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SB0519

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 16
5210 – 5544**

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HOUSE OF REPRESENTATIVES

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Mr. Speaker, for purposes of an announcement.

SPEAKER SHARKEY:

Proceed, sir.

REP. LESSER (100th):

We've also been joined in the Gallery today by a group of mental health advocates from Advocacy Unlimited, from a variety of towns around the State, including my new good friend, Jessica from Middletown. And I just would ask that as well, we thank them for spreading awareness of importance of mental health and also offer them our usual warm welcome.

So thank you, Mr. Speaker.

SPEAKER SHARKEY:

Chamber will stand at ease for a moment.

(Chamber at ease.)

Chamber will come back to order.

Will the Clerk please call Calendar 571?

THE CLERK:

Yes, Mr. Speaker.

On Page 29 of today's Calendar, House Calendar 571, Favorable Report of the Joint Standing Committee on PUBLIC HEALTH, Substitute Senate Bill 519, AN ACT

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CONCERNING TRAINING NURSES -- NURSING HOME STAFF ABOUT
RESIDENTS' FEAR OF RETALIATION.

SPEAKER SHARKEY:

Distinguished Chairman of the Aging Committee,
Representative Serra. You have the floor, sir.

REP. SERRA (33rd):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the Joint
Committee's favorable report and passage of the bill,
in concurrence with the Senate.

SPEAKER SHARKEY:

The question is acceptance of the Joint
Committee' favorable report and passage of the bill,
in concurrence with the Senate.

Will you remark, sir?

REP. SERRA (33rd):

Thank you, Mr. Speaker.

Mr. Speaker, this bill is a bill that requires
certain training for nursing home staff, in terms of
how patients are treated with any type of fear of
retaliation. And with that, Mr. Speaker, I move
adoption.

SPEAKER SHARKEY:

Thank you, sir.

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REP. SERRA (33rd):

Mr. Speaker, the Clerk has an Amendment 5642.
May he please call and I be allowed to summarize?

SPEAKER SHARKEY:

Will the Clerk please call LCO 5642, which has
been previously designated Senate Amendment "A"?

THE CLERK:

Senate Amendment "A", LCO 5642, as introduced by
Senator Williams, et al.

SPEAKER SHARKEY:

Chairman has sought leave of the Chamber to
summarize.

Is there objection? Is there objection?

Seeing none, you may proceed with summarization,
sir.

REP. SERRA (33rd):

Mr. Speaker, what this amendment does, it
clarifies or removes a fear of retaliation, but in
reality, it really doesn't. I got a feeling that the
Senate thought it was a duplication. It is included
in various State statutes.

We were emphasizing that the staff had to have
additional training, but as I look further into this,
they do receive this training to make sure that

patients are not abused and that there's no fear of retaliation.

And with that, Mr. Speaker, I move approval.

SPEAKER SHARKEY:

Move adoption, sir. Yes.

REP. SERRA (33rd):

Adoption.

SPEAKER SHARKEY:

Thank you, sir.

Will you remark? Will you remark further on Senate Amendment "A"?

Representative Adinolfi of the 103rd.

REP. ADINOLFI (103rd):

Thank you, Mr. Speaker.

Senate Amendment "A" cleans up this bill very nicely. It makes it fair to the patients and also fair to the administrators of the nursing homes. Basically, what it does -- it takes care of comparing the Patient's Bill of Rights, where this normally would be part of, and makes it part of the bill, so they don't have to go to the Patient's Bill of Rights. And it's a good -- good thing for the patients and it's a good thing for the staff.

So I urge my colleagues to vote yes on the

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amendment.

Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further? Do you care to
remark further on Senate Amendment "A"?

If not, let me try your minds. All those in
favor of Senate Amendment "A", please signify by
saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER SHARKEY:

The ayes have it.

The Amendment is adopted.

Would you care to remark further on the bill as
amended? Would you care to remark further on the bill
as amended?

If not, staff and guests to the Well of the
House. Members take your seats. The machine will be
open.

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THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will
Members please return to the Chamber immediately?

SPEAKER SHARKEY:

Have all members voted? Have all the members
voted?

Members please check the board to make sure your
vote is properly cast.

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

Clerk, please announce the tally.

THE CLERK:

In concurrence with the Senate, SB519, as Amended
by Senate "A".

Total Number Voting	131
Necessary for Passage	66
Those voting Yea	131
Those voting Nay	0
Absent and not voting	19

SPEAKER SHARKEY:

The bill, as amended, passes in concurrence with
the Senate.

Will the Clerk please call Calendar Number 261?

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given that there was just not enough time. There was also an amendment attached to it at a later point as it was moving through the course of the system.

The Ombudsman Program has done a great deal of research and has focused a lot of its attention on fear of retaliation in, for skilled nursing facility residents. We have a, UCONN Center on Aging did a study for us, and it's, you know, it's shown that nursing home residents, particularly as they become more frail and as they live longer in nursing homes, do experience concerns about voicing their grievances.

I, myself, experienced that from my own father in a nursing home in another state. So really at the heart of a resident's ability to exercise their rights is that right to feel comfortable voicing those rights or those concerns when they have an issue. This legislation is simply going to provide the opportunity for facilities to give training to their staff about fear of retaliation.

And what we learned as we were doing our research and understanding the whole phenomenon better is that many nursing home staff don't even realize that that may be going on and actually expressed an interest to us that they'd like to understand it better.

So this legislation would incorporate a fear of retaliation training into the annual resident rights training, so it would not be something over and above what facilities are already required to do. And I also want to mention that it would be something that, you know, they could use the curriculum and the video that we've produced, but they'd be certainly able to

use their own curriculum if they chose to do so.

I especially appreciate the collaboration with the two provider associations in Connecticut, Leading Age and the Connecticut Association of Health Care Facilities. We've worked on this legislation, discussed it at length, and I think have come to some really good understanding. And we all, I think it's safe to say, they've given me permission to say, we all hope that this will be passed in a very speedy manner so that we can, you know, move forward with that legislation.

Also H.B. 5760, this is AN ACT INCREASING THE PERSONAL NEEDS ALLOWANCE. And I'm just going to speak briefly and then ask Brian to talk to you about that. This is a bill that would restore the personal needs allowance to what would be \$72.75.

In 2010, the Legislature took back \$9 of the personal needs allowance, so it was, went from 69 to 60 dollars, and it withdrew the cost of living allowance. So the residents for the last couple of years have been operating on \$60 a month.

And if any one of us could put ourselves in their place and think what is \$60 a month going to buy, and it really doesn't buy much when you're buying your clothing and any incidentals and possibly even eyeglasses or hearing aids if Medicaid isn't picking up the cost of that. So I would like Brian to speak a little more on that.

BRIAN CAPSHAW: In, as she said, in the 2011 budget, we took the \$9 reduction, and in 2012 and 2013, Social Security recipients such as myself got an increase, 3.7 percent in 2012 and 1.7

percent in 2013. But we turned those monies over to the nursing home for the cost of care, so the state sends less money to the nursing homes for our Medicaid expenses.

So we're saving state money by those Social Security increases going to the nursing homes. So we're asking for basically about a third of that money to go back to us in the increases in the personal needs allowance to go to \$72.75. So my numbers, I couldn't get them, the Office of Fiscal Analysis to document them, but I show we're saving the state about \$6 million a year in Medicaid spending.

And we're asking for a little over \$2 million back in the increase in the personal needs allowance. And we will also be submitting a language change. The bill right now is tied to the consumer price index. And the consumer price index goes up every year, and I don't think the state's going to want to give us a two to three percent increase every year.

And we're going to ask that that be changed and have it tied to an increase when Social Security recipients get that cost of living adjustment, which may not happen every year. But if Social Security recipients get an increase, we would like an increase in the personal needs allowance, which I think will make the bill more likely to pass the other committees and maybe through Appropriations. So we will be submitting a language change on that item.

And Nancy already talked about the fear of retaliation bill. And just to back it up, a resident came to me two weeks ago and said, an aide was mad at me, so she did not charge my power chair overnight. So she woke up in the morning, and her power chair was not charged,

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so she could not get up. So fear of retaliation does exist in nursing homes, so --

NANCY SHAFFER: With your permission, another resident has joined us, and he's all the way from New Haven, so if you don't mind, he wanted to speak to the personal needs allowance. (Inaudible), Mr. Ron Reckovitz.

RON RECKOVITZ: Hi. I believe in, the last time, it was 3.6 percent raise in Social Security. We gave back about \$4 million to the nursing homes. And like Brian said, that would be a, like a \$12 increase in the personal needs allowance from \$60 to 72 and change. And \$12 doesn't sound like a lot, but when \$50 is all you're getting, not everybody gets money.

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I get money. My mother sends me cash. She just went into a nursing home, and she's going on Title 19 herself, so \$60 goes not very far, and a \$12 increase would be for shampoo. They don't provide shampoo where we are or deodorant, and so it would just be for basic needs. Twelve dollars would be a lot of money to the residents.

NANCY SHAFFER: Thank you, Ron. Another bill I'd like to speak to is House Bill Number 5761, and this is AN ACT CONCERNING NOTIFICATION TO POTENTIAL AND EXISTING NURSING HOME OWNERS. Again, this is a bill that I've spent a great deal of time with the two association representatives discussing.

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In 2012, we had yet another nursing home close. And this was a really unfortunate situation. It's a home in Stamford, William and Sally Tandet. The home was purchased by a gentleman who had been a nursing home owner in Massachusetts. And in 2009, Attorney General Coakley actually wrote a press release stating

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SENATOR KELLY: I mean, the \$60 a month is all you have for your personal needs on a monthly basis, whether that's cigarettes or shampoo, you want to read a certain magazine, maybe get something on TV. This is all you have, is this \$60. It's not like you have this in addition to other assets and income.

BRIAN CAPSHAW: Unless a lot of family members supplement. There's a woman in my nursing home, her mother gives her \$30 a week so she can order that meal out. So unless you're supplemented by family members, the \$60 is it.

SENATOR KELLY: And then my final question deals with the fear of retaliation. The facility is your home. Do you really think that this is something that's real, that you or your fellow neighbors feel a sense of fear in their home?

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BRIAN CAPSHAW: My home is actually a union facility, so we have aides that have been there 15, 20 years, because the unions pay well. So they've been there a long time, so you get a comfortable relationship with them.

But there's always that one occasion where, in my example where the woman would not charge her electric chair, because something went wrong the day before and said, well, here's how I'm going to retaliate against you. I'm not going to charge your chair.

So it's not a frequent occurrence, but it does happen. And so especially with some residents who are, possibly have dementia and are a little more combative, it does happen in those areas as well, so that's why we would like to see this bill go forward and get passed.

RON RECKOVITZ: A lot of people want to complain, because they feel if they complain, it's

usually not with a nurse in my facility, it's usually with a CNA, and they don't want to complain, because they're afraid that they won't take good care of them. My friend who takes me out on the weekend, his mother passed away from cancer about two years ago, and he had me ask who her aide was, because she had to go to the bathroom.

And I asked who, I found out who it was, and I asked him, I said, could you take, you know, Mary to the bathroom? And he said, she went already. I said, she's waiting. She has to go now. And my friend has a temper, so he had to leave, and the situation was resolved, but there's, and there's instances where there's not physical abuse but really mean, snotty talking to the residents.

And it's, we do have a grievance committee where you can, not a grievance committee, but you can make a grievance with your social worker within 72 hours, and it's addressed. But a lot of people are afraid to speak up that, and then there's people that can't speak up for themselves.

But there are people that are afraid to speak up, because they don't think they'll get good care if they turn someone in. And it's supposed to be confidential, but in my facility, you say one thing in the courtyard, and it's around the whole home, you know, in the next half hour, so --

SENATOR KELLY: Thank you very much.

BRIAN CAPSHAW: Thank you, Senator Kelly.

NANCY SHAFFER: Thank you.

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ROSETTA JONES: Yeah, no, other than --

A VOICE: The same thing.

ROSETTA JONES: Yeah.

REP. ADINOLFI: So --

ROSETTA JONES: That's what there was on the news.

REP. ADINOLFI: -- Rocky Hill is fighting it, and we'll see what happens, but I know you had, you know, had experience in the Department of Corrections. I thought maybe, this is something that I think will eventually be coming before us too, so that's why I'm mentioning it. All right. Thank you.

ROSETTA JONES: Thank you.

REP. ADINOLFI: I just wanted to make the people aware of it.

ROSETTA JONES: Thank you.

REP. SERRA: All right. Any other questions from the Committee? Thank you.

ROSETTA JONES: Thank you so much.

REP. SERRA: Next up is Deb Migneault. Good morning, Deb.

DEB MIGNEAULT: Good morning. Morning, Representative Serra, Senator Harp, Members of the Committee. Thank you very much for having me here today. I'm going to comment on probably several bills, so I'll try to be brief, and you can read our testimony.

As you know, my name is Deb Migneault. I'm the community legislative liaison for the

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REP. ZONI: Okay. Thank you.

KEVIN DONOHUE: There are certain caregivers that work for less than the quoted rate, so --

REP. ZONI: Thank you.

REP. SERRA: Thank you.

KEVIN DONOHUE: Thank you.

REP. SERRA: Next up is Martin Sbriglio followed by Gary Gross.

MARTIN SBRIGLIO: Representative Serra, Committee Members, thank you for letting me speak today. I'm Chief Executive Office of Ryder's Health Management, and I'm here to testify on a few bills. Senator Ayala and I met at St. Vincent's College. I'm Vice Chairman of St. Vincent's College as well.

I have a problem with a few of the bills, and I'll try to be brief. You have my testimony, so you can read that. Senate Bill 519 requires us to adopt a manual and train staff retaliation. And elder retaliation is some training that we already provide in our facilities. They, in fact, every employee is given a patient's bill of rights, which is highlighted.

And every patient's family and patient gets the same bill of rights. So it seems redundant, is my point. We already have an incredible amount of bureaucracy in our facilities. Seventy percent of my nurses' days are spent charting and documenting.

I'd like to see them spend more time with the patients. And this seems to be another

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bureaucratic when we are in many levels already providing this service.

And then H.B. 5763 requires a grievance committee. We have already, we're already doing the grievance committee. Again, it's a redundant proposal. I, that's why every year we keep coming up. This is my third year opposing this, because, again, more bureaucracy.

5766 requires facilities to have appropriate temperatures in a resident's room, and there's a thousand dollar a day fine. I would just like to step back for a second and look at that proposal. Obviously, we want our customers safe and comfortable. That's our job.

When you go into an acute care hospital, you frequently have very good temperatures, and you're comfortable most of the time. I'm affiliated within a hospital. They have full time, they are paid for and have full-time heating and air conditioning experts in the building to maintain those systems.

I put a very sophisticated system in one of my buildings recently, and I am not getting fair rental step-up for it. That facility last year lost \$600,000. I do not see how a thousand dollar a day fine is going to encourage me to do a better job. We're already losing money. We want air conditioning in all our buildings.

And the simple solution would be to put a fiscal note with this that allows through a certificate of process to make it a mandated cost pass-through. But even those facilities like mine that have spent half a million dollars or a million dollars on a heating and air conditioning system, we aren't getting reimbursed for it.

We would urge your Committee to work with Commissioner DeFronzo and with the sponsors of H.B. 5353 to come up with amended wording for S.B. 521 that ensures two different outcomes, first, that the State ADA Self-Evaluations and Transition Plans result in concrete accessibility upgrades that have been well vetted by people who are actually disabled, and, second, that the upgrades include buildings used by the judicial and legislative branches in addition to those used by the executive branch.

Since the original version of the ADA was passed in 1990, we have not done a good job of realizing its promise of equality for all citizens with disabilities. As our population ages and more and more people are faced with physical impairments, the issue becomes all the more pressing.

And this time around, we need to get it right. I, you've all been provided with a background paper that the Citizens Coalition prepared to give you the kind of general context of disability issues at the present time. I hope that you all have a chance to read it, and I thank you very much for this chance to testify.

REP. SERRA: Thank you. Any questions? Thank you. Matt Barrett followed by Maggie Drag, I think.

MATTHEW BARRETT: Good afternoon, Chairman Serra. It's a great privilege to appear before the Committee on Aging. My name is Matthew Barrett, and I'm the Executive Vice President of the Connecticut Association of Health Care Facilities, which is our state's 167-member trade association of skilled nursing facilities and rehabilitation centers.

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To begin with, I'd like to associate our 167 members with the comments presented earlier by Russell Schwartz from Avon Health Care Center and West Hartford Health Care Center, in particular his comments regarding House Bill 5763 concerning grievances committees and his comments regarding air conditioning and compliance with comfortable and safe temperature requirements, H.B. 5766, and finally his support for House Bill 5760, AN ACT INCREASING THE PERSONAL NEEDS ALLOWANCE.

And concerning those, the former two bills, I just wanted to acknowledge and recognize the work of our outstanding long-term care ombudsman, Nancy Shaffer, and Brian Capshaw from the resident councils who testified earlier today.

And it's, while we testified in opposition to those two bills previously, it's our intent to continue to work productively and collaboratively with Nancy and Brian to try to come up with a consensus approach to both the grievance committee and the safe temperature requirement bills.

Further, I want to testify in support of Senate Bill 519, AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION. This is very well-intended legislation which can very easily and effectively be implemented in the annual residents' rights training requirement that is currently required.

We believe it's the intent of the proponent that this is the case and that we simply are asking for qualifying or clarifying language in the bill beginning on line 94, which I've attached to my testimony in that regard.

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SELECT COMMITTEE ON AGING

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CATHY BRANCH STEBBINS: Thank you.

SENATOR AYALA: Mag Morelli followed by Jeffrey Arn.

MAG MORELLI: Thank you, Senator Ayala,
Representative Serra, Members of the Committee.
My name is Mag Morelli, and I am the President
of LeadingAge Connecticut, a membership
organization representing over 130 mission-
driven and not-for-profit provider
organizations serving older adults across the
continuum of long-term care, including senior
housing.

SB519
SB523

Our members are sponsored by religious,
fraternal, community, and governmental
organizations that are committed to providing
quality care and services to their residents
and clients. Our member organizations, many of
which who have served their communities for
generations, are dedicated to expanding the
world of possibilities for aging.

On behalf of LeadingAge Connecticut, I've
submitted testimony on 13 of the bills that are
before you today and offer the Committee our
assistance to you as you consider these various
issues.

We've also been in constructive conversation
with the long-term care Ombudsman's Office and
the Statewide Residence Council regarding their
proposals and plan to continue that effort. I
want to speak to just a few of the bills we've
submitted comments on, but I'd be pleased to
respond to questions on any of the bills.

First, I wanted to comment on Senate Bill 79
regarding the electric power generators for
state-assisted housing developments. We do
represent many affordable senior housing
organizations, and we appreciate what we

believe to be the intent of this proposal, which is to ensure that the elderly residents of these developments are sheltered and protected during electric power outages.

We agree that emergency preparedness plans must be in place for all senior housing sites and that all such plans should be established in coordination with local municipal authorities.

We too though are concerned about the fiscal impact of this proposal, which will require the purchase of the back-up generators. Just for an example, one of our members recently installed a generator in a 40-unit community at a cost of approximately \$125,000. And that generator can provide power to the building systems, common areas, and some limited power to each of the units.

So we believe that senior housing sites should work with municipal agencies to plan for long-term power outages, and it would be extremely helpful for the state to offer low-cost or no-cost loans or grants to housing providers who choose to install back-up generators as part of that plan. However, mandating the purchase of the generators would really be unachievable for many elderly housing communities.

I just wanted to comment that one of the bills we are, we have been talking with the ombudsman with is the Senate Bill 519, the ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT THE FEAR OF RETALIATION, and we are supportive of that piece of legislation and appreciate her efforts to work with us on that.

On Senate Bill 523 on the return of the gift to the person of long-term care services, you know, while we understand the concerns of the state on this issue, we do support the effort

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Testimony to the Aging Committee

Presented by Mag Morelli, President, LeadingAge Connecticut

February 5, 2013

Regarding

- **Senate Bill 79**, An Act Requiring Electrical Power Generators At State-Assisted Senior Housing Developments
- **Senate Bill 518**, An Act Creating A Task Force To Study Employment Issues Concerning Registries In The Homemaker And Companion Services Industry
- **Senate Bill 519**, An Act Concerning Training Nursing Home Staff About Residents' Fear Of Retaliation
- **Senate Bill 522**, An Act Increasing Funding For Elderly Nutrition
- **Senate Bill 523**, An Act Concerning The Return Of A Gift To A Person In Need Of Long-Term Care Services
- **House Bill 5757**, An Act Increasing Eligibility For The Connecticut Home-Care Program For The Elderly
- **House Bill 5758**, An Act Concerning An Income Tax Deduction For Long-Term Care Insurance Premiums
- **House Bill 5760**, An Act Increasing The Personal Needs Allowance
- **House Bill 5761**, An Act Concerning Notification To Potential And Existing Nursing Home Owners
- **House Bill 5762**, An Act Concerning A Study Of Funding And Support For Home And Community-Based Care For The Elderly And Alzheimer's Patients
- **House Bill 5763**, An Act Concerning Grievance Committees In Nursing Home Facilities
- **House Bill 5765**, An Act Expanding Eligibility For The Alzheimer's Disease Respite Care Program
- **House Bill 5766**, An Act Concerning Nursing Home Compliance With Comfortable And Safe Temperature Standards

Good morning Senator Ayala, Representative Serra, and members of the Aging Committee. My name is Mag Morelli and I am the president of LeadingAge Connecticut, a membership organization representing over 130 mission-driven and not-for-profit provider organizations serving older adults across the continuum of long term care including senior housing.

Our members are sponsored by religious, fraternal, community, and governmental organizations that are committed to providing quality care and services to their residents

and clients. Our member organizations, many of which have served their communities for generations, are dedicated to expanding the world of possibilities for aging.

On behalf of LeadingAge Connecticut, I would like to testify on several of the bills that are before you today and offer the Committee our assistance as you consider these various issues.

Senate Bill 79, An Act Requiring Electrical Power Generators at State-Assisted Senior Housing Developments

LeadingAge Connecticut represents many affordable senior housing organizations including several state-assisted housing developments. We appreciate what we believe to be the intent of this proposal which is to ensure that the elderly residents of state-assisted housing developments are sheltered and protected during electrical power outages. We agree that emergency preparedness plans must be in place for all senior housing sites and that such plans should be established in coordination with local municipal authorities.

We are however concerned about the fiscal impact of this proposal requiring purchase of back-up generators. The cost of installing and maintaining a backup generator that provides limited power to a housing community is very high. The initial cost can be anywhere from \$50,000 to \$150,000 for a typical elderly housing site of 30 to 50 units. The cost is dependent on the size of the facility and the anticipated electrical load. For example, one of our members recently installed a generator in a forty unit community at a cost of approximately \$125,000 and that generator can provide power to the building systems, common areas and limited power to each unit.

Senior housing sites should work with municipal agencies to plan for long term power outages and it would be extremely helpful for the state to offer low cost or no cost loans or grants to housing providers who choose to install back-up generators as part of their plans. However, mandating the purchase of back-up generators without providing the funding for such purchases would be unachievable for many elderly housing communities.

Senate Bill 518, An Act Creating a Task Force to Study Employment Issues Concerning Registries in the Homemaker and Companion Services Industry

Navigating the options for homemakers, companions, and direct caregivers can be a very confusing process and we support every effort to make that decision making process easier and more transparent for consumers. In 2011 the state enacted Public Act 11-230, An Act Concerning Homemaker Services and Homemaker-Companion Agencies, which requires homemaker service and homemaker-companion agency registries to notify a consumer within seven days of providing a referral or placement, if he or she may be considered the employer of the homemaker or companion and thus responsible for withholding applicable taxes or making other payments. We supported that legislation because we thought it would serve a vital role in providing consumers with the information needed to make an informed decision regarding employment of long term care workers in their homes. It was anticipated that if a consumer did not want to be

considered the employer, than they would not agree to such an arrangement with the agency.

The proposal before you today would now establish a task force to study whether these registries should take over the full responsibility for the unemployment insurances and workers' compensation coverage for all persons placed through that agency. We would be supportive of such a study as it would inform decision makers when they are considering future regulatory decisions regarding this segment of the continuum. We would also be interested in participating on the task force or assisting in any manner that would be helpful.

Please note: An excellent consumer guide entitled, "What Consumers Should Consider When Hiring a Personal Caregiver," was prepared collaboratively by The Home Health Legislative Workgroup of the Connecticut General Assembly and The Connecticut Association for Home Care & Hospice now named The Connecticut Association of Health Care at Home and can be found on their website at www.cahch.org

Senate Bill 519, An Act Concerning Training Nursing Home Staff About Residents' Fear Of Retaliation

We support the Long Term Care Ombudsman's Office and the Statewide Resident Council's proposal to incorporate fear of retaliation training into the annual in-service training requirements for skilled nursing employees.

There is another provision proposed in this bill that would require the State Ombudsman to create, and periodically update as needed, a training manual for nursing home facilities that provides guidance on structuring and implementing the required in-service training. We have no objection to this proposal as long as this training manual is intended to provide guidance and is not considered a mandate as to how nursing home facilities structure and implement their required in-service training. We support nursing facilities continuing to be able to utilize in-service training programs that best fit their training needs and that incorporate best practices and updated training modules and we are concerned that all such options may not be included in a single manual that is only periodically updated.

Senate Bill 522, An Act Increasing Funding for Elderly Nutrition

Thank you for raising this bill that acknowledges the need to increase funding for elderly nutrition programs. The costs associated with the delivery of congregate and home delivered meals have dramatically increased over the last several years which has unfortunately caused a reduction in the ability to provide the same level of service to our elderly. It is critical that we restore and maintain an adequate level of service because affordable, nutritious meals for seniors are essential for their health and well-being. For many, the meal they receive at the congregate meal sites or through home delivery is the only nutritious meal they can afford. That is why we strongly support an increase in funding.

Helping people to stay in the community is a basic goal of our state's long term care plan

**STATE OF CONNECTICUT**

DEPARTMENT OF PUBLIC HEALTH

**TESTIMONY PRESENTED BEFORE THE COMMITTEE ON AGING
FEBRUARY 5, 2013***Wendy Furniss, Branch Chief, Healthcare Quality & Safety Branch 860-509-7604***Senate Bill 519 - An Act Concerning Training Nursing Home Staff About
Residents' Fear of Retaliation**

The Department of Public Health opposes Senate Bill 519 as written, and provides the following information.

This bill will require monitoring for compliance with the proposed law during nursing home inspection activities, and the Department of Public Health is able and willing to ensure that the proposed training is being provided. However, the Department of Public Health respectfully requests making one change in Section 2. In the line "[in] accordance with section 19a-36, the Commissioner of Public Health shall amend the Public Health Code in conformity with the provisions of this section," the Department requests changing the "shall" on line 105 to "may." The new proposal language is clear, and there is no need for the department to promulgate regulations in conformity with the new language.

Thank you for your consideration of the Department's views on this bill.

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STATE OF CONNECTICUT

STATE DEPARTMENT ON AGING

LONG TERM CARE OMBUDSMAN PROGRAM
25 SIGOURNEY STREET • HARTFORD, CONNECTICUT 06106-5033
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T2

Aging Committee

Public Hearing

Tuesday, February 5, 2013

Testimony of Nancy Shaffer, State Long Term Care Ombudsman

Good morning Representative Serra, Senator Ayala and members of the Aging Committee. My name is Nancy Shaffer and I am the State Long Term Care Ombudsman. As you know, the Long Term Care Ombudsman Program is mandated by the Older American's Act and Connecticut General Statutes 17b-400 through 17b-406 to provide services to protect the health, safety, welfare and rights of the residents of long term care facilities. As the State Ombudsman it is my responsibility to facilitate public comment and represent the interests of residents in order to recommend changes to the laws, regulations, policies and actions which affect the resident's quality of life and care. On behalf of the 30,000 residents in Connecticut's skilled nursing facilities, residential care homes and managed residential communities, I would like to testify in regards to several bills that are before you today.

HB5760
HB5761
HB5762
HB5763
HB5766

S.B. No. 519 (RAISED) AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION.

Issues of fear of retaliation for long-term care residents are well known in the work of the Long Term Care Ombudsman Program and are substantiated in research conducted by the University of Connecticut. The Fear of Retaliation is a prevalent issue for long term care residents, well known in the work of the Long Term Care Ombudsman Program, and substantiated by research conducted by the Center on Aging at the University of Connecticut (UConn Center on Aging 2009 study, "The Connecticut Long Term Care Ombudsman Program: Fear of Retaliation"). As individuals become more frail and dependent on their caregivers and the longer they reside in a long-term care facility, the more pervasive their concerns about retaliation when deciding whether to voice a grievance. By both Federal and State statute, long-term care residents have the "right to voice grievances and recommend changes in policies and services to facility staff or to outside representatives of the patient's choice, free from restraint, interference, coercion,

discrimination or reprisal" (CGS 19a-550 (b) (5)). The Connecticut Long Term Care Ombudsman Program has been dedicated to better understanding fear of retaliation and promoting awareness and education, both for residents and staff. We have learned that, in fact, sometimes staff does not recognize that their actions and behavior are perceived as retaliation by the residents. Over the years we've also had staff voice their desire to better understand the issue.

At the heart of Residents' Rights is the resident's ability to feel comfortable exercising his or her rights. This proposed legislation will provide an ongoing opportunity to promote education and awareness and nurture an environment of more open communication. I want to underscore that the intent of this legislation is not punitive. It is however an enhancement of Residents' Rights training. At a time when there is a great emphasis on Person-Centered Care, this training will promote that philosophy of caregiving. I also want to note that while the Ombudsman Program has developed a curriculum for staff, residents and families, this curriculum should not be viewed as the only training program.

I am proud to tell you that currently across the country many Long Term Care Ombudsman Programs use Connecticut's curriculum and instructional video for their own training purposes. The State of Connecticut now has the opportunity to affirm Residents' Rights by enabling them to exercise all of their rights without the fear of retaliation by passing this legislation.

I appreciate the collaboration of the two Connecticut provider associations, Leading Age and Connecticut Association of Health Care Facilities, and their support of this proposal. With their permission, I say that together, we urge you to pass S.B. 519 without delay so that fear of retaliation training will be a mandatory piece of the annual Residents' Rights training received by each facility staff member.

H.B. No. 5760 (RAISED) AN ACT INCREASING THE PERSONAL NEEDS ALLOWANCE.

In 2010 the Connecticut General Assembly voted to temporarily decrease the residents' Personal Needs Allowance (PNA) from \$69 to \$60 and remove the Cost of Living Allowance (COLA). During even these difficult financial times, we must respectfully ask that the General Assembly reinstate the PNA to what should now be \$72.75 and restore the COLA. If you can try to imagine what living on a monthly allowance of \$60 would mean for you, it may be easier for you to understand what that is like for each of the nursing home residents affected. \$60 must cover any phone or television service above the basic service provided by the facility. \$60 must also cover all clothing expenses, all hairdresser costs, postage stamps, individually preferred toiletries, snacks, transportation and even eyeglasses and hearing aides when not covered by

CONNECTICUT ASSOCIATION OF HEALTH CARE FACILITIES, INC.

T17

February 5, 2013

Testimony of Matthew V. Barrett, Executive Vice President of the Connecticut Association of Health Care Facilities (CAHCF), Inc.

Good morning Senator Ayala, Representative Serra and to the members Committee on Aging. My name is Matthew V. Barrett, Executive Vice President of the Connecticut Association of Health Care Facilities (CAHCF), our state's one hundred and sixty-seven (167) member trade association of skilled nursing facilities and Rehabilitation Centers. Thank you for this opportunity to offer testimony on several bills on today's public hearing agenda.

S.B. No. 519 (RAISED) AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION.

This is well-intended legislation which can be efficiently and effectively implemented by including any new fear of retaliation training requirements within the annual resident rights training that is currently required of all Connecticut nursing homes to direct care staff and monitored by the Connecticut Department of Public Health. We understand that this is the intent of the legislative proponent, the state long term care ombudsman. In this regard, we recommend this clarification be included in the bill.

HB5766
HB5761
HB5760

Specifically, add at the beginning of line 94: Within the curriculum of the required resident rights' training,". With this clarification, the bill has our support.

H.B. No. 5763 (RAISED) AN ACT CONCERNING GRIEVANCE COMMITTEES IN NURSING HOME FACILITIES.

We are opposed to this bill. Connecticut nursing homes deliver care in a highly regulated environment. Federal and State law already provides that all nursing home residents have the right to voice grievances without fear of discrimination or reprisal. They also have the right to prompt efforts by the facility to resolve all grievances. In addition, residents and residents' families have the right to organize and participate in resident and family groups ("councils"). The facility must provide private space for these groups to meet and facility staff may attend only by invitation. The facility must assign a staff member to assist the councils if requested to do so. The facility must listen and respond to grievances and recommended changes in policies or services voiced by resident and family councils.

Under these laws, Connecticut has an impressive array of highly functioning resident councils in its nursing homes and a statewide resident council. Connecticut Department of Public Health surveyors enforce the facility's obligation to respond to grievances rigorously. Facilities must keep a log of all grievances and must demonstrate



Legislative Commission on Aging

A nonpartisan research and public policy office of the Connecticut General Assembly

Testimony of

Deb Migneault, Legislative and Community Liaison
Legislative Commission on Aging

Committee on Aging

February 5, 2013

T4

SB522
HB5757
HB5758
HB5760
HB5762
HB5765
SB79

Good morning Senator Ayala, Representative Serra and esteemed members of the Aging Committee. My name is Deb Migneault and I'm the Legislative and Community Liaison for the Commission on Aging. On behalf of the Commission, I thank you for this opportunity to comment on a number of bills before you today.

As you know, the Legislative Commission on Aging is the non-partisan, public policy office of the General Assembly devoted to preparing Connecticut for a significantly changed demographic and enhancing the lives of the present and future generations of older adults. For twenty 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. I'd like to thank this committee for its ongoing leadership and collaboration in these efforts.

In these difficult budget times, research-based initiatives, statewide planning efforts, vision and creative thinking are all needed. The Legislative Commission on Aging is devoted to assisting you in finding solutions to our fiscal problems, while keeping our state's commitments to critical programs and services.

Senate Bill 519: An Act Concerning Training Nursing Home Staff about Residents' Fear of Retaliation

~ CoA supports

CoA thanks this Committee and Nancy Shaffer, our state's Long-Term Care Ombudsman, and the Coalition for Presidents of Resident Councils for identifying this critical issue again this year. This bill garnered broad support for the last two years and we urge you to support it once again. This bill would require staff to be trained and could help reduce staff's tendency to retaliate. CoA believes this type of training would be valuable and not pose a burden for nursing facilities in our state.

Fear of retaliation is a real issue for residents of nursing homes, who are often afraid to exercise their rights. Imagine if you were reliant on someone else to bathe you, bring your meals and change your sheets. If an issue arose – for example, if you were upset that your

medications were wrong or late – you might want to complain, and it would certainly be your right to do so. However, many residents bravely have come forward, indicating that complaining about one issue often has led to them receiving substandard care. Nancy's work with nursing home residents and staff has uncovered that staff are sometimes unaware that they respond in this fashion.

SB 522: An Act Increasing Funding for Elderly Nutrition
~ CoA Supports

The Elderly Nutrition Program (ENP) is a core program in supporting older adults in the community. It provides adequate nutrition critical to health, quality of life and overall functioning to older adults via congregate meals and home-delivered meals statewide. In Federal FY 2011 almost 833,000 congregate meals were given to over 18,000 adults across 188 congregate meal sites. In the same FFY, 1.2 million meals were home-delivered to over 6,000 CT adults.

The ENP is primarily funded by federal and state dollars and partially funded by suggested contributions from participants and private donations. For the past several years, overall funding has been tenuous. While federal and state funds have remained flat, individual voluntary donations for each meal and private donations have decreased as a result of this prolonged troubled economy. Unfortunately, flat funding translates into a decrease as the costs associated with this program keep rising markedly (e.g. food, fuel, maintenance of vehicles).

As a direct results, elderly nutrition providers are now forced to utilize a variety of approaches in response such as – putting caps on the number of meals served at sites, closing sites one or two days a week and not offering home delivered meals on weekends. It is important to note that unfortunately, it is a difficult cycle (a conundrum) – when fewer meals are served statewide, less money comes in from the federal government (as the federal government reimburses the state based on the number of meals served).

Clearly, the demand for the ENP will increase in concert with the soaring population of older adults and the major movement to keep people in the homes and communities. In light of changing times and to maximize state and federal resources, the CoA strongly and respectfully recommends that the state assess all the food security programs in Connecticut and implement a modernization plan. This will be no easy task as the U.S government administers food-related programs by various agencies with different funding streams and requirements. Consequently, coordination is limited and states are challenged to address broad goals

The State Unit on Aging (the administrator of the ENP) now also known as the State Department on Aging would be a key contributor among a multi-disciplinary group of stakeholders. The CoA offers its partnership with this most worthwhile endeavor ~ to

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February 5, 2013

Testimony of Russell Schwartz, Director of Operations at Avon Health Center and West Hartford Health and Rehabilitation Center, before the Select Committee on Aging

Good morning Senator Ayala, Representative Serra and to the members Committee on Aging. My name is Russell Schwartz. I am Director of Operations at Avon Health Center and West Hartford Health and Rehabilitation Center. These facilities have been owned and operated by my family for more than thirty years. Today, I am pleased to offer testimony for my facilities and on behalf of the Connecticut Association of Health Care Facilities (CAHCF), our state's one hundred and sixty-seven (167) member trade association of nursing homes, for which I serve on the Board of Directors, and as the chairperson of the association's legislative committee.

HB576e

HB576e

HB576e

S.B. No. 519 (RAISED) AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION.

This is well-intended legislation which can be efficiently and effectively implemented by including any new fear of retaliation training requirements within the annual resident rights training that is currently required of all Connecticut nursing homes to direct care staff and monitored by the Connecticut Department of Public Health. We understand that this is the intent of the legislative proponent, the state long term care ombudsman. In this regard, we recommend this clarification be included in the bill.

Specifically, add at the beginning of line 94: Within the curriculum of the required resident rights' training. With this clarification, the bill has our support.

H.B. No. 5763 (RAISED) AN ACT CONCERNING GRIEVANCE COMMITTEES IN NURSING HOME FACILITIES.

We are opposed to this bill. Connecticut nursing homes deliver care in a highly regulated environment. Federal and State law already provides that all nursing home residents have the right to voice grievances without fear of discrimination or reprisal. They also have the right to prompt efforts by the facility to resolve all grievances. In addition, residents and residents' families have the right to organize and participate in resident and family groups ("councils"). The facility must provide private space for these groups to meet and facility staff may attend only by invitation. The facility must assign a staff member to assist the councils if requested to do so. The facility must listen and respond to grievances and recommended changes in policies or services voiced by resident and family councils.

Statement of Martin Sbriglio
before the
Aging Committee
February 5, 2013

Sen. Ayala, Rep. Serra and members of the committee:

My name is Martin Sbriglio. I am president and chief executive officer of Ryder's Health Management, Inc., that owns and operates several long-term care facilities in Connecticut. We are not some out-of-state conglomerate; we are a family-owned company that has tried to do the best we can in serving the needs of our patients for 63 years.

I would like to offer brief comments on several bills. Overall, I would ask that you not add to our mandated burdens and requirements unless you are willing to fully cover the cost of that mandate. The nursing home sector is in deep trouble, largely because the Medicaid payments we receive do not begin to cover the cost of care. More and more homes are losing money, entering receivership or filing for bankruptcy. This simply is not the time to mandate that we do more when we continue to lose ground financially. I would point out that our Medicare rates were reduced by about 11 percent last year due to federal budget cuts.

SB 519—requires us to adopt a manual and train staff in not retaliating against residents who might have a complaint. The premise of this bill is that, somehow, those of us who have dedicated our lives to caring for the frail elderly will now “retaliate” against them. It is an outrageous premise, frankly. The manual and required training simply adds another burden on us as we work day in and day out to provide high quality care to those who need it.

HB 5763—requires us to establish a grievance committee where residents can meet with staff when issues arise. There already is a grievance committee, although it is called a resident council. Administrators are not allowed to attend unless invited. This bill would add a redundant regulation where none is needed.

HB 5766—requires facilities to have appropriate temperatures in our resident's rooms. We already do so—but the point is, will you reimburse us for the cost of installing or upgrading this equipment if we are served with a notice of violation? This bill would encourage a “gotcha” mentality where even the slightest temperature deviation could trigger a \$1,000 fine.

HB 5761—this bill really is out of line. It would hold me criminally liable for the acts of an employee were they to neglect or abuse a resident. Please name one industry sector where you hold someone responsible for an act that they have nothing to do with? Not to mention that the premise of this bill, again, is that somehow those of us who take care of the frail elderly as our life's cause would not do everything we can to ensure that our residents are comfortable and happy.

The above bills put more work on my staff for very little purpose. The time they spend on record keeping or attending meetings will increase, while taking away their time to be with the residents. I would simply ask you to “do no harm” to us. Please take no action on these bills. The industry is struggling and needs your help. The state mandates that we

care for low-income patients, but then pays us well below what our care really costs.
That's the real problem that deserves your continued attention. Thank you.

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STATEWIDE COALITION OF PRESIDENTS OF RESIDENT COUNCILS

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Testimony by

**Brian Capshaw, Executive Board Member of
 Statewide Coalition of Presidents of Resident Council
 Aging Committee
 February 5, 2013
 Brian Capshaw**

Hello, my name is Brian Capshaw and I live at Aurora Senior Living Center of East Hartford a nursing home. I'm testifying on behalf of the Statewide Coalition of Presidents of Resident Councils representing all 26,000 Connecticut nursing home residents.

Senator Ayala, Representative Serra and distinguished members of the Aging Committee. I like to thank you for putting forth SB 519, fear of retaliation training in nursing homes, HB 5766, comfortable and safe temperatures in nursing homes and HB 5763, establishment of grievance committees in nursing homes, HB 5761 liability of owners for neglect and abuse, and HB 5760, an increase in the personal needs allowance for nursing home residents on Medicaid.

HB 5760, which would increase the personal needs allowance for 16,000 nursing home residents from \$60 to \$72.75, is exactly the correct amount. In the 2011 budget the nursing home residents on Medicaid took a 13% or \$9 reduction in their personal needs allowance to save the state 1.7 million dollars, this reduction was listed as temporary in the budget.

Effective January 1st 2012, all social security recipients received a 3.6% increase in their monthly benefit, and again in 2013 another 1.7% increase to their benefit was given. As nursing home residents we will turn these increases over to the nursing home owners as cost of care. These results show the state contributing less Medicaid dollars to nursing homes, saving the state \$4 million in Medicaid spending in 2012 and \$6 million in 2013. The \$12.75 increase comes at a cost of only \$2 million, still leaving the state with \$4 million in net Medicaid savings for 2013. We would also like to see the language in the bill changed so future increases are not tied to an increase in the consumer price index but when social security recipients receive a cost of living adjustment, the personal needs allowance is also adjusted. We feel this change will give the bill a better chance of passing.

Fear of retaliation is real and does exist. SB 519 is an excellent follow up to the groundbreaking video "Voices Speak Out Against Retaliation" created by the Long Term Care Ombudsman Program.

I feel strongly that this training needs to be required to alleviate our fear of the staff members that care for us on a daily basis. Nursing home staff may feel they are acting in a proper manner, but to a resident it may be just the opposite.

A simple example, when an aide does not recharge residents' electric chair overnight because the resident has been labeled a "trouble maker" because they've written a formal grievance against an aide, this is a form of retaliation.

HB 5763 would require that each nursing home establish a grievance committee consisting of one resident and two staff members. The person filing the grievance has the option to send their grievance to the committee or kept it private with the administrator. All nursing homes provide a grievance form, but many times they seem to go into a black hole and get lost. By requiring all nursing homes to have a grievance committee, grievances can be resolved in a timely manner and residents will get a resolution to their grievance.

HB 5761, which holds nursing home owners and certain staff members criminally liable, in addition to civil and administrative sanctions for neglect and abuse of nursing home residents. We are a vulnerable population, and as nursing home residents we and our family members should be able to have the ability to hold the owners and staff of a nursing home liable in the event that they or a loved one have been abused or neglected. We would also like to see the legislation go further in that each nursing home must send a form to the coroner's office when a resident passes away, so the coroner can determine if abuse or neglect may have been the cause of death as is the law in Arkansas and Missouri.

HB 5766, which requires nursing homes to keep safe and comfortable temperatures in rooms and common areas in the nursing homes in which we live. Residents of nursing homes are highly susceptible to problems with temperature issues. If our facilities are too hot in the summer months we are susceptible to dehydration and in winter months if our facilities are too cold influenza becomes an issue.

In conclusion, I urge the Senate and the House and both parties to find common ground and pass these bills.

I'd to thank the Aging Committee for your time and consideration. I respectfully urge you to support Connecticut's nursing home residents who need quality facilities where they can live without fear, in a comfortable environment and know our owners will be held criminally liable for neglect and abuse, as well as have their grievances resolved in a timely manner. The increase in the personal needs allowance will help to provide for the simple extras that maintain our quality of lives, such as clothing, cable TV, a meal ordered out, telephone, haircuts or just a snack from the vending machine.

Thank you

Brian Capshaw

Statewide Coalition of Presidents of Resident Council

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 5
1213 - 1511**

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SENATE

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May 8, 2013

SENATOR LOONEY:

Thank you, Madam President.

Before returning to the Call of the Calendar, I have a couple of additional items to place on the Consent Calendar. I appreciate the cooperation of the members. The first is Calendar page 20, Calendar 413, Senate Bill 1049, move to place that item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

And also, Madam President, under "Matters Returned," Calendar page 38, Calendar 48, Senate Bill 519, move to place that item also on the Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if you might -- if the Clerk might now return to the items marked earlier: Calendar page 17, Calendar 360; and Calendar page 18, Calendar 372.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 17, Calendar 360, Substitute for Senate Bill Number 430, AN ACT CONCERNING THE STATE FLEET AND MILEAGE, FUEL AND EMISSION STANDARDS, favorable report on the Committee on Environment.

THE CHAIR:

ed/cd/gbr
SENATE

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May 8, 2013

If not, Madam President -- thank you, Madam President.
If not, I would ask this item be placed on Consent if
there's no objection.

THE CHAIR:

Seeing no objection so ordered, sir.

Mr. Clerk.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Whoops, sorry. Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President, a couple of -- of
additional markings.

Madam President, there was an item previously placed
on the Consent Calendar. It needs to be removed
because apparently it's in need of an amendment. And
that was the item under "Matters Referred," Calendar
page 38, Calendar 48, Senate Bill 519. If that item
might just be marked "passed temporarily" and will
have to be addressed with an amendment when -- when
reached on the Calendar.

THE CHAIR:

So ordered, sir.

Mr. Clerk.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk will call as the next
item, Calendar page 21, Calendar 424, House Bill 6212.

THE CHAIR:

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 7
1827 - 2152**

cah/meb/gdm/gbr
SENATE

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May 14, 2013

SENATOR LOONEY:

Yes, thank you. Madam President, if the Clerk would call as the next item under matters returned from committee, Calendar page 40, Calendar 48, Senate Bill 519.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page number 40, Calendar 48, Substitute for Senate Bill Number 519, AN ACT CONCERNING TRAINING NURSING HOME STAFF ABOUT RESIDENTS' FEAR OF RETALIATION, favorable report of the Committee on Aging.

THE CHAIR:

Senator Ayala, good afternoon, sir.

SENATOR AYALA:

Good afternoon, Madam President. I move acceptance of the Joint Committee's favorable report and urge passage of the bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark, sir?

SENATOR AYALA:

Yes. Madam President, the Clerk is in possession of an amendment, LCO Number 5642. May the Clerk please call the amendment and I be given leave to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

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SENATE

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May 14, 2013

LCO Number 5642, Senate "A" offered by Senator Williams, Looney, et al.

THE CHAIR:

Senator Ayala.

SENATOR AYALA:

Thank you, Madam President. I move the amendment.

THE CHAIR:

The motion is on adoption. Will you remark, sir?

SENATOR AYALA:

Yes, Madam President. This amendment is essentially just a technical amendment that essentially just changes numbers into letters and letters into numbers. I move adoption of it.

THE CHAIR:

Will you remark further on the amendment? Will you remark further on the amendment?

Seeing none, I'll try your minds. All in favor of the amendment, please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

The amendment passes.

Senator Ayala.

SENATOR AYALA:

Yes. Madam President, this bill is -- actually has no fiscal impact whatsoever. Current law

requires a nursing home administrator to make sure that staff receive in-service training. This bill would require the training to include training on a patient's fear of retaliation. The training would discuss number one a patient's right to file complaints and voice grievances; number two, examples of what is or what can be perceived as employee retaliation against patients, and number three, ways to prevent and alleviate patient's fear of retaliation. Also, this bill would require the state long-term care ombudsman to create an update a training manual which would provide nursing home administrators with guidance on structuring and implementing -- excuse me -- and implementing this training requirement.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Kelly. Senator Kelly. Senator Kelly?

SENATOR KELLY:

There we go. Thank you, Madam President.

Through you, I have a few questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY:

With regard to the training that's going to be provided, is that something that's going to be separate and distinct or is it going to be part of another already in place program? Through you, Madam President.

THE CHAIR:

Senator Ayala.

SENATOR AYALA:

To the fine Senator, it's what's already in place. It's nothing new. It's just the current practice that they have.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

Now, as I understand it, this is going to be focusing on the resident's fear of retaliation and how to go about I'm going to say sensitizing the staff to that fear. Through you, Madam President.

THE CHAIR:

Senator Ayala.

SENATOR AYALA:

Thank you. Through you, Madam President, that's what it is. It's ensuring that staff is sensitive to any actions that they might do rather -- whether advertent or inadvertent and it's just essentially to ensure that they don't do anything by mistake or something that could be perceived as retaliation.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

And with regard to that training, is it, you know, going to be a comprehensive or is it something like an hour or two. What's the time frame or time commitment that the nursing facilities are going to have? Through you, Madam President.

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THE CHAIR:

Senator Ayala.

SENATOR AYALA:

I'm not aware of a specific time commitment. I do know that our long-term care ombudsman will be in charge of working to implement the program and ensure that the proper training is involved.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. And thank you, Senator Ayala. This bill is an initiative that I think that does come out of certain fears that some residents while they are residents in nursing facilities. And it is designed to help employees understand that fear and to make them more sensitive to it. As I do understand, the cost to this is limited. It's going to be part of another program and I think it's very limited in scope, but it's something that individuals in nursing homes I think would get a lot of -- a fair degree of comfort knowing that the staff in nursing facilities do -- are going to be sensitive to this. So I stand in support of this bill and urge its adoption. Thank you.

THE CHAIR:

Thank you. Will you remark further? Will you remark further?

If not, Senator Ayala.

SENATOR AYALA:

Thank you, Madam President.

I want to thank the ranking chair of Aging for his leadership on this bill and helping get this

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passed. He has essentially spoken about the need for it and why it's so important and if there is no objection, Madam Chair, I'd like to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would call as the next item, returning to Calendar page 23, Calendar 480, Senate Bill 238.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 23, Calendar 480, Substitute for Senate Bill Number 238, AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you very much, Madam President. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR COLEMAN:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk might now call the items on the Consent Calendar before proceeding to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 1, Calendar 545, Senate Resolution Number 27; also on Page 1, Calendar 546, Senate Resolution Number 28. On Page 2, Number 547, Senate Resolution Number 29. On Page 2, Number 549, Senate Resolution Number 31. On Page 5, Number 184, Senate Bill 1026. On Page 7, Calendar Number 253, Senate Bill Number 763. On Page 16, Calendar Number 412, Senate Bill Number 962. On Page 17, Calendar Number 436, Senate Bill Number 673. On Page 18, Calendar Number 438, Senate Bill Number 761. Also on Page 18, Calendar Number 443, Senate Bill Number 1056. On Page 19, Calendar Number 449, Senate Bill Number 828. On Page 20, Calendar Number 461, House Bill Number 6540.

On Page 21, Number 469, House Bill Number 6574. On Page 23, Number 480, Senate Bill Number 238. On Page 25, Calendar Number 501, House Bill Number 5799. Also on Page 25, Number 507, House Bill Number 5117. On Page 26, Calendar Number 508, House Bill Number 6571. On Page 26, Calendar Number 509, House Bill Number 6348. Also on Page 26, Calendar Number 510, House Bill Number 6007 and on Page 26, Calendar Number 512, House Bill Number 6392.

On Page 40, Calendar Number 48, Senate Bill Number 519. On Page 40, Calendar Number 60, Senate Bill Number 859. Also on Page 40, Calendar Number 104, Senate Bill Number 833.

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On Page 41, Calendar Number 107, Senate Bill Number 917. On Page 42, Calendar Number 123, Senate Bill Number 434. On Page 43, Calendar Number 129, Senate Bill Number 898. Also on Page 43, Calendar Number 139, Senate Bill Number 158. On Page 43, Calendar Number 167, Senate Bill Number 879.

On Page 45, Calendar Number 195, Senate Bill Number 816. Also on Page 45, Calendar Number 204, Senate Bill 652. On Page 47, Calendar Number 241, Senate Bill 1040. On Page 48, Calendar Number 269, Senate Bill 1003. Also on Page 48, Calendar Number 270, Senate Bill Number 1007.

On Page 50, Calendar Number 304, Senate Bill 1019. Also on Page 50, Calendar Number 310, Senate Bill 903. And finally on Page 53, Calendar Number 399, Senate Bill 1069.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote. The machine will be open on the Consent Calendar.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call vote in the Senate.

THE CHAIR:

If all members have voted, if all members have voted the machine will be locked. Mr. Clerk, will you please call the tally.

THE CLERK:

On Consent Calendar Number 1.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and not Voting	0

THE CHAIR:

Consent Calendar is passed.

Are there any points of personal privilege?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

Yeah for a point of information for the Chamber.

THE CHAIR:

Please proceed, sir.

SENATOR DOYLE:

Yes, thank you, Madam President.

Tomorrow the General Law Committee will be meeting at 11:15 outside the Hall of the House. The bulletin said 15 minutes before the early session so now we're making it definitive. Tomorrow at 11:15 outside the Hall of the House the General Law Committee will be considering one bill that was referred to us.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Duff next.

SENATOR DUFF:

Thank you, Madam President.

For the point of announcement please.

THE CHAIR:

Please proceed, sir.