resided in a nursing home. It is stated there wasn't enough staff to provide basic services such as delivering meals or showers.

**Connecticut Resident, Nina Romanenko;** supports this bill as it will safeguard the rights of residents and ensure that quality care will be provided.

**Connecticut Resident, Mary Alice Schulte;** supports this bill stating necessary care must be provided to nursing home residents.

**Connecticut Resident, Joseph Swart;** supports this bill stating that he has personally experienced problems with short-handed staff and personnel when both his mother and father were in the nursing home. It is stated that several issues need to be corrected within nursing homes.

**Two individuals have submitted testimony anonymously in support of this bill.**

**NATURE AND SOURCES OF OPPOSITION:**

**Connecticut Association of Health Care Facilities / Connecticut Center For Assisted Living (CAHCF/CCAL), President & CEO, Matt Barrett;** opposes the bill stating that cost reports would be more efficient and uniform if nursing homes can develop their summaries through a program on the DSS website. It is suggested the Biden Administration's "Disclosure of Ownership and Additional Disclosable Parties Information for Skilled Nursing Facilities" be reviewed as it would provide further information as to what additional state rules are needed. It is stated that staffing shortages have been present and providers are doing everything they can to hire and retain staff but aren't making much progress.

**The following individuals have submitted testimony in opposition to this bill.** It is stated that having another minimum staffing mandate will make the problem worse as it has been difficult to fill these positions currently. It is stated efforts have been made to recruit employees, such as sign-on bonuses, but these positions remain open. It is stated that the staffing shortage is affecting their daily delivery of care as current employees are faced with extra burdens which can result in added stress and burnout. It is also stated that although more staff is needed, the pandemic has decimated the available workforce across the healthcare field. It is suggested that resources and funding be disbursed to increase the existing labor pool for healthcare facilities.

Ark Healthcare and Rehabilitation at St. Camillus, Administrator, Reuven Fischer  
Ark Healthcare and Rehabilitation, Vice President of Clinical Operations, Mary Lord  
Ark Healthcare and Rehabilitation at Branford Hills, Administrator, Janet Woxland  
Athena Health Care Systems, Regional Director Operations CT, Christine McKinney  
Avon Health Center & West Hartford Health and Rehabilitation Center, VP & Director of Operations, Russell Schwartz  
Bayview Health Care, Administrator, James Dahl  
Beechwood Rehab, Executive Director, Amy Bentley  
Bethel Health Care Center, Administrator, Erin Healy  
Bloomfield Center for Nursing & Rehab, Administrator, Portia Bachman  
Bride Brook Rehab & Nursing Center, Administrator, Lisa Mailloux  
Cambridge Health, Administrator, Anna Durkovic  
Colonial Health and Rehab Center of Plainfield, Co-Owner & Administrator, Curtis Rodowicz  
Complete Care Management LLC, COO & Partner for CT, Robert Hoch  
Connecticut Health and Educational Facilities Authority, Executive Director, Jeanette Weldon  
Essential Healthcare, Chief Operating Officer, Tamlyn Campanelli  
Essential Healthcare, Maria Serrano  
Essential Healthcare, Administrator, Katerina Zhao  
Filosa for Nursing & Rehabilitation and Hancock Hall, President, Jennifer Malone-Seixas  
Hebrew Center for Health and Rehabilitation, Administrator, Penni Martin  
Leeway Inc., Executive Director, Jay Katz  
Lord Chamberlain Nursing, Administrator, James Bergers  
Ludlowe Center for Health & Rehabilitation, Administrator, Patricia Page  
Maple View Health and Rehab, Administrator, Lewis Abramson  
Marlborough Health and Rehabilitation Center, Administrator, Michael Rayel  
Middlebury Convalescent Home, Inc., Administrator, Jeanine Hammitt  
Milford Health & Rehabilitation Center, Administrator, Joanne Jinete  
National Healthcare Associates, Director of Operations, Kevin Prisco  
Nursing Home Administrator, The Governor's House, David Greenwald  
Parkway Pavilion, Executive Director, Marisa Jones

Pendleton Rehabilitation and Nursing Center, Administrator, Sue Peglow  
The Pines at Bristol, Interim Administrator, Karen Chadderton  
Riverside Health and Rehab, Administrator, Rosemary Beaudoin  
Ryders Health Care, Chief Operating Officer, Joseph Colaci  
Southport Center for Nursing and Rehabilitation, Administrator, Natalie Brown  
Southport Center for Nursing and Rehabilitation, Director of Nursing, Priscilla Sarpong  
Torrington Center for Nursing, Director of Nursing, Nina Bennett  
Torrington Center for Nursing, Administrator, Jim Thompson  
Touchpoints at Bloomfield, Administrator, Heather Rodriguez  
Touchpoints at Manchester, Administrator, Patrick Neagle  
Villa Maria Nursing and Rehabilitation, Executive Director, Nicole Lewis  
Village Green of Bristol, Administrator, Janet Shahen  
Wachusett Healthcare, Regional Clinical Specialist, Joan Antico  
Wachusett Healthcare, Principal, Raymond Dennehy, III  
Wachusett Healthcare, Director of Human Resources, Sharon Ellis  
Wachusett Healthcare, Chief Executive Officer, Steven Vera  
Water's Edge Center for Health & Rehabilitation, Administrator, Richard A. DeMio  
West Hartford Health & Rehabilitation Center, Administrator, Theresa Sanderson  
West Haven Center for Nursing, Assistant Director of Nursing, Joyce Abankwa  
West Haven Center for Nursing, Director of Recreation, Wanda Barnes  
West Haven Center for Nursing, Administrator, Helen Byron  
Westside Care Center, Administrator, George Kingston  
Windsor Health and Rehabilitation Center, Owner & Administrator, Lara Alatise

#### **NATURE AND SOURCES OF GENERAL COMMENTS:**

**LeadingAge Connecticut, President, Mag Morell;** opposes the bill stating the AC mandate is an overreach and will be costly on nursing homes that have existing cooling systems and emergency hot weather plans. It is stated that the transmission of a notice of involuntary discharge to the Office of the Long-Term Care Ombudsman is not needed as it will add another administrative burden. It is stated the cost report summaries as there is no benefit to having individual summaries. It is also stated that increasing the staffing ratios is not the best method as one staffing level does not fit all needs. It is stated that LeadingAge supports updating the nursing home waiting list.

**Reported by: Isaac Agyemang-Duah**

**Date: April 14, 2023**