

PA10-127

HB5113

Aging	30, 33, 39-44, 59-60, 79, 81, 91, 95-96, 154-156	18
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		29

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 4
895– 1168**

ch/gdm/gbr
HOUSE OF REPRESENTATIVES

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April 20, 2010

chamber please.

SPEAKER ALTOBELLO:

Have all the members voted? Have all the members voted? Please check the board to make sure your vote has been properly cast.

If all the members have voted, the machine will be locked, and the Clerk will please take a tally. Will the Clerk please announce the tally?

THE CLERK:

House Bill 5202, as amended by House A.

Total Number voting	143
Necessary for adoption	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

SPEAKER ALTOBELLO:

The bill as amended is passed.

Will the Clerk please call Calendar 34 -- three four?

THE CLERK:

On page four, Calendar 34, Substitute for House Bill Number 5113, AN ACT CONCERNING BILLING FOR SERVICES COVERED BY LONG-TERM CARE INSURANCE BY MANAGED RESIDENTIAL COMMUNITIES, favorable report by the Committee on Insurance.

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SPEAKER ALTOBELLO:

Representative Serra of the 33rd district, you have the floor, sir.

REP. SERRA (33rd):

Thank you, Mr. Speaker.

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage the bill.

SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of the Joint Committee's favorable report and passage of the bill.

Please proceed, sir.

REP. SERRA (33rd):

Thank you, Mr. Speaker.

Mr. Speaker, this bill requires a managed residential community, which we call an MRC, to help a resident who requests assistance in preparing and submitting claims on long-term insurance policies. The resident must authorize the insurer, in writing, to disclose information about his or her policy benefits to the MRC.

The bill exempts the kind of assistance from the prohibition of -- against MRCs from controlling or managing residential financial affairs. Mr. Speaker,

we have had it demonstrated to us that residents of managed residential communities are often in need of assistance in order to negotiate the processes necessary to access benefits which they are entitled to under long-term care insurance policies. This is especially in the case where residents who may not have local family or other caregivers support to provide that assistance.

And with that, Mr. Speaker, the Clerk has an amendment, LCO 3397. I ask that he call it and I receive permission to summarize.

SPEAKER ALTOBELLO:

Will the Clerk please call LCO 3397, which shall be designated as House Amendment Schedule A?

THE CLERK:

LCO Number 3397, House "A", offered by Representative Serra and Senator Prague.

SPEAKER ALTOBELLO:

Representative Serra seeks leave of the chamber to summarize. Do I hear objection to summarization?

If not, please proceed, Representative Serra.

REP. SERRA (33rd):

Thank you, Mr. Speaker.

Mr. Speaker, this amendment really clarifies

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changes to the underlying bill and does not result in any fiscal impact. And with that, Mr. Speaker, I move approval of the bill.

Thank you, Mr. Speaker.

SPEAKER ALTOBELLO:

The question before the Chamber is adoption of House A.

Adoption House A. Will you remark?

Representative Frey, of the 111th, you have the floor, sir.

REP. FREY (111th):

Thank you, Mr. Speaker.

I -- I would concur with the amendment that is offered by the Chairman of the Aging Committee. It definitely improves the underlying bill which should be adopted as well. And I want to thank him for his cooperation in pursuing this issue.

Thank you.

SPEAKER ALTOBELLO:

Thank you very much, sir.

Further on House A?

If not, I'll try your minds, all those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ALTOBELLO:

Opposed?

The ayes have it.

The amendment is adopted.

Further on the bill as amended? Further on the
bill as amended?

Representative Larry Miller of the 122nd, you
have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker.

I rise in support of the bill as amended. I
think anything that can help our seniors out, it's
always a good thing. Certainly, they're always
confused with all the -- the legalese that's in some
of these forms and papers that they have to
scrutinize. So I hope that the Assembly will vote in
favor of this bill.

Thank you, Mr. Speaker.

SPEAKER ALTOBELLO:

And I thank you, as always, Representative
Miller.

Further on the bill as amended? Further on the bill
as amended?

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If not, staff and guests please return to the well. House members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber please.

SPEAKER ALTOBELLO:

Have all the members voted? Have all the members voted? Please check the board to make sure your vote has been properly cast.

If all the members have voted, the machine will be locked, and the Clerk will please take a tally. Will the Clerk please announce the tally?

THE CLERK:

House Bill 5113 as amended by House A.

Total Number voting 144

Necessary for adoption 73

Those voting Yea 144

Those voting Nay 0

Those absent and not voting 7

SPEAKER ALTOBELLO:

The bill as amended passes.

Will the Clerk please call Calendar 40 -- four

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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cd
SENATE

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SENATOR LOONEY:

Thank you, Mr. President.

Then calendar page 6, Calendar 378, House Bill 5197,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to calendar page 8, Calendar 440, House Bill
5113, move to place the item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 8, Calendar 441, House Bill 5109, move
to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Continuing calendar page 9, Calendar 444, House Bill
5500, move to place the item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

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SENATE

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Calling from Agenda Number 4, Substitute for Senate Bill 201.

Senate Agenda Number 8, Substitute for House Bill 5398, Substitute for House -- Senate Bill 175, Substitute for Senate Bill 302.

Returning to the calendar -- beginning on calendar page 5, Calendar Number 315, House Bill 5264.

Calendar page 6, Calendar 378, Substitute for or -- correction -- House Bill 5197.

Calendar page 8, Calendar -- correction, returning back to page 5, Calendar 295, Substitute for House Bill 5114 -- correction, not Calendar 295, it's Calendar 294, House Bill 5391.

Returning to calendar page 6, Calendar Number 378, House Bill 5197.

Calendar page 8, Calendar Number 440, Substitute for House Bill 5113. Calendar page 441 -- Calendar 441, Substitute for House Bill 5109.

Calendar page 9, Calendar 444, House Bill 5500.
Calendar 5 -- 41 --

Calendar page 9, Calendar 444, House Bill 5500;
Calendar 4555, House Bill 5202; Calendar 445, House Bill 5392; Calendar 450, House Bill 5529.

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Calendar page 10, Calendar 461, House Bill 5207;
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar
487, House Bill 5220; Calendar 488, House Bill 5297;
Calendar 490, 5425 -- House; Calendar 496, House Bill
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;
Calendar 514, House Bill 5426; Calendar 516, House Bill
5393.

Calendar page 15, Calendar 520, House Bill 5336;
Calendar 521, House Bill 5424; Calendar 523, House Bill
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;
Calendar 540, House Bill 5494; Calendar 543, House Bill
5399.

Calendar page 18, Calendar 544, House Bill 5434;
Calendar 547, House Bill 5196; Calendar 548, House Bill
5533; Calendar 549, House Bill 5387; Calendar 550, House
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

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Calendar page 20, Calendar 556, House Bill 5498;
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,
House Bill 5253; and House Bill -- Calendar 563, House
Bill 5340; Calendar 567, House Bill 5371; and Calendar
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the
Senate on the consent calendar. Will all Senators please
return to the chamber. Immediate roll call has been ordered in the Senate on the
consent calendar. Will all Senators please return to the chamber.

cd
SENATE

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THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent
Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

**JOINT
STANDING
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HEARINGS**

**SELECT
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REP. FLOREN: Is reasonable. Thank you.

MARTIN ACEVEDO: Yes. You're welcome.

REP. SERRA: Thank you.

MARTIN ACEVEDO: Thank you.

REP. SERRA: Mag Morelli.

Good morning.

MAG MORELLI: Good morning. Good morning, Senator Prague, Representative Serra, members of the committee. My name is Mag Morelli, and I'm the president of the Connecticut Association of Not-for-Profit Providers for the Aging or CANPFA, an organization of over 150 nonprofit providers of aging services along the full continuum of long-term care.

On behalf of CANPFA, I would like to present testimony on several bills before you today. We've submitted intensive -- extensive testimony, so I just want to summarize for you, in order of -- in bill order.

On Senate Bill 103, AN ACT CONCERNING ACCESS TO COMPREHENSIVE FACTUAL INFORMATION REGARDING LONG-TERM CARE FACILITIES, we object to this bill because it creates unnecessary revisions to the already extensive nursing home residents' bill of rights, and it endorses what we believed is a flawed five-star rating system, and creates additional paperwork compliance that takes dwindling resources away from direct care and applies them to administrative functions without substantiating the value of the shift in resources.

SB104
SB105
HB510
HB513

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co-payments on the home care program. We appreciate the effort being done on everyone on this part to try to make sure that we make the -- the correct adjustments and try to make -- so as not to discourage people from participating in the home care program.

And finally on House Bill 5113, AN ACT CONCERNING BILLING FOR SERVICES COVERED BY LONG-TERM CARE INSURANCE BY MANAGED RESIDENTIAL COMMUNITIES, we strongly support this piece of legislation, and we thank the committee for raising it and for working with members of CANPFA on the language that's included in it.

Thank You.

REP. SERRA: Senator Prague.

SENATOR PRAGUE: Well Mag, thank you for coming in this morning.

MAG MORELLI: Thank you, Senator.

SENATOR PRAGUE: I don't know where you live, but it was awful where I live.

Anyhow, I wanted to ask you a question about Senate Bill 105, AN ACT CONCERNING LIABILITY OF NURSING HOME OWNERS FOR NEGLECT AND ABUSE OF NURSING HOME RESIDENTS. Who do you think should be responsible Mag, if it isn't the owners?

MAG MORELLI: Well, if there's a will -- I mean, I think the owner can be held liable. But there's a criminal standard of intent that needs to be there, so there's a very high standard from the criminal aspect.

From the regulatory aspect, there is a zero

MAG MORELLI: You know, I don't. I could find out for you. I could ask and just at least get some examples from different nursing homes what that cost would be.

REP. BYE: Because, I think -- I think that -- that would be really helpful.

My second question is, about House Bill 5110, and I think you make a constructive comment, which is that in Section 3, the extensive background check be completed by the agency on an applicant as a condition of hire versus applicant. As someone who hires people, you can have a hundred applicants for a position and it costs you money per background check or time and effort. So if it's a condition of hire, I think that's a very reasonable request for this, so we'll definitely consider it.

MAG MORELLI: Thank you.

REP. BYE: So, thank you.

REP. SERRA: Thank you.

MAG MORELLI: Thank you.

REP. SERRA: Next is Bonnie Gauthier.

Brenda Kelly or Bonnie? Oh, okay.

Good morning.

BONNIE GAUTHIER: Good morning, Representative Serra, members of the committee. My name is Bonnie Gauthier, and I am the president and CEO of Hebrew Health Care in West Hartford, Connecticut.

HB 5113

Hebrew Health Care has a 109-year history of providing services to the aging of the Greater

Hartford community. We are a not-for-profit, nonsectarian organization offering a constellation of services across the care continuum, including assisted-living services, provided in our managed residential community, Hoffman Summer Wood Community also in West Hartford.

I am here today to speak in support of Raised Bill 5113, AN ACT CONCERNING BILLING FOR SERVICES COVERED BY LONG-TERM CARE INSURANCE BY MANAGED RESIDENTIAL COMMUNITIES. Our experience with our own Hoffman Summer Wood community has demonstrated to us that residents of managed residential communities are often in need of assistance in order to negotiate the processes necessary to access benefits to which they are entitled under a long-term care insurance policies.

Also, we know that as residents age successfully in place, because of the supports offered in managed residential communities, this need increases over time. This is especially the case for residents who may not have local family or other caregiver supports to provide that assistance.

It has been our experience that residents and their families sometimes hesitate to ask for assistance in filing for their long-term care benefits for a variety of reasons. Because we routinely offer this kind of assistance to our residents and their families, we have also learned that insurers can be reluctant to work with the managed residential community when we are trying to help our residents submit claims.

Raised Bill 5113 will help eliminate some of these barriers to residents submitting claims and accessing benefits under their long-term

care policies in the following ways: By making it clear that managed residential communities have a responsibility to provide this assistance, and thereby assuring residents that it is appropriate to ask for help; by directing insurers to recognize the participation of managed residential communities in submitting and following up on claims on behalf of their residents; and by requiring that copies of the outcome of a claim, approval or denial, be provided to the managed residential community if they have submitted or assisted in the submission of the claim.

Representative Serra, I have submitted written testimony this morning, but since submitting that testimony I have learned there are some concerns about the appropriateness or even legality of insurers providing information directly to managed residential communities. I can tell you from our own experience that that can be managed by having a letter or an authorization directly from the insured to the insurance company to release that information and that it is a very easily surmountable obstacle, if it is an obstacle at all.

We believe that Raised Bill 5113 is good for residents of managed residential communities, for their families, and for the communities themselves. We also see benefits to insurers and improved timeliness and accuracy of claims submissions.

We urge you to vote favorably on this bill on behalf of the thousands of the older adults served in managed residential communities throughout Connecticut.

I would be more than happy to answer any questions.

REP. SERRA: Senator Prague.

SENATOR PRAGUE: First of all, Bonnie, thanks for coming in today.

BONNIE GAUTHIER: My pleasure.

SENATOR PRAGUE: So the insurance companies are telling you that it would be difficult to release information, but getting a letter from the resident just telling them that the resident, you know, wants them to release the information, wouldn't be a problem. You brought --

BONNIE GAUTHIER: We -- we have not found it to be a problem --

SENATOR PRAGUE: Good.

BONNIE GAUTHIER: -- in the past, when we have been involved. So we have no reason to think that it would be.

In fairness, I believe that there are insurers -- there are legal requirements for the sharing of information outside of a contract, and there are also HIPAA requirements, but those go away when the insured --

SENATOR PRAGUE: Right.

BONNIE GAUTHIER: -- releases and authorizes that information, so it's not --

SENATOR PRAGUE: You're exactly right. So that shouldn't be a problem.

BONNIE GAUTHIER: We have not found that an issue.

SENATOR PRAGUE: Okay. Maybe we need to put some language in here, somewhere, that says the insured shall, if -- if they want assistance from the facility, that they shall give a release to the insurance companies to release the information.

BONNIE GAUTHIER: That -- that might be a good idea.

SENATOR PRAGUE: Yeah. And then you won't have any problem at all.

Okay. Thank you.

BONNIE GAUTHIER: Thank you very much.

REP. SERRA: Representative Bye.

REP. BYE: Thank you, Mr. Chair.

Bonnie, thank you so much for coming, and all you do every day.

BONNIE GAUTHIER: Thank you.

REP. BYE: Give a positive environment for seniors, from all over the state.

As I look at this bill, it's so clear to me, that it's something that seniors -- not just seniors need, but the families of seniors need. You know, we're managing my father at my home now, and it's so hard to know when the long-term care kicks in, when, you know, you really need assistance.

BONNIE GAUTHIER: Uh-huh.

REP. BYE: And so I -- I would imagine that the families are looking to the facilities and agencies to help them with this.

So, you know, as I -- as I read through your testimony, it's so clear that it's something that we really need to allow for. And also that you would know the outcome of the claim, because the families often are looking to you and your agency to help them through this process, so if you're not in the loop, once you're put in the loop, if you don't stay in the loop, it's not much help to the family.

So I appreciate your efforts in support this bill, and I think it's a great idea.

Thanks.

BONNIE GAUTHIER: Thank you.

REP. SERRA: Thank you.

BONNIE GAUTHIER: Thank you.

REP. SERRA: Next is, Brenda Kelley.

Good morning.

BRENDA KELLEY: Good morning. Good morning Representative Serra, Senator Prague, members of the Select Committee on Aging.

My name is Brenda Kelley, and I am the State Director of AARP in Connecticut. AARP consistently has said, and we believe, that Connecticut residents who are financially eligible for long-term care support should be able to choose appropriate services that enable them to live as independently as possible.

HB5112
HB5111

And we know that about 89 percent of Americans, age 50-plus want to stay in their own homes as long as they can, and the cost of

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SHARON POPE: Absolutely.

SENATOR PRAGUE: -- with a person's assets --

SHARON POPE: Absolutely.

SENATOR PRAGUE: -- there's something, you know,
wrong with that.

SHARON POPE: Absolutely. The -- the -- elder law
section of the Bar is absolutely on board with
that concept. Unpaid nursing home bills are
serious in this state, as they probably are in
many states. And to let people go who have
made the application and made the transfer to
themselves with no repercussion is wrong.

SENATOR PRAGUE: Yes.

SHARON POPE: And that's -- that's not the intent
of the bill I understand, but the language
currently would allow a nursing home to go
after very innocent parties.

SENATOR PRAGUE: Thanks.

SHARON POPE: You're very welcome.

Thank you.

REP. SERRA: Next is Susan Giacalone.

Good morning.

SUSAN GIACALONE: Good morning Senator Prague,
Representative Serra, and members of the Aging
Committee. For the record, my name is Susan
Giacalone, and I am here on behalf of the
Insurance Association of Connecticut.

I'm here speaking on House Bill 5113, that
deals with the direct billing -- the billing

of long-term care insurance and assistance by managed residential communities. We actually support the concept in allowing or having managed care facilities assist residents fill out their applications for claims. That can be done already.

The problem we have with the bill is that the mandate that we have to provide them copies of the acceptance and denial. We are subject to very strict, as it was referenced earlier, privacy laws. Gramm-Leach-Bliley under the federal system, and Connecticut's own insurance privacy laws that can be found in Section 38(a). There's a typo in my testimony. 935 and following.

We must know who we're communicating to. We cannot share any information with anyone other than the insured unless we have direct written authorization. We already can do that now. So if the insured gives us a direct written authorization that we can share that information to whomever they direct us to share it to, we can do it. I don't -- I mean, I don't see any need to put that in the law because we already do that now. That's already under the -- what we're subject to do and we already are, our standard operating procedure.

But as drafted, we could not comply with this just because of the federal and state law requirements.

REP. SERRA: Thank you.

SUSAN GIACALONE: Thank you.

REP. SERRA: Easy this morning.

Next up is Matt Barrett.



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

LONG TERM CARE OMBUDSMAN PROGRAM
 25 SIGOURNEY STREET • HARTFORD, CONNECTICUT 06106-5033
 Telephone Number: (860) 424-5200 Fax Number: (860) 424-4966

SELECT COMMITTEE ON AGING

Public Hearing

Tuesday, February 16, 2010

Written Testimony

Of

State Long Term Care Ombudsman

Nancy Shaffer

Senator Prague, Representative Serra and distinguished members of the Select Committee on Aging, thank you for allowing me to submit this written testimony on behalf of the aging and disabled long term care consumers of Connecticut.

As you know, the Long Term Care Ombudsman Program is mandated by both federal and state statute to protect the health, safety, welfare and rights of the residents of Connecticut's long term care institutions. It is in this capacity that I comment on a number of the bills before you.

Raised Bill No. 103, AN ACT CONCERNING ACCESS TO COMPREHENSIVE FACTUAL INFORMATION REGARDING LONG-TERM CARE FACILITIES.

The Long Term Care Ombudsman Program supports this bill. A well-informed consumer is one who will be able to make the best and most appropriate choices for him or herself. The Ombudsman Program strongly supports measures in this regard. It is always the recommendation of this Program to educate consumers at all levels, including speaking to the Long Term Care Ombudsman Program and accessing the Long Term Care website and a wide variety of other consumer websites at both the state and federal levels as well as obtaining information from the providers themselves. I understand that some providers have previously argued against including the home's Five Star Rating into the Residents' Bill of Rights. I don't think most consumers make their decision based solely on review of one website and therefore I do not believe that including the Five Star Rating will either attract or deter residents on that basis alone. The very best consumer information is often obtained when he or she visits a facility and sees for themselves the kind of care provided and the environment in which it is provided. The Ombudsman Program always strongly recommends that consumers visit prospective facilities on a number of occasions and at different times of the day.

SB 104

SB 105

HB 5113

HB 5110

HB 5111

HB 5112

What I want to convey to you is that many of these stories are accompanied by comments from the family member such as "how could this happen?" "I put my loved one where I thought they would be safe, well cared for," "aren't there safeguards in place to keep this from happening?" In most every instance, supervision, education and training, and ample staffing may well have prevented the abuse or neglect occurrence.

One argument in opposition to this legislation is that criminal liability is summarized in other legislation and regulation. This proposal, I believe, raises the level of awareness of accountability of owners and managers. This is not meant to insult or demean, but rather hopefully it gives pause to owners and managers to place emphasis where it is most important: on a philosophy of care that emphasizes quality and dignity of care and allocation of appropriate resources for supervision, education and training, and ample staffing.

Raised Bill No. 5113 AN ACT CONCERNING BILLING FOR SERVICES COVERED BY LONG-TERM CARE INSURANCE BY MANAGED RESIDENTIAL COMMUNITIES.

The Long Term Care Ombudsman Program supports this bill with a modification. As it reads the bill appears to provide safeguards for the Managed Residential Community (MRC) to be reimbursed by an existing long-term care insurance policy by allowing the resident to give permission to the MRC to prepare and submit claims for benefits to the insurer. I strongly recommend that the word "written" be inserted into Section 1 (a) (7) so that the line would read "Upon the written request of a resident who has a long-term care insurance policy, assist such resident with preparing and submitting claims for benefits to the insurer." Inserting written into the language gives the resident the protection that he or she has been given the opportunity to make that choice and that it is documented. As a suggestion, this statement could be included in contract/sign-in paperwork. I believe it is very important that the authorization is signed and a copy provided to the resident.

There are other bills before you which the Ombudsman Program also wants to go on record to support, including H.B. No. 5110, H.B. No. 5111, and H.B. No. 5112, each of which provides greater protections and supports to long-term care consumers.

Thank you for this opportunity to provide comments on behalf of Connecticut's long-term care residents.

TG

canpfa

The Connecticut Association of Not-for-profit Providers For the Aging

**Testimony to the Select Committee on Aging
Presented by Mag Morelli, President**

February 16, 2010

Regarding

**SB 103, An Act Concerning Access to Comprehensive Factual Information
Regarding Long-Term Care Facilities**

**SB 104, An Act Establishing a Cause Of Action for Nursing Home Facilities
Against Recipients of Transfers of Assets**

**SB 105, An Act Concerning Liability of Nursing Home Owners for Neglect
and Abuse of Nursing Home Residents**

**HB 5110, An Act Concerning Criminal Background Checks for Employees
of Homemaker-Companion Agencies and Home Health Agencies**

HB 5111, An Act Concerning the Alzheimer's Respite Care Program

**HB 5112, An Act Reducing the Individual Contribution Under the State-
Funded Home-Care Program for the Elderly**

**HB, 5113, An Act Concerning Billing for Services Covered by Long-Term
Care Insurance by Managed Residential Communities**

Good morning Senator Prague, Representative Serra, and members of the Committee. My name is Mag Morelli and I am the president of the Connecticut Association of Not-for-profit Providers for the Aging (CANPFA), an organization of over 150 non-profit providers of aging services representing the full continuum of long term care. On behalf of CANPFA I would like to present testimony on several bills that are before you today.

**SB 103, An Act Concerning Access to Comprehensive Factual Information
Regarding Long-Term Care Facilities**

CANPFA objects to this bill because it creates unnecessary revisions to the already extensive nursing home residents' bill of rights, endorses a flawed 5-star rating system, and creates additional paperwork compliance that takes dwindling resources away from direct care and applies them to administrative functions without substantiating the value of that shift in resources.

We would support the requirement that the actual residents' bill of rights be redistributed to residents through out the stay as this is done in many facilities already and is a good reminder to both residents and their families of the

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Family caregivers have an important role to play in the long-term care system, but the challenges facing them are great. Connecticut's unpaid caregivers provided over \$1 billion worth of care to relatives and in return, they are called upon to sacrifice lost wages and to face significant physical and mental health risks. The risks of poor health and premature death are greatest among those who care for relatives with Alzheimer's disease. In order to continue reaping the benefits that family caregivers provide to older adults, we as a society must increase our support for them. A crucial aspect of that support is funding for respite care and therefore we strongly support this proposal to fully fund the program and allow additional participation.

HB 5112, An Act Reducing the Individual Contribution Under the State-Funded Home-Care Program for the Elderly

CANPFA supports the intent of this proposed legislation which is to lessen the negative impact of recently implemented co-pays on the state funded portion of the Connecticut Home-Care Program for the Elderly.

The state has adopted and embraced a long term care plan with a goal of rebalancing the system and providing choice for individuals seeking long term care. The Connecticut Home Care Program for Elders should be the flag ship program for this plan, but unfortunately the state funded portion of this program has been hurt by the implementation of a 15% co-payment. These co-pays are affecting access to care as the elderly who need services may be unable to afford the co-pay expense and are choosing not to take advantage of the necessary services. We know that receiving the right services at the right time in the most appropriate setting is the right thing and is the most cost effective thing to do. Therefore we urge the legislature to review the effect of the newly instituted co-pay on consumer choice and to put serious consideration into how best to modify it so as not to discourage participation.

HB, 5113, An Act Concerning Billing for Services Covered by Long-Term Care Insurance by Managed Residential Communities

CANPFA supports this proposed legislation which seeks to require that managed residential communities provide assistance to their residents in the preparation and submission of claims on their private long term care insurance policies. The bill also would require the long term care insurer to recognize the managed residential community's role in assisting the resident and to keep them informed during the claims process. Together these proposals would be of great assistance to many older adults who are residing in these communities and who are seeking to access their long term care insurance benefits.

An older adult who has purchased long term care insurance should not be denied benefits due to their inability to understand the claims process. Many CANPFA members already provide assistance to their residents who age in place and need to access their long term care insurance benefits to finance their assisted living services. We support this bill which should make the process much easier

not only for the residents, but also for the managed residential communities that are seeking to assist them.

Thank you for your consideration of this testimony. I would be happy to answer any questions.

Mag Morelli, President of CANPFA, mmorelli@canpfa.org, (860) 828-2903



CALA Testimony on Raised Bill 5113 – An Act Concerning Billing for Services Covered by Long-Term Care Insurance by Managed Residential Communities

The following shall constitute written testimony regarding Raised Bill 5113 An Act Concerning Billing for Services Covered by Long-Term Care Insurance by Managed Residential Communities from the Connecticut Assisted Living Association (CALA).

CALA is a statewide organization that represents the owners and operators of some 115 managed residential communities offering Assisted Living services to Connecticut's older adults and senior citizens.

CALA endorses the concepts proposed in Raised Bill 5113 for the supports and protections this measure will provide to older adults, their families, and CALA members.

As you may know, Assisted Living is a unique combination of housing and supportive services provided in a residential setting defined in state statute as a Managed Residential Community (MRC). The care and services provided to Assisted Living residents is done so by a state health department licensed Assisted Living Service Agency (ALSA).

CALA also wishes to voice its support for Raised Bill 5111-An Act Concerning the Alzheimer's Respite Care Program and Raised Bill 5112-An Act Reducing the Individual Contribution under the State-Funded Home-Care Program for the Elderly.

While CALA fully acknowledges the fiscal challenges faced by Connecticut in 2010, CALA also believes and echoes the sentiments embodied in each of these legislative proposals that reasonable measures should be appropriately maintained to provide supports to the state's frail elderly, and to the caretakers of individuals with Alzheimer's Disease.

CALA remains available to serve as a resource to committee members as these proposal evolve.

Thank you for your consideration.

Insurance Association of Connecticut

T12

Committee on Aging

Tuesday, February 16, 2010

**HB 5113. An Act Concerning Billing For Services Covered By Long-Term
Care Insurance By Managed Residential Communities**

The Insurance Association of Connecticut supports the concept of providing assistance to residents of managed residential communities in filing long-term care claims. However, the insurance industry cannot comply with the requirements set forth within subdivision (2)(B) of Sections 2 and 3 of the bill.

Subdivision (2)(B) of Sections 2 and 3 of HB 5113 would require insurers to provide a copy of the acceptance or denial of a claim for benefits to manage residential communities. A managed residential community is not party to the long-term care insurance contract even if the facility assists an insured in submission of a claim. Strict federal and state insurance privacy laws (see Gramm Leach Bliley Act, 15 U.S.C. Sec. 6821 and C.G.S. Sec. 39a-975 et seq.), prohibit insurers from sharing information to parties outside the contractual relationship. In order for an insurer to provide information regarding the insurance contract, including but not limited to the status of a claim, to any party outside the contractual relationship, an insurer would need direct and specific written authorization from the insured.

The IAC respectfully requests that subdivision (2)(B) of Sections 2 and 3 either be deleted or amended to conform with Connecticut's and the federal government's privacy laws.

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**TESTIMONY SUBMITTED TO THE SELECT COMMITTEE ON AGING OF
THE
CONNECTICUT GENERAL ASSEMBLY
FEBRUARY 16, 2010**

Submitted by Bonnie B. Gauthier, Hebrew Health Care, West Hartford, CT

**Regarding Raised Bill No. 5113
An Act Concerning Billing for Services Covered by Long-Term Care
Insurance by Managed Residential Communities**

My name is Bonnie Gauthier, and I am the President and CEO of Hebrew Health Care in West Hartford, Connecticut. Hebrew Health Care has a 109-year history of providing service to the aging of the Greater Hartford Community and offers a constellation of services across the care continuum, including assisted living services, provided in our managed residential community, Hoffman SummerWood Community, also in West Hartford.

I am here today to speak in support of Raised Bill 5113, An Act Concerning Billing for Services Covered by Long-Term Care Insurance by Managed Residential Communities. Our experience with our own Hoffman SummerWood Community has demonstrated to us that residents of managed residential communities are often in need of assistance in order to negotiate the processes necessary to access benefits to which they are entitled under long term care insurance policies. Also, we know that as residents age successfully in place because of the supports offered in managed residential communities, this need increases over time. This is especially the case for residents who may not have local family or other caregiver supports to provide that assistance.

It has been our experience that residents and their families sometimes hesitate to ask for assistance in filing for their long term care benefits, for a variety of reasons. Because we routinely offer this kind of assistance to our residents and their families, we have also learned that insurers can be reluctant to work with the managed residential community when we are trying to help our residents submit claims.

Raised Bill 5113 will help eliminate some of these barriers to residents submitting claims and accessing benefits under their long term care policies by:

- making it clear that managed residential communities have a responsibility to provide this assistance and assuring residents that it is appropriate to ask for help;
- directing insurers to recognize the participation of managed residential communities in submitting and following up on claims on behalf of their residents;
- requiring that copies of the outcome of a claim—approval or denial—be provided to the managed residential community if they have submitted or assisted in the submission of the claim.