

PA10-017

HB5278

Aging	164-170, 182-186, 193-196, 215-218, 227-228, 235-237, 275-282	33
House	639-642	4
Senate	996-1007, 1064-1066	15
		52

**S - 601**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 4  
933 - 1266**

cd  
SENATE

150  
April 21, 2010

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Are there any further remarks? Any further remarks on the bill before us?

Senator LeBeau.

SENATOR LEBEAU:

If there's no objection, Mr. President, I'd like to move this bill to the consent calendar.

THE CHAIR:

Without objection, this bill is placed on the consent calendar.

Mr. Clerk.

THE CLERK:

Calendar page 27, Calendar Number 379, File Number 362, substitute for House Bill 5278, AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT, favorable report of the Committee on Aging and Government Administration and Elections.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. I move the joint committee's favorable report and passage of the bill.

cd.  
SENATE

151  
April 21, 2010

THE CHAIR:

On acceptance and passage, will you remark further?

SENATOR PRAGUE:

Mr. President, you know, there are some unscrupulous people out there who prey on senior citizens. This bill will not allow anybody to get -- to go to senior centers or to call them and get the names, addresses and telephone numbers of the members of that senior center. They can't get those lists through the Freedom of Information. They just can't get those lists. This request actually came to us from a director of a senior center who has received many calls from God knows who trying to get the name of the members of the senior center.

This bill protects that. It's a good bill, and I move adoption.

THE CHAIR:

Thank you, Senator.

Are there any furth --

SENATOR PRAGUE:

I move passage -- excuse me.

THE CHAIR:

Thank you, Senator.

cd  
SENATE

152  
April 21, 2010

SENATOR PRAGUE:

Thank you.

THE CHAIR:

Any further remarks?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Great to see you up there this afternoon.

THE CHAIR:

Well thank you. Great to see you.

SENATOR KISSEL:

I stand in strong support of this particular bill. I was delighted to listen to all the testimony at our public hearing on the Select Committee on Aging. As a ranking member this year of that committee, it's been great to work with the co-chairs, Senator Prague and Representative Serra. And it brings me back to the early days of the mid 1990s when I was one of the founding members of the Select Committee on Aging. And I believe that we've made great work over the years to bring matters of importance regarding our seniors through legislative initiatives and to the attention of the people of the state of Connecticut.

cd  
SENATE

153  
April 21, 2010

Indeed some folks -- I believe from Newington Senior Center -- brought to our attention that they were getting requests regarding information regarding their seniors and they felt concern regarding that. And I have to say that when this bill originally came before us on the Select Committee on Aging, I also was contacted by a fantastic woman, Ms. Susan Lather, who is the director of the Enfield Senior Center, as well. While they weren't getting any requests, clearly, the fact that this bill was raised alerted everybody, I believe throughout Connecticut, that this was an area that could be problematic.

Now I understand, at the public hearing, folks from the Freedom of Information Commission always having as their guiding star transparency, had concerns. And so for the purpose -- and I strongly support the bill -- but for the purpose of legislative history, at their request, I'm just going to ask some questions through you, Mr. President, to Senator Prague, just to make sure that we're very clear. And it's my belief that the way we need to go with this legislation is as broadly as possible, but I think some questions need to be answered on the record.

So if I might through you, Mr. President?

cd  
SENATE

154  
April 21, 2010

THE CHAIR:

Please frame your question.

SENATOR KISSEL:

Through you, Mr. President, the first question is what is meant by the phrase "senior center program"?

Through you Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President, to Senator Kissel. Senator Kissel, you know a program at the senior center could be crafts, could be exercise programs. It could be cooking classes. It could be any type of activity at a senior center.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And I would wholeheartedly agree with that. I think that the term "senior center program" as much as maybe the folks at the Freedom of Information Commission would like to have that narrowly drawn, I think because the intent of this legislation is to protect this information regarding names, addresses,

cd  
SENATE

155  
April 21, 2010

phone numbers regarding our seniors that we should read this as broadly as possible. And so I believe that is the answer that I received from Senator Prague; that is the definition that I agree with. And so I think in terms of any senior center administrator, executive director or anything like that, they should be able to rely on this law going forward -- should it become law -- that they have a very wide ambit to protect this information from being sought out by folks trying to utilize the FOI laws.

My second question through you, Mr. President, is what is meant by the phrase, "member of a senior center" and, again, my guess would be that given the direction that this legislation is moving in, I would guess that that would be read as broadly as possible as well. But I would like to ask that question through you, Mr. President, to Senator Prague.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Through you to Senator Kissel. A member of the senior center is a senior who has signed up to become a member. Sometimes there's a minimal charge,

cd  
SENATE

156  
April 21, 2010

sometimes there isn't. But the person who comes to the senior center and becomes a member signs up to become a member. They give their name, their address, their telephone number, and they are part of the group that belongs to the senior center. Sometimes the senior center can open their membership to people in other towns and they would also then sign up as a member.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And I know, indeed, the senior center in Enfield has a lot of folks from surrounding communities that like to attend that. And I think that in terms of the protections afforded by this legislation, Senator Prague is absolutely correct that in terms of the protections afforded those folks for at least the purposes of this legislation would be considered members.

And so those are my two questions. They also had another question but I don't think that we need to go into it at this point in time. I thank Senator Prague for those answers in creating the legislative intent.

cd  
SENATE

157  
April 21, 2010

Clearly, what we're trying to protect are the names, addresses, phone numbers and email addresses of folks that are members, participate in programs of our senior centers throughout the state of Connecticut. And I can see how this legislation is not a minute too soon in moving through our legislative body.

And let me -- let me sketch out two areas why. Earlier this afternoon one of the things that I spoke highly regarding the efforts of Chairman Prague and Chairman Serra was the notion that banks and financial institutions, if they are going to give advice to seniors, have got to have some kind of qualifications to hold themselves out to the public regarding that. That's number one.

But number two, if folks go out and they try to get these lists of names and phone numbers from senior centers, then they might call them on the phone and purport to be a financial advisor. They might get that list, that mailing list, and send them a letter purporting to be some kind of financial advisor or then they could send out an email. So one area where I think that we're nipping the problem in the bud, right off the bat, is we're saying that this pool of information cannot be so easily had by individuals who

cd  
SENATE

158  
April 21, 2010

want to simply market to seniors. There's other more appropriate avenues to get that information using the Freedom of Information Act to try to target seniors through senior centers is inappropriate.

But I can also -- the second part is -- I can also envision a far more nefarious and dangerous thing that we are also stopping in its tracks. And, unfortunately, there are diabolical people out there that do very bad things. Imagine -- and we all pick up our local papers and we see, trip to New York City to go see something at the Radio City Music Hall, spend the day in Boston shopping. Usually, you read that in the paper a month in advance. And quite often those trips are sponsored by a senior center. Well, what if somebody got it in their head to try to get that list, using the Freedom of Information Act, from an unsuspecting senior center who might just say, Well, under the law I have to provide that information. And what if it was the intention of the person or persons seeking that information to break into the homes of people that are going on that trip or to prey on those folks some way knowing that they're out of town for that day?

I mean it sounds crazy but every day that I live,

cd  
SENATE

159  
April 21, 2010

I read in the paper, I hear on the radio, I watch on television, I learn that there are people that will stoop to nothing to try to make a dollar. And they don't care who they step on to get there. I mean, let's face it, just in the last few weeks, we've read stories about how people have been stealing monuments from graveyards so that they cut them up and sell them to get money to buy drugs. I mean, there is no limit. There's no shame to what some people will stoop to.

So there's the sort of harassment thing that we're trying to stop, the people that are trying to put out their wares. You can get the information as to how to contact these folks in another way. But also, I think, we are protecting individuals who may -- with not even thinking about it -- sign up for a variety of programs at a senior center and not want to have to worry about what's going on back home. It doesn't have to be that isolated bus trip. It could be some sort of art class where you meet at a regular time at a regular place. Someone could use that information to try to take advantage of our seniors.

So I'm happy to be a co-sponsor of this legislation. I think it stops something before it turns into a huge problem. And I strongly support

cd  
SENATE

160  
April 21, 2010

this legislation. And once again, I commend Senator Prague for moving this bill forward.

Thank you very much, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

I'll just make a brief comment on this bill. I want to applaud the efforts of Senator Prague and Representative Serra and Senator Kissel as ranking member.

This bill, I believe, came about because of the Newington Senior Center. I would argue one of the premier senior centers in the state and its chairman, Diane Stone. They're from my district. And she has contacted me on a weekly basis finding you know -- asking me about the status of this bill. And I think this bill really is a good common sense bill that I'm glad, you know, both parties have agreed to support it because most of our communities do have active senior centers where our seniors go to relax and come together and enjoy themselves during the day. And I just think it's unfortunate that some, you know,

cd  
SENATE

161  
April 21, 2010

maybe -- you know, nothing -- maybe no bad intent, but they don't deserve to be have their names FOI'd and then contacted by salesmen and the like.

So I think it's a wonderful bill. I applaud the Aging Committee for endorsing it, moving it along. I look forward to it becoming signed into law by the Governor in the near future.

Thank you very much, Mr. President.

THE CHAIR:

Thank you, Senator.

Are there further remarks?

If not, Senator Prague.

SENATOR PRAGUE:

Mr. President, I just want to thank the members of this chamber who have such sensitivity to the elderly population. I think it's commendable.

Anyhow, I don't see any further remarks and if there's no objection, could we place this on the consent calendar?

THE CHAIR:

Without objection, this item is placed on our consent calendar.

SENATOR PRAGUE:

Thank you.

cd  
SENATE

218  
April 21, 2010

Bill 5265; Calendar 313, substitute for House Bill  
5002.

Calendar page 20, Calendar 314, House Bill 5201.

Calendar page 24, Calendar 340, substitute for  
Senate Bill 175.

Calendar page 25, Calendar 346, substitute for  
Senate Bill 151; Calendar 350, Senate Bill 333;  
Calendar 371, substitute for House Bill 5014.

Calendar page 26, Calendar 375, House Bill 5320.

Calendar page 27, Calendar 379, substitute for  
House Bill 5278; Calendar 380, substitute for House  
Bill 5452; Calendar 381, substitute for House Bill  
5006; Calendar 382, House Bill 5157.

Calendar page 28, Calendar 384, substitute for  
House Bill 5204.

Calendar page 29, Calendar 395, substitute for  
Senate Bill 127; Calendar 396, Senate Bill 147.

Calendar page 30, Calendar 413, House Bill 5024;  
Calendar 414, substitute for House Bill 5401.

Calendar page 31, Calendar 419, substitute for  
House Bill 5303.

Calendar 32 -- page 32, Calendar Number 421,  
substitute for House Bill 5388; and on calendar page  
34, Calendar 46, substitute for Senate Bill 68;

cd  
SENATE

219  
April 21, 2010

Calendar 50, substitute for Senate Bill 17.

Calendar page 35, Calendar 64, substitute for  
Senate Bill 187.

Calendar page 37, Calendar 109, substitute for  
Senate Bill 189.

Calendar page 39, Calendar Number 148, substitute  
for Senate Bill 226.

Calendar page 40, Calendar 182, substitute for  
Senate Bill 218.

Calendar page 41, Calendar 188, substitute for  
Senate Bill 200.

Mr. President, that completes those items placed  
on the consent calendar.

THE CHAIR:

All right. If the Clerk has made an announcement  
that a roll call vote is in progress in the Senate on  
the first consent calendar, the machine will be open.  
Senators may cast their vote.

THE CLERK:

The Senate is now voting by roll call on the  
consent calendar. Will all Senators please return to  
the chamber. The Senate is now voting by roll call on  
the consent calendar. Will all Senators please return  
to the chamber.

cd  
SENATE

220  
April 21, 2010

THE CHAIR:

Would all Senators please check the roll call board to make certain that your vote is properly recorded. If all Senators have voted and if all votes are properly recorded, the machine will be locked, and the Clerk may take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 1 is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President, for a -- for an announcement.

THE CHAIR:

Please proceed.

**H – 1075**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 3  
595 – 894**

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

45  
April 13, 2010

consent calendar.

Is there any objection? Is there any objection?

Hearing none, So ordered.

Will the Clerk please call Calendar Number 171.

THE CLERK:

On page 14, Calendar 171, substitute for House Bill Number 5291, AN ACT CONCERNING THE SHARING OF INFORMATION BETWEEN THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES AND THE DEPARTMENT OF SOCIAL SERVICES AS RELATES TO MEDICAID FUNDED SERVICES, favorable report of the Committee on Human services.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Olson, you have the floor, ma'am.

REP. OLSON (46th):

Thank you, Madam Speaker. Good afternoon.

DEPUTY SPEAKER KIRKLEY-BEY:

Good afternoon.

REP. OLSON (46th):

I rise to move the following items to the consent calendar: Calendar Number 171, Calendar Number 189, and Calendar Number 195.

HB5291 HB5197  
HB5278

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked that Calendar 171,

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

46  
April 13, 2010

189 and 195 be placed on consent.

Is there any objection? Is there any objection to being placed on consent? If not, so ordered.

Will the Clerk please call Calendar Number 242.

THE CLERK:

On page 1, Calendar 242, House Joint Resolution Number 85, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JOHN D. BRENNAN OF EAST HARTFORD TO BE A STATE REFEREE.

DEPUTY SPEAKER KIRKLEY-BEY:

This is a consent calendar. 243.

THE CLERK:

- Do you want me to read all of them?

DEPUTY SPEAKER KIRKLEY-BEY:

Yeah.

THE CLERK:

Calendar 243, House Joint Resolution Number 86, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE THOMAS J. CORRADINO OF MADISON TO BE A STATE REFEREE, FAVORABLE REPORT OF THE COMMITTEE ON JUDICIARY.

Calendar Number 244, 245, 246, 247, 248, 249, 250, Calendar 171, House Bill 5291, 189, House Bill 5197, and Calendar 195, House Bill 5278.

DEPUTY SPEAKER KIRKLEY-BEY:

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

47  
April 13, 2010

Thank you, sir.

Will staff and guests please --

Representative Olson.

REP. OLSON (46th):

Why, thank you, Madam Speaker.

Madam Speaker, we are about to vote on today's consent calendar. These calendar numbers are going to sound very familiar. These are the items that we moved to the consent calendar earlier today, Calendars Number 242, 243, 244, 245, 246, 247, 248, 250 and Calendar Numbers 171, 189 and 195.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is passage of the consent calendar. Will you remark? Will you remark? If not, staff and guests please come to the well. Members take your seat. The machine will be open.

THE CLERK:

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

DEPUTY SPEAKER KIRKLEY-BEY:

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

HJ85  
HJ86  
HJ87  
HJ88  
HJ89  
HJ90  
HJ91  
HJ93  
HB5291  
HB5297  
HB5278

properly cast. The machine will be locked and the Clerk will prepare the tally.

The Clerk will please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number voting	149
Necessary for adoption	75
Those voting Yea	149
Those voting Nay	0
Those absent and not voting	2

DEPUTY SPEAKER KIRKLEY-BEY:

The consent calendar is adopted.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

Will the Clerk please call Emergency Certified Bill Number 5544.

THE CLERK:

House Bill 5544, AN ACT CONCERNING THE CITIZENS' ELECTION FUND, LCO Number 3312, introduced by Representative Donovan and Senator Williams.

SPEAKER DONOVAN:

Chairman Spallone, you have the floor, sir.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**SELECT  
COMMITTEE  
ON AGING  
PART 1  
1 – 282**

**2010**

March 9, 2010

csd/gbr SELECT COMMITTEE ON AGING

10:00 A.M.

CHAIRMEN: Senator Prague  
Representative Serra

VICE CHAIRMEN: Senator Kissel

MEMBERS PRESENT:

REPRESENTATIVES: Bye, Cook, Tallarita,  
Zalaski

REP. SERRA: Welcome here this morning to the Select Committee on Aging Public Hearing. The first person up is Kathleen Ross. Good morning.

KATHLEEN ROSS: Good morning.

REP. SERRA: Good morning.

KATHLEEN ROSS: Senator Prague, Representative Serra, members of the committee, Senator Kissel, my name is Kathleen Ross. I'm an attorney with the Freedom of Information Commission. The commission submitted written testimony, which I won't read to you. But I am here to tell the committee that the commission opposes House Bill 5278, for the following reasons:

First, although the purpose of the bill is presumably to protect members of senior centers from solicitors, we do not believe that this bill will accomplish this purpose. Today we live in the information age, dominated by computers and databases, where all kinds of information is collected, available to and shared by anyone and everyone. The use of computers and the Internet has truly changed our society to the point where information formerly considered private, cannot really be considered that way any more.

In addition, every time someone signs up for a card at Stop & Shop or CVS to receive discounts that person's personal information is put into a database and purchases made at those stores are tracked. I believe that those databases are sold and shared among private companies all the time. So the information is out there. And we don't think that House Bill 5278 will make the problem of solicitors go away.

Second, removing these lists from the FOI Act Disclosure Requirements might actually result in depriving seniors of good and valuable information: information about advances in new medications from a pharmaceutical company, information about better insurance plans from an insurer and information about a new housing development for active seniors from a builder are just three examples of good information that seniors might miss out on, if these lists are not publicly available.

Finally, the Freedom of Information Commission opposes any chipping away of the public's right to know under the FOI Act. There is a public interest in knowing, for example, that those registered for senior programs are legitimately registered, in that they meet residency and/or age requirements. I think it's important to keep in mind that seniors are members of the public, as well. And if this bill becomes law, seniors, too, may be denied access to these records. If these records are not publicly available, the open government policy underlying the FOI Act is diminished.

In summary, the commission believes that while the intent behind House Bill 5278 is laudable, it will not cure the problem of pushy solicitors, but will impede upon the public's legitimate right to know.

REP. SERRA: Senator Prague.

SENATOR PRAGUE: First of all, thank you for taking the time to come over here and testify.

KATHLEEN ROSS: Thank you, it's my pleasure.

SENATOR PRAGUE: If a senior does not want his or her name given out on a list -- I'm thinking to myself -- there ought to be a way of allowing that senior to say, I don't want my name given out as part of the list. Now, is there anything in the freedom of information laws that prevents that?

KATHLEEN ROSS: If you're just talking about the person's name --

SENATOR PRAGUE: -- or address.

KATHLEEN ROSS: Currently -- under current law -- are you asking under current law?

SENATOR PRAGUE: Yes.

KATHLEEN ROSS: Under current law, the only exemption that could potentially apply would be under section 1-210(b)(2), which is the invasion of privacy exemption and that would be a difficult hurdle to get over, because I don't think that you could prove that your name -- that disclosure of your name and address would constitute an invasion of personal privacy. I think that's what the intent of this law is, it's just to exempt your name and your address. So currently, no, there's nothing in the law that would enable you to exempt your name and your address.

SENATOR PRAGUE: And telephone number?

KATHLEEN ROSS: Or your telephone number. Well, there is -- there is case law that says that if you've taken -- we -- the commission has historically ruled that if you have taken measures to keep your telephone number private, we will not order disclosure of your telephone number. And that's true for social security numbers, as well.

SENATOR PRAGUE: You know, I find that hard to believe. If -- if a senior going to a senior center's name is on the list and that senior does not want his or her name given out to solicitors, then he or she wouldn't have the right to say to the senior center director: If somebody is here asking for the list -- the membership list -- I don't want my name given out. I --

KATHLEEN ROSS: Well, if the information is contained in a public record, it would be a public record, and it would be publicly disclosable. There may be some way that a senior could work that out with the senior center; that they ask that their names not be put on certain lists. But once it's put on a list, it would be a public record.

SENATOR PRAGUE: Even on a membership list?

KATHLEEN ROSS: Even on a membership list. That would be a public record.

SENATOR PRAGUE: You know there's something wrong with that. I don't know how we can correct it, but I mean there's got to be a way to correct this. Lots of seniors are either widows or widowers. You know, they live by themselves and may not have any family around. And I really think that what you're saying, even though it may be current law, presents a very questionable situation for some seniors. And

we need -- I wish you'd take a look at this and see if you could help us figure out with some language, a way to protect those seniors.

KATHLEEN ROSS: Well, Senator, we tried to - we tried to get further information about what, specifically, was the issue; whether there had been a specific incident at a senior center. We weren't able to get further information about what, specifically, was the concern. And we would certainly be happy to sit down with whoever was the proponent of the bill and to work out more specific language that we could more narrowly tailor an exemption, but just simply didn't have that information.

SENATOR PRAGUE: Okay. We'll get back to you.

KATHLEEN ROSS: Okay.

SENATOR PRAGUE: I can't remember, at this point, who asked us for this bill. But we'll discuss it and get back to you, because, yes, I think we're opening up a rather dangerous situation for some seniors. Not all these solicitors are honorable. Okay.

REP. SERRA: Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman.  
Good morning.

SENATOR PRAGUE: Good morning.

SENATOR KISSEL: Tell Attorney Murphy I said, hi.

KATHLEEN ROSS: I will.

SENATOR KISSEL: I sort of -- I feel bad, because, you know, she and I so strongly disagreed on the Correctional Office of Freedom of Information --

KATHLEEN ROSS: Yes.

SENATOR KISSEL: -- Limitation, which is moving in -- has already moved out of the Judiciary Committee unanimously. And there is another bill pending in GAE that I testified on yesterday. But on this one, you know, I agree with the goals of the Freedom of Information Commission that we need as much transparency as possible.

I sort of view this as similar to what a senior might want, or anybody in Connecticut, with the Do-Not-Call List.

KATHLEEN ROSS: Yup.

SENATOR KISSEL: I mean you can register somewhere, and you just don't want to get those calls at home.

I think Senator Prague is on to something though, because quite often, not always, you know, not all seniors are frail and living alone and vulnerable, but there are some folks that simply because they avail themselves of a resource in a community, so that they have somewhere to go and play Bingo, or have some coffee -- and I know the senior center in Enfield, half the seniors just like to work in the kitchen making all the food and the sandwiches to feed the other half. I mean everybody likes to stay busy. Got to stay busy and make the time fly. And you have fun. And you get to socialize.

But I can see that some folks that don't have the best interest of those seniors, wanting to get those lists to, you know, pester them with some kind of product, or do you have this kind of insurance, or can I sell -- you know, that

kind of thing. And I'm wondering if we can still craft something that would make you folks happy, or at least less not happy, but still protect some of the key information.

I mean I understand your notion that if somebody in a community says, I went to the senior center. I saw a hundred people there. And there's just -- you know, I thought I saw forty of them from another town. Why should my tax dollars pay for this facility where everybody from another town's coming and using it? Maybe they want that information. I can sort of understand that. And that would serve, definitely, a good public purpose. But at the -- but there's not that many of those. Maybe that's one of the ones that I can think of. But there's not a huge amount of them, where people need to know who is, you know, going everyday to the senior center. So maybe we can do something where certain parts of that information can be redacted. I know that maybe you'd want to know an address, but maybe the names could be redacted, so that you know peoples' addresses, but you don't necessarily know the names with the addresses. I just -- we'll get that information to you.

But I'm actually volunteering to see if I can't help with this project, as well, because I know where you're coming from and every incursion that reduces the transparency, then five years from now, we find out that something we should have known about; we don't know about. But on the other hand, I'm very sensitive to the fact that, you know, I think that most people that go to a senior center and sign up for a physical fitness program, or something like that, they don't think that they're making their whole lives open to anybody that wants to get that information. And so I'd like to hope that we can form a balance here. Thank you.

much that nursing homes can do to insure that those good business practices are a part of that -- that foundation. Thank you.

REP. SERRA: Thank you.

NANCY SHAFFER: Thank you.

REP. SERRA: Debra Polun, please. Good morning.

DEBRA POLUN: Good morning. Good morning, Senator Prague, Representative Serra, members of the committee. For the record, my name is Deb Polun. I'm the legislative director for the Connecticut Commission on Aging, which, as you know, is a nonpartisan state agency that's part of a legislative branch of government and devoted to preparing our State for the burgeoning aging population, and promoting policies that enhance the lives of present and future generations of older adults in our State. You have my written testimony. I'm just going to skip through a little bit and highlight a couple of bills on the written testimony, starting with Senate Bill 172, which is the property tax freeze bill.

Recognizing that property tax relief is a perennial issue in front of the Legislature, and I just wanted to again, recommend that you take a look at the property tax report that the Commission on Aging completed in 2007, with the help of this committee. We do have that up on our website, the Connecticut Commission on Aging website.

Basically, that report took a look at all of the different relief programs that are offered locally, in different towns across the state, and make some recommendations for what the State could do moving forward. And, basically,

HB5277

HB5278

those recommendations revolve around streamlining efficiency and education.

As you know, we have a number of different property tax programs already in place for veterans and for older adults. They are very confusing for most people. There are a lot of homeowners that are unaware of the different programs for which they might qualify. And so given current constraints, we would just, again, recommend that you take a look at the recommendations contained in that report and also in our written testimony from today, before proceeding.

Skipping to House Bill 5277, concerning funding for adult day centers, we support the -- Commission on Aging does support this proposal, recognizing that adult day centers are an extremely cost-effective way of providing services and care to individuals in our state, costing roughly \$65 a day compared to a nursing rate average of over \$200 a day for Medicaid.

Of course, most providers across-the-board do need this same rate increase, as provider in the community and institutional providers, are struggling with low Medicaid reimbursement rates. This committee and this Legislature did make a commitment to adult day centers through the passage of the biannual budget in August, September, and we would like to see that that commitment be continued, even given current fiscal constraints.

And, finally, House Bill 5278, this is the SENIOR CENTER AND FREEDOM OF INFORMATION ACT BILL. And we're grateful for the committee for bringing forward this proposal. It was the Commission on Aging that brought this to you, because we had heard from a couple of different

senior centers in the state that this is an issue, which had arisen just a couple of times, not saying that this is something that people are constantly looking for this information, but thinking forward to a time when people might be asking for this information. Just harkening back to 1993, it was the Freedom of Information Commission actually did provide guidance that these records might be exempt. And so we would like to see that codified in state law.

There was a lot of discussion about this earlier. I just wanted to bring up a couple of different points. One is that this is not really breaking any new grounds. And while we're in favor of open government, it should be noted that there already exist about 24 different exemptions in the Freedom of Information Act, including students in school programs, as well as residents participating in parks and rec. programs. We believe that senior center programming is very similar to parks and rec. programming and deserves the same level of protection.

Let me give you a couple of examples of cases where this information might prove useful, not just for financial scam artists, which was already discussed, but for anyone else who just might want information about the residents of their town. Dial-a-ride records, let's say I want to find out when somebody's not going to be home; I could FOI the dial-a-ride records. Oh, look, Mrs. Smith goes to the grocery store through dial-a-ride every single Tuesday at 9:00. I'm going to know that her house is going to be empty next Tuesday at 9:00. Congregate meals, same thing.

Let's say the senior center in your town offered a depression screening, and there might

be an attendance list for people who attended the depression screening. On something like that you could see it could prove embarrassing to somebody that they might want to attend a depression screening. It might actually discourage somebody from making use of that very good public service.

If there is an issue with older adults misusing senior centers, then we would recommend that that issue be addressed. But protecting this information the way that 24 other exemptions already exist is something that, I believe, would provide a higher level of safety and security.

Senator Prague, you pointed out there's no way to opt out right now. I just harken back to the testimony about grocery store cards. If you don't want that information shared about what you're purchasing at the grocery store, you have an easy option; you don't have to get a savings card. Or you can shop at a different grocery store that doesn't have savings cards. But you shouldn't be able -- you shouldn't have to decide that you don't want to participate in a public service that your town is offering, because you're afraid that your information is going to get given out.

And so I would just strongly recommend that this bill be moved forward. And if there's any tweaking of the language that needs to be done, we would be happy to work with you on that. Thank you.

REP. SERRA: Thank you.

DEBRA POLUN: Thank you.

REP. SERRA: Next is David, I think it's Pelouquin. Correct me if I mispronounce the name.

DAVID PELOQUIN: Peloquin.

REP. SERRA: Peloquin. Good morning.

DAVID PELOQUIN: Good morning. Distinguished members of the Select Committee on Aging, my name is David Peloquin. And I'm a student participating in a small business legal services clinic of the Yale Law School, speaking in support of Senate Bill 233, AN ACT CONCERNING THE DISCHARGE OF PATIENTS FOR NONPAYMENT OF APPLIED INCOME.

Earlier in this academic year, Leeway, a nonprofit skilled nursing facility approached our clinic, seeking help finding a way to collect applied income payments. Early in our conversations with Leeway, we discovered that the facility already works with the residents to set up a systems of whereby a resident's monthly social security income, which constitutes a large portion of many residents applied income amount for the month, is deposited directly with Leeway by the Social Security Administration.' However, in many instances, a resident is unwilling to set up such a plan, and statutory prohibitions on the assignment of social security income make it difficult for facilities to require that a resident assign social security payments to the facility upon admission, because Connecticut law currently provides that skilled nursing facilities may only discharge self-pay patients for nonpayment. Facilities like Leeway cannot move to discharge a Medicaid resident who is delinquent on his or her applied income payments.

In helping Leeway seek solutions in their problem, we turned to skilled nursing facilities in nearby states. We discovered

renovations. And as drafted, all of these situations will trigger the notice provision. So I believe there's some -- some very strong points to the bill. I just believe there's some language that could be tightened up some to make it a sounder piece of legislation.

SENATOR PRAGUE: For the life of me, I can't find subdivision 3. But we'll discuss this with our LCO. We want to respect your recommendation. You may want to have a little chat with her. She's -- Amy is sitting over there. And give her your telephone number, so that if she has some questions, she could call you.

RUSSELL SCHWARTZ: Absolutely.

SENATOR PRAGUE: Okay. Thank you.

RUSSELL SCHWARTZ: Thank you, Senator Prague, Representative Serra.

REP. SERRA: Thank you. Next up is Claude Albert. Good morning.

CLAUDE ALBERT: Good morning. Good morning, Representative Serra, Senator Prague, my name's Claude Albert. I live in Haddam. I'm the legislative chair of the Connecticut Council of Freedom of Information. I'm here to talk about Bill 5278. I won't read my testimony. I want to echo a couple of points that have already been made.

You know, we all share the universal repugnance for predatory practices against seniors. But we would question how effective the proposed exemption would be in preventing unscrupulous solicitation. Lists of marketing prospects are available from myriad sources public and private, and I don't think there are very many

people who don't take the discount card at the grocery store or the -- or the pharmacy.

We also wonder whether some, as an unintended byproduct of this, some more welcome and helpful contacts from legitimate local business, government, other community organizations might be denied senior citizens in these programs.

And perhaps more importantly, I think this exemption might erect a hurdle to those who would explore improving the services of these programs, or raising issues, or looking into complaints about the quality of these programs, whether those people are journalists or other community members, or the senior themselves. It seems to me it might even be possible to disempower some of the very people that you're trying to protect with this exemption.

And, finally, I would say that I would ask the committee to establish that there's some track record of serious problems with the present law before adopting yet another exemption and compiling another category of information, on the pile of information that's already exempt. Some of the examples we were cited here, such as depression screening, I think, is probably already exempt under medical records, or other similar files. The recreation program and school records that were cited involve children and not mature adults.

So we think exemptions to the Freedom of Information Act should be created sparingly and only when they effectively deter a real risk that clearly outweighs the value of openness. Thanks.

REP. SERRA: Senator Prague.

SENATOR PRAGUE: Thank you, Mr. Chairman.

Mr. Albert, what's the consequences of violating the Freedom of Information law? What if I said to you, I'm a senior center director. And I am not giving out the list of the seniors who are in my senior center. What's the consequences of that?

CLAUDE ALBERT: The consequences is the person denied has the option of complaining to the Freedom of Information Commission and asking them to -- to require disclosure if the requester is in the right.

SENATOR PRAGUE: So if we pass this bill and these lists from the senior centers are exempt from the Freedom of Information, some solicitor calls you and complains, what's the next step? I mean would you --

CLAUDE ALBERT: If you pass the bill and the information is exempt?

SENATOR PRAGUE: Yes.

CLAUDE ALBERT: They can request the information. They'll be refused. They can appeal to the FOIC, but the FOIC will tell them, I'm sorry. That information is exempt.

SENATOR PRAGUE: Okay. And if they wanted that list, they'd have to go to court?

CLAUDE ALBERT: I don't know. I'm not sure what the grounds would be. I mean you could appeal the Freedom of Information Commission's ruling to the court, but it seems to me that would be long uphill struggle.

SENATOR PRAGUE: You know, I have a lot of respect for your Commission, on the Freedom of

Information, but I'm telling you my opinion as a senior. I think you're wrong on this one. I do not want to allow the names of the seniors, who go to senior centers, to be available to anybody who calls the senior center and asks for that list. I think that is dangerous.

CLAUDE ALBERT: I hear you, Senator. I should point out; I'm not connected with the Freedom of Information Commission. I'm with the Connecticut Council on Freedom of Information, which is an organization made up of mostly journalists, former journalists, journalism educators. And while we -- we often have similar positions to the FOIC, because we're interested in freedom of information. We're not -- we have no formal attachment to the Freedom of Information Commission.

And I hear your objection, but I -- I think there are other positives that you'll -- you could lose with this exemption. And I'm not sure it's going to fix the problem that you -- that you want to deal with.

SENATOR PRAGUE: Thank you for taking the time to come in.

CLAUDE ALBERT: Thank you for hearing me, Senator.

REP SERRA: Thank you. Next up is Kevin Brophy.

KEVIN BROPHY: Good morning. My name is Kevin Brophy. I'm the director of Elder Law for Connecticut Legal Services. And I'm here in opposition to Senate Bill 233, AN ACT CONCERNING THE DISCHARGE OF PATIENTS FOR NONPAYMENT OF APPLIED INCOME.

One thing I wanted to mention, for Connecticut Legal Services, we have priorities. As most of you are probably aware, Connecticut Legal

SENATOR PRAGUE: Thank you, Mr. Chairman. I just want to thank you, Sharon, for coming. I know how busy your schedule is, but your testimony, you know, is very important to us. So it's a problem. Anyhow, you give us some additional issues to think about here. Thank you very much.

SHARON POPE: You're very welcome. Thank you, Senator Prague.

REP. SERRA: Thank you.

SHARON POPE: Thank you, Representative Serra. Thank you.

REP. SERRA: Next is Dianne Stone. Good morning.

DIANNE STONE: Good morning. Good morning, Senator Prague, Representative Serra and distinguished members of the Select Committee on Aging. My name is Dianne Stone. I'm the director of the Newington Senior and Disabled Center in Newington, Connecticut. And I'm here today in strong support of the Raised Bill 5278, AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT. And I thank you for raising this bill and for taking up this issue.

The Commission on Aging was a referring agency. And I think I was one of the people that asked them to bring this to your attention. You do have my written testimony. And I am going to somewhat follow that, if that's okay with you.

There's really two issues involved here. The first is whether information about older adults that's collected at senior centers should be confidential. I firmly believe it should. The National Institute of Senior Centers has developed standards of excellence for senior

centers. Those standards indicate those records must be confidential:

The Freedom of Information Commission, itself, in a 1994 decision, they agreed with that, as well. They concluded that and I quote, it is objectively reasonable for the senior citizens using the nutrition and dial-a-ride program, which are senior center programs, to expect that their identities would remain confidential. People come into senior centers for services and for activities. They have an expectation that the information we take from them is confidential. And I think that matters.

The second issue is whether or not we need a specific exemption in the Freedom of Information Act. And I agree that these exemptions should not be taken lightly. The Freedom of Information Act serves a very important purpose in public administration, but I do believe we need the exemption. The majority of senior centers in the state are public agencies. When I talked to some of my colleagues about this bill, their response was, basically, we don't give out information. That's our policy. They're not even aware that their records might be subject to the Freedom of Information Act. That just doesn't make sense to them.

There have been very few cases that I'm aware of, where somebody has requested information, and it's been denied, and has reached a hearing with the Freedom of Information Commission. There was one, though, and it happened to be in Newington. It was in 1994, which was before my time in Newington, but somebody asked for the names and addresses of people who attended the center for meals and for dial-a-ride. It went to a hearing. And the commission, they

reviewed several issues in -- in the hearing. And I do have a copy of the decision. But, ultimately, the commission concluded that the center's records were similar to that contained in personnel or medical files, and so they exempted it. They said our records were like personnel and medical files.

So following that all the senior center directors were aware of this decision. I talked to a colleague who was around at time, and she said, we changed the way we kept our records. We started making sure we included medical information. We asked for medical information in our records, so that they would be exempt. How ridiculous is that, asking for information you don't need, just you can try to keep things private? Other centers said we stopped keeping records. We stopped keeping track of people. Nobody requires of us to do that anyway. Why keep the information if it's going to be subject to disclosure?

There was another case in 1998, I believe, from Wallingford Senior Center. That was also appealed to the Freedom of Information Commission. Wallingford is one of the very few senior centers in the state that is a private not-for-profit. So they were considered not a public agency. But the request was made for the database, or for the information. I think -- I'm not sure at that time we had databases.

So flash forward to today. You're going to hear from one of my colleagues, Michelle Pantaleo, who called me this summer and said somebody's requesting a copy of our database. It wasn't somebody -- please tell me where these benevolent agencies are that want our database, so they can help us out and help people -- but it was somebody with an axe to grind, who wanted to get information. Her town

attorney told her that she said to give up the records; that they were not exempt from Freedom of Information. It wasn't until I forward the decision from 1994 that said the Commission says we're exempt that her attorney reconsidered and said, okay, we're willing to take this one on.

So what we're basically asking you to do here today is to make a one line change in the Freedom of Information Act, to do what the Commission decided in 1994; just codify that decision, so that the question doesn't come up again; that we don't go through the time and expense of going to hearings that have already been decided unequivocally. Thank you.

REP. SERRA: Thank you. Next up is Martha Dale.

MARTHA DALE: Good morning --

REP. SERRA: Good morning.

MARTHA DALE: -- distinguished members of the Select Committee on Aging. My name is Martha Dale. And I'm the executive director of Leeway, which is Connecticut's multiservice provider to persons with HIV and AIDS. And I'm here to talk about Senate Bill 233. And I appreciate, in advance, your understanding of how complex this issue really is.

But just did a -- on the back of an envelope -- in calculating what, I think, the dollar value is of this problem, certainly, for Leeway every year, it's about a \$50,000 bad debt that we don't get reimbursed. And that's about 10 percent. But for the statewide, if I figured out what this means to all nursing homes, 232, it's probably about \$23 million in uncollected income, over the course of the year.

SUSAN GIACALONE: I can't speak for the department. I don't represent the department, but I do think if you required a public hearing for every time there's a rate request, I think it's going to have a dramatic impact -- negative impact on rates. That means -- because right now it's a prior approval process for a long-term care product on a rate increase. You know what the length of process is going to be for that, so you take that into consideration. If you make it open to a public forum every time -- now, the department has the ability to hold public forums if they need to. They already have a very detailed process on what they can do on rates -- but if you mandate a public hearing for every rate increase, when you're pricing that product, when you're pricing a rate increase or decrease, you have to take in consideration time. And time's going to be that much longer. You're going to have to take that into consideration and the impact of the rates. And you're not going to be able to respond to the market as quickly as you need to.

SENATOR PRAGUE: Thank you.

SUSAN GIACALONE: Thank you.

REP. SERRA: Thank you. Next is Michelle Pantaleo.

MICHELLE PANTALEO: Good morning, Senator Prague, Representative Serra and the other distinguished members of the Select Committee on Aging.

HB5278

My name is Michelle Pantaleo. And I work for the Town of East Hartford, Senior Services Department. And I would like to echo Dianne Stone's testimony. And we did find ourselves confronted with this issue of the Freedom of Information Act last summer. And, thankfully,

with Dianne's help, we averted what we considered to be a very serious issue.

We had someone that we were -- that comes to the senior center, who was very disgruntled that we were working with a separate issue. And when they requested the database information of, you know, all the members of our senior center, we were very concerned about giving that information out. And we certainly would not want to do that.

We spend a great deal of time educating our population about scams and to keep their information private; to stop carrying their social security card around; and to be very alert of about who they give out information to. And we build a great amount of trust between the seniors and our staff. And we feel that we would be violating that trust by giving that information out.

I ask that rather than go through everything that has already been said today, I just ask that you please support the Bill 5278. And we truly believe that it would make a difference in our ability to serve our population, because we feel that we would lose members of our senior center, if they felt that we were giving out their information. Thank you.

REP. SERRA: Thank you. Next is Brian Quigley.

BRIAN QUIGLEY: Thank you, Representative Serra and Senator Prague and members of the committee. I'm Brian Quigley, regional director for America Health Insurance Plans.

We're here in opposition to Senate Bill 322, THE ACT CONCERNING LONG-TERM CARE POLICIES. I would just echo the comments of OPM and the IAC that the requirement to have community rating



*A nonpartisan office of the Connecticut General Assembly*

Testimony of

**Debra Polun, Legislative Director  
Connecticut Commission on Aging**

T4

Select Committee on Aging  
March 9, 2010

Thank you for this opportunity to comment on a number of bills that are before you today.

As you know, the Connecticut Commission on Aging (CoA) is a nonpartisan state agency that is part of the legislative branch of government. We are devoted to preparing our state for a burgeoning aging population while promoting policies that enhance the lives of the present and future generations of older adults. For sixteen years, the Commission has served as an effective leader in statewide efforts to promote choice, independence and dignity for Connecticut's older adults and persons with disabilities. We have been most pleased to work in partnership with this Committee on many important initiatives over the years.

**Senate Bill 172: An Act Establishing a Property Tax Freeze for Certain Elderly Homeowners**  
*-CoA Comments*

In 2007, the Commission, with the support of this committee, completed and published a report entitled "Property Tax Relief for Older Adults: A Profile of Connecticut's Local Programs." The highly sought-after report inventories existing local property tax relief programs, summarizes the findings and recommends six improvements designed to move our state towards greater information sharing and education.

The Commission encourages this Committee to consider these recommendations when considering modifications to or expansions of current programs:

- Information about existing state and local programs should be included in annual property tax bills, in language that is easy to read and to understand; SB322
- The state should collect information about property tax relief programs annually and make this information available to the public; HB5277
- Local elected officials and assessors should have access to more information to help them make decisions about property tax relief programs and options for implementing revaluation; HB5278
- Property tax relief programs should be provided in an equitable manner to low and moderate income households;

State Capitol • 210 Capitol Avenue • Hartford, CT 06106  
Phone: 860.240.5200 • Website [www.cga.ct.gov/coa](http://www.cga.ct.gov/coa)  
LTC website: [www.ct.gov/longtermcare](http://www.ct.gov/longtermcare)



- The state should examine the possibility of combining or streamlining existing property tax relief programs to achieve efficiency and for ease of use by residents; and,
- Existing programs and their use should be considered as part of comprehensive tax reform.

The property tax relief report is available on our website, at [www.cga.ct.gov/coa](http://www.cga.ct.gov/coa), and hard copies can be provided as requested. We would be happy to work with you to craft legislation that supports the recommendations of this report.

**Senate Bill 322: An Act Concerning Long-Term Care Policies Under the Connecticut Partnership for Long-Term Care**

*~CoA Opposes*

Connecticut's long-term care system is frequently cited as being over-reliant on public sources of payment, such as Medicaid, and under-reliant on private sources. Indeed, Medicaid is the primary payer for long-term care in our state, costing state taxpayers over \$2.4 billion annually. The high use of Medicaid is directly tied to restrictions on Medicare and private insurance for long-term care, as well as individuals' lack of planning for their own future needs (as indicated by the Long-Term Care Needs Assessment).

One recommendation of the state's 2010 Long-Term Care Plan is to increase the proportion of long-term care that is paid for with private resources to 25% by 2025. National estimates are that about 7% of long-term care costs are currently paid for with private resources.

In Connecticut, a unique alliance between state government and the insurance industry is the Connecticut Partnership for Long-Term Care. As of December, 2008 over 50,000 long-term care insurance policies had been sold through this Partnership—saving the state an estimated \$8 million in Medicaid costs to date.

The proposal before you, while well-intentioned, could endanger the Partnership in two ways. First, by requiring that insurance companies that stop offering new policies in Connecticut endeavor to sell those policies to other companies, consumers could be given a false sense of protection. It is important to note that, even when companies stop offering new policies, they still honor existing policies.

Secondly, the legislation proposes community-rating for Partnership policies, which could have the opposite effect as intended. Specifically, while community rating would lead to lower rates for older individuals, it would necessarily lead to increased rates for younger, healthier individuals. These higher rates could disincite these younger individuals from buying policies, removing them from the risk pool—and thereby likely increasing rates for everyone left.

We urge reconsideration of this proposal.

**House Bill 5277: An Act Concerning Funding for Adult Day Care Centers**

*~CoA Supports*

This proposal increases rates paid to adult day centers under our Medicaid program, a priority established by the Legislature last year in the budget for fiscal years 2010 and 2011.

The Connecticut Commission on Aging supports this bill as a smart investment in our home- and community-based infrastructure. Adult Day Centers are a critical component to "rebalancing," a movement that seeks to keep individuals in their homes and communities whenever possible.

Connecticut's Long-Term Care Needs Assessment, completed in 2007, found that 80% of respondents wanted to remain in their homes as they age. Many are able to do so with both "formal" and

"informal" care. "Formal" care includes that provided by home care providers (sometimes through public programs, such as the CT Home Care Program for Elders), nutrition, transportation, visiting nurse care and other supports.

The bulk of care, however, is provided "informally," by spouses, neighbors, children and friends. In fact, estimates are that over 500,000 Nutmeggers provide informal care to at least one adult, an economic value to our state of \$4.9 billion. As rewarding as providing this care is, it is also physically and mentally exhausting.

Adult day centers provide needed respite for these informal caregivers, while also providing valuable socialization and recreation to adults with long-term care needs. Like other private providers, adult day centers rely heavily on state Medicaid dollars for their continued success. One of the most cost-effective options for care, adult day centers cost Medicaid less than \$65/day, compared with an average nursing home rate of over \$215/day.

Moreover, rate increases for a wide variety of providers and services are needed to ensure a robust home- and community-based network of services, a critical component of rebalancing efforts, such as the Money Follows the Person program. Individuals with long-term care needs cannot flourish in their communities unless they are able to access the services that they need.

The Commission thanks the Committee for its support of adult day centers and other efforts to help provide choice, dignity and independence for older adults and persons with disabilities. Recognizing the difficult financial climate, we hope this Committee can reaffirm its support for this rate increase as a priority for our state.

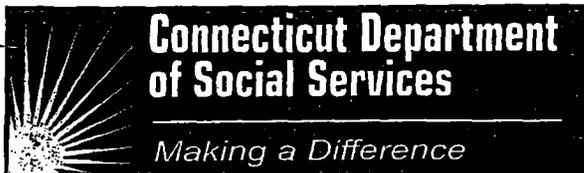
**House Bill 5278: An Act Concerning Senior Centers and the Freedom of Information Act**  
*~CoA Supports*

The Commission on Aging thanks the Committee for bringing this proposal forward this session. As you know, the Freedom of Information Act (CGS §1-210) requires the disclosure of most public records in the state. A number of exemptions currently exist, for example, to protect names and identifying information for participants in school programs, as well as municipal parks and recreation programs. However, it is currently unclear whether senior center information falls under this law.

Why exempt senior center member information? Imagine you are a financial scam artist looking for victims. Why go through the phone book or voter rolls, when you might be able to get a list of older adults in a given town, as well as their addresses. The Commission on Aging requests that this protection be added so that individuals can attend senior center programs without the fear of future solicitation or other questionable contacts.

As an additional clarifying note, we would request that you add phone numbers and email addresses as exemptions as well, in the current proposal.

Thank you for your time and for your leadership on these issues.



**Written Testimony before the Aging Committee**

**March 9, 2010**

**In opposition to H.B. No. 5277 (RAISED) AN ACT CONCERNING FUNDING FOR ADULT DAY CARE CENTERS.**

This legislation would provide Adult Day Care Centers a 10% rate increase. DSS opposes this legislation since it would have a significant fiscal impact on the already stressed state budget. In addition, the biennial budget appropriated an additional \$700,000 to increase the rate for Adult Day Care that constituted a 4.2% increase. This is the only service provider in the waiver programs that has obtained a rate increase since the last increase in 2007. Giving another increase to the Day Care providers would certainly be inequitable to the remainder of the waiver service providers who are facing the same fiscal challenges.

***Additional Remarks***

**S.B. No. 232 (RAISED) AN ACT CONCERNING THE USE OF A CERTIFICATE, PROFESSIONAL DESIGNATION OR ADVERTISING IN ADVISING SENIOR CITIZENS.**

The object of this bill is to protect seniors from deceptive practices of financial advisers by ensuring that any certificate, title or designation is not used in an untrue, deceptive, misleading or false manner. It expands upon current statutory language that prohibits the general operation of any business in a fraudulent or deceitful manner by ensuring that persons have appropriate education and legitimate certification when purporting to be specialists in senior matters.

The U.S. Securities and Exchange Commission indicates that some financial professionals use designations that imply that they are experts at helping seniors with financial issues. Many seniors, however, don't understand the sets of initials that may follow the names of these financial professionals or the meaning of the titles - such as "senior specialist" or "retirement advisor" - they use to market themselves. The education, experience, and other requirements for receiving or maintaining a "senior" designation vary greatly. In some cases, a financial professional may need to study and pass several rigorous exams - after working in a designated field for several years - to receive a particular designation. In other cases, it may be relatively easy in terms of time and effort to receive a "senior" designation, even for an individual with no relevant

SB322  
HB5278

experience. Even after doing some research, it may not be clear whether a professional designation represents legitimate expertise, a marketing tool, or something in between.

According to the North American Securities Administration President Patricia Struck individuals may call themselves 'senior specialists' to create a false level of comfort among seniors by implying a certain level of training on issues important to the elderly. But the training they receive is often nothing more than marketing and selling techniques targeting the elderly. The alphabet soup of letters after their names can be confusing, and in some cases, may even be deceptive to seniors. In the eastern half of the United States alone securities regulators have opened 26 cases in the past year involving "senior specialists"

It is not only relative to financial advising that the term "senior specialist" may be exploited – the health and insurance industries have their share. Merely warning consumers to carefully check the credentials of individuals holding themselves out as "senior specialists" has not been sufficient to prevent credentialing scams from escalating and our most vulnerable seniors to be victimized. This Bill could ensure that those persons doing business in Connecticut who claim to be senior specialists truly do have the requisite education and experience to be able to provide appropriate services. The department supports the intent of this bill.

**S.B. No. 322 (RAISED) AN ACT CONCERNING LONG-TERM CARE POLICIES UNDER THE CONNECTICUT PARTNERSHIP FOR LONG-TERM CARE.**

S.B. 322 proposes to change how long term care policy premiums are set. Currently, the CT Partnership for Long Term Care policy premiums are rated based on age of the individual purchasing the policy. S.B. 322 would institute a community rating system that would likely exponentially increase the cost of the monthly premiums for policy holders, especially the program's target population of consumers in their 40's and 50's, thereby making the policies unaffordable. If S.B. 322 becomes law it could potentially end the CT Partnership for Long Term Care program due to unaffordable monthly premiums and withdrawal from the market by insurance companies selling the policies.

The Department of Social Services serves as the consumer education arm of the CT Partnership for Long Term Care. While we are not directly involved in the changes to the rates, we are impacted by these changes as we educate consumers about them. The Department opposes S.B. 322 because of the expected negative impact it would have on existing and potential policy holders of the Connecticut Partnership for Long Term Care.

**H.B. No. 5278 (RAISED) AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT.**

The general philosophy of both the federal and state FOIA is one of broad disclosure – government openness and maximum responsible disclosure. However, it is important for lawmakers to recognize the importance of providing for exemptions to the disclosure statute when it can cause foreseeable harm. State lawmakers have not previously

recognized the foreseeable harm that this bill raises in disclosing the names and addresses of seniors who participate in senior center activities or are members of such municipal centers.

Seniors are now recognized as a vulnerable segment of the population, becoming increasingly more susceptible to fraud, scams, and exploitation. It is not surprising that seniors would not want their names and addresses disclosed to the public at large, especially as a result of participation in activities that are designed to strengthen social networking to decrease elder vulnerability. Senior centers increase older adults' exposure to useful consumer information as well as prevent them from listening to con artists due to their loneliness at home - alone. They are increasingly being warned not to disclose personal information to prevent identity theft, that it is "shrewd to be rude" and hang up when unwanted telemarketers call them, and that if something sounds too good to be true, it probably is. Granted, it does not take much creativity to find readily available addresses via internet sites which, these days, also include municipal tax records. What is not so readily available is the identification of the person living at a given address as a senior. One of the few ways this can be accomplished is through a FOIA request to any state municipality for these senior center records. Once armed with this targeting information, enterprising entrepreneurs can bombard vulnerable elders with unwanted advertisements, sales promotions, and door-to-door sales opportunities. This Bill takes a step in the right direction to combat senior exploitation by recognizing the foreseeable harm of disclosure and the department supports this proposal.

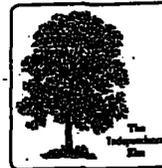


John Salomone  
Town Manager

# TOWN OF NEWINGTON

120 Cedar Street Newington, Connecticut 06111

## Senior and Disabled Center



Dianne Stone  
Director

T13

Select Committee on Aging  
Public Hearing  
March 9, 2010

Testimony in support of H.B. 5278  
AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION  
ACT

My name is Dianne Stone and I am the Director of the Newington Senior and Disabled Center. I am here today in strong support of HB 5278 AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT and I thank the Select Committee on Aging for raising it.

There are really two issues involved here. The first is whether information about older adults that is collected by Senior Centers should be confidential. I believe that it should. The National Institute of Senior Centers, in their Standards for Accreditation, indicates that it must. The Freedom of Information Commission, in a 1994 decision on this issue agreed. They concluded that "...it is objectively reasonable for the senior citizens using the nutrition and Dial-A-Ride programs to expect that their identities would remain confidential."

The second issue is whether we need a specific exemption in the Freedom of Information Act to protect vulnerable adults. Again, I believe that we do. The majority of Senior Centers in this state are municipally operated and are public agencies according to the Freedom of Information Act. When I talked to fellow senior center Directors about this bill, many expressed that they do not release information about clients without permission as a matter of policy. They were unaware that their records might be subject to the FOIA. Fortunately there have been very few cases that I am aware of that a denied request for information about senior center participants has reached the Freedom of Information Commission. But, there have been cases. One happened to be in Newington.

In 1993 a gentleman asked for a list of the names and addresses of people who attended the Center for meals and who used Dial-A-Ride. He wanted the information because he believed that people who could afford to pay more for their services ought to do that. The Center Director and Town Manager denied his request and he filed a complaint with the Freedom of Information Commission. The case was heard in 1994. The Town of Newington was represented by an

Phone: (860) 665-8778 Fax: (860) 667-5835  
srcenter@newingtonct.gov  
www.newingtonct.gov

*First in State of Connecticut*  
*Fully Accredited by the National Institute of Senior Centers*

attorney, at the Town's expense. While several issues were discussed, the Commission ultimately concluded that the Center's records were "similar to that contained in personnel or medical files" and were therefore exempt.

I was not around in 1994. A colleague from a neighboring Center recently told me that the decision changed the way many Centers collected information. Some stopped. Some made sure to collect medical information so that their records would be exempt as personnel or medical records.

A similar case was brought to the FOIC in 1998. That case involved a request for membership records by an individual with an ax to grind at the Wallingford Senior Center. The Center paid \$2,500 in attorney fees. Wallingford is one of the few Centers in the State that is a private not for profit and the Commission correctly determined that they did not meet the criteria to be considered a public agency. The important point though is that the requestor believed that the records should be available to the extent that he filed a complaint.

Flash forward to this past summer. I received a call from a colleague in East Hartford, Michelle Pantaleo. A person had requested a list of her participants. She had consulted with counsel and was told that the records were subject to the Freedom of Information Act and would need to be released. I referred her to the Newington decision from 1994 and her attorney reconsidered his position. Michelle will be testifying today as well.

While it does not happen frequently, there will be further requests for information about our participants. We are currently relying on an oral history of past interpretations of the Freedom of Information Act as it relates to our records. We are relying on municipal attorneys' interpretations of the Freedom of Information Act and their willingness to represent us in hearings. We are relying on our municipalities to finance those hearings. We are relying on these things when the Commission was unequivocal in their decision that our records should be exempt.

The legislature, by adopting this one line addition to the Freedom of Information Act, will codify this decision for the future.

Thank you.

Dianne Stone  
[dstone@newingtonct.gov](mailto:dstone@newingtonct.gov)  
(860) 665-8768

(T7)

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

In Opposition to House Bill No. 5278, an Act Concerning Senior Centers and the Freedom of Information Act

Tuesday, March 9, 2010

Senator Prague, Representative Serra and members of the Select Committee on Aging:

My name is Claude Albert. I live in Haddam, and I am the legislative chair of the Connecticut Council on Freedom of Information. I am here today on behalf of CCFOI to question the need to create this additional exemption from the Freedom of Information Act.

Our understanding is that this bill is intended to protect senior citizens from unscrupulous solicitors by denying access to the names and addresses of members of senior centers and participants in senior programs.

We share the proponents' repugnance for predatory practices against senior citizens. But we would question how effective the proposed exemption would be in preventing those practices, since lists of "marketing prospects" can be gathered from myriad sources of public and private information. We also wonder whether, as an unintended byproduct, this exemption might deny seniors more welcome and helpful contacts from legitimate local businesses, government or other community organizations.

It is always possible to postulate a way in which those so inclined can misuse almost any public information. But the information that is the subject of this bill has been public for many years. Before creating yet another category of public information that is not public, we would ask the committee to establish that its availability has created a track record of serious problems, that these problems cannot be addressed in some other way and that this change will be effective in dealing with them.

We believe exemptions to the Freedom of Information Act should not be created lightly but only when they effectively deter a real and risk that clearly outweighs the value of openness.



Freedom of Information Commission's  
Statement before the Select Committee on Aging  
March 9, 2010

Senator Prague, Representative Serra, Members of the Committee,  
My name is Kathleen Ross, I am an attorney with the Freedom of Information Commission

The Commission submitted written testimony so I won't read that to you but I am here to tell the Committee that the Freedom of Information Commission opposes House Bill 5278 for three reasons:

First, although the purpose of this bill is presumably to protect members of senior centers from solicitors, we do not believe that this bill will accomplish this purpose. Today, we live in the information age, dominated by computers and databases where all kinds of information is collected, available to, and shared by, anyone and everyone. The use of computers and the internet has truly changed our society to the point where information formerly considered "private" cannot really be considered that way anymore. In addition, every time someone signs up for a card at Stop and Shop or CVS to receive discounts, that person's personal information is put into a database and purchases made at those stores are tracked. I believe that those data bases are sold and shared among private companies all the time. So, the information is out there, and we don't think HB 5278 will make the problem of solicitors go away.

Second, removing these lists from the FOI Act's disclosure requirement might actually result in depriving seniors of good and valuable information. Information about advances in new medications from a pharmaceutical company, information about better insurance plans from an insurer, and information about a new housing development for active seniors from a builder, are just 3 examples of "good" information that the seniors might miss out on if these lists are not publically available.

Third, the Freedom of Information Commission opposes any chipping away of the public's right to know under the FOI Act. There is a public interest in knowing, for example, that those registered for senior programs, are legitimately registered in that they meet residency and/or age requirements. I think it's important to keep in mind that seniors are members of the public as well, and if this bill becomes law, seniors, too, may be denied access to these records. If these records are not publically available, the open government policy underlying the FOI Act is diminished.

In summary, the Commission believes that while the intent behind House Bill 5278 is laudable, it will not cure the problem of pushy solicitors, but will impede upon the public's legitimate right to know.

TI

**STATEMENT IN OPPOSITION  
TO HOUSE BILL NO. 5278**

**AN ACT CONCERNING SENIOR CENTERS  
AND THE FREEDOM OF INFORMATION ACT**

The purported purpose of this bill - to protect the members of senior centers from certain solicitors - is a worthy one. The well-being of our senior citizens is a fundamental concern of everyone.

However, the stated purpose of the bill is to exclude the names and addresses of members of senior centers and participants in senior programs from Freedom of Information Act disclosure requirements. The bill, in all likelihood, would not keep solicitors away. Rather, it would chip away at the state's Freedom of Information Act yet again.

Solicitors can get information in a variety of ways, especially in light of today's technological advances. Turning senior center lists into private documents would be a hurdle any mediocre solicitor could clear easily.

Removing the list from the public domain could deprive the seniors of vital information and contact with the outside world. Often, legitimate firms with valuable information about health insurance options or other senior activities use the senior center lists as mailing lists, as do some retail establishments. Also, the seniors' municipal officials and state and federal legislators use the lists to contact them and learn of their concerns.

Conceivably, the seniors' voices could be muted should these lists become private documents.

The Freedom of Information Commission respectfully submits that there could be other, more effective ways to protect our senior citizens rather than this broad stroke exemption. We ask that you reject this bill and preserve public access to this information.

**Contact:** Colleen M. Murphy, Executive Director and General Counsel or Eric V. Turner, Managing Director and Associate General Counsel at (860) 566-5682.