

**PA 15-236**

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And we had committed -- the Department of Housing and the Department of Mental Health and Addictive Services -- to dedicate funding that DMHAS has to train housing authority staff and commissioners to better deal with the issues that arise in communities as well as identify a regional point person to whom they can reach out to for specific guidance.

So you know, we have seen where also it could be a family unit, not only an elderly disabled development, where community or resident, if you will, issues do arise. And there's a way to handle those issues to effective resolution of folks living together and better able to live together where all folks could feel safe and non-threatened and be able to enjoy their time where they live.

REP. ADINOLFI: Well, from my own experience now -- I don't mean I was there, I mean, but I know of people there; and I've visited there -- and when you have an elderly housing with people in their 70s, and 80s, and even higher, and you get some 22 year olds and 25 year olds in there, sometimes it doesn't work out. There have been problems. And my personal recommendation is that we make elderly housing elderly housing. Thank you.

REP. SMITH: Any other questions? Thank you, Commissioner.

COMMISSIONER KLEIN: Thank you.

REP. SMITH: Next up is Commissioner Roderick Bremby. Good morning, Commissioner.

COMMISSIONER BREMBY: Good morning. Good morning, Senator Flexer, Representative Serra, distinguished members of the Aging Committee. My name is Rod Bremby. I'm Commissioner of the

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Department of Social Services. I'm pleased to be before you this morning to testify on three bills that impact the Department.

Beginning first with Senate Bill No. 1003 and House Bill 6894, the Department of Social Services commends the Committee for its attention to the need for strategic planning for Medicaid long-term care services. This is a critical need given the strong preferences of older adults and individuals with disabilities to live in home and community-based settings, the state's interest in controlling escalating costs, and the support of a town-level tailoring of strategies to meet local needs.

DSS respectfully suggests to the Committee, however, that the studies that are being proposed in Senate Bill 1003 and H.B. 6894 are not needed. In keeping with the legislation enacted by the General Assembly, Governor Malloy, the Office of Policy and Management, and DSS released a strategic plan to rebalance long-term services and supports, which already captures the data and planning strategies that are contemplated by these bills.

Also, Section 17(b)337 of CTS requires the Connecticut Long-Term Care Planning Committee to prepare a long-term care plan every three years based upon the fundamental principle that individuals with long-term care needs have the option to choose and receive long-term care and support in the least restrictive appropriate setting. The most recent plan entitled Balancing the System, Working Toward Real Choice for Long-Term Services and Supports in Connecticut was released in January 2013.

In support of the RFP for nursing facility diversification, the Department contracted with Mercer to make town-level projections of the

need for nursing home beds and associated workforce for all cities and towns in Connecticut. Mercer released updated projections for 2014. The plans can be accessed online at [www.ct.gov/dss/reval](http://www.ct.gov/dss/reval).

Moving on to Senate Bill 1005, an act protecting elderly persons from exploitation. This proposal addresses a rapidly increasing problem in our community, financial exploitation of elderly persons. In 2014, the Department referred close to 100 cases of financial exploitation to the Office of the Chief State's Attorney for criminal investigation, which is significantly greater than in previous years. Reports of financial exploitation account for approximately a quarter of the reports the Department receives. In 2012, there were 880 reports of financial exploitation, and the number of such reports rose to 1,300 in 2014, a significant increase.

It should also be noted that many times once an investigation of abuse or neglect is initiated, the Department discovers there is also financial exploitation. This is not reflected in those numbers.

These cases are quite disturbing. The Department has seen numerous situations where an elderly person's once trusted friend, or designated power of attorney, or even family member has depleted the elderly person's life savings, sometimes to the tune of hundreds of thousands of dollars. Incredibly, these once wealthy individuals who save for their care and comfort, in their later years become eligible for Medicaid, which prematurely shifts the cost of caring for these individuals to the state.

We have several examples written in the testimony. I just want to review one of an

actual case. Our protective services received a report of neglect and financial exploitation. The elderly person, who suffered from dementia, was about to be evicted from her apartment, where she received assisted living, for non-payment. Her son, who was her power of attorney, had paid the initial deposit and failed to pay anything further on her behalf after her admission.

In addition, the elderly person's income was being sent directly to the power of attorney, and he did not provide any money to the elderly person so that she could pay for her expenses. The POA did not respond to telephone calls and letters from the facility or to the notice of eviction proceedings.

The Department learned through its investigation that the son had used his power of attorney to sell the elderly person's home, retain the assets from the sale of her home, and had her monthly income directed to him. He depleted her assets to such a degree that she became eligible for Medicaid, shifting the cost of her care to the state. And we have many, many examples of similar exploitation.

The proposed changes to the protective services and criminal statutes, and the addition of a Connecticut Uniform Power of Attorney Act would go a long way towards deterring financial exploitation of elderly persons and creating meaningful consequences for those who are convicted of such exploitation. They add important changes to current law related to oversight of individuals who have power of attorney.

These revisions would reduce the financial burden imposed on the state as a result of the misuse of authority by powers of attorney. For

example, Subsection (h) of Section 22 allows the probate court to order the elderly services division of the department to ask a Port Authority to disclose receipts, disbursements, or transactions conducted on behalf of the principal. The power of attorney must comply with the Department's requests within 30 days with extensions possible. This will allow the Department to have necessary access to information about an elderly person's finances so that if there is exploitation, which is thoroughly defined in subsection (5) of Section 1 of the bill, the Department will be able to move quickly to stop it.

Subsection (a) of Section 24 of Raised Bill 1005 provides that varies categories of persons, including the Division of Protective Services for the Elderly within the Department may petition the probate court to construe a power of attorney or review the agent's conduct and grant appropriate relief. This increase in oversight by the probate court of individuals lead to a more timely resolution of protective services cases, obviating the need for the Department to petition the probate court or conservator of the estate in order to address issues related to the agent's conduct under a power of attorney, which is what has to happen now.

I'm going to skip down to the next paragraph, subsection (5) of Section 1 of the bill because it also expands the definition of exploitation by giving examples of different types of misconduct that are included within the definition. It includes a breach of a fiduciary relationship such as a misuse of power of attorney, and we believe this is critical.

Finally and more importantly, Section 5 gives

an elderly person who has been abused, neglected, or exploited, or his or her conservative or other person acting on behalf of the elderly person, with the consent of the elderly person, a cause of action against any perpetrator and allows for the recovery of actual punitive damages, together with costs and reasonable attorney fees. This is an important way to empower those whose lives have been adversely affected by others' misuse of their authority. This, in addition to Section 4, amendment of larceny in the second degree to include exploitation, may also act as deterrents and result in a decrease in cases of exploitation.

For these reasons, the Department supports this proposal.

House Bill 6893, an act increasing the personal needs allowance for residents of long-term care facilities. This bill proposes to increase the personal needs allowance of residence in long-term care facilities from \$60 to \$65. It would also restore annual cost-of-living increases.

Residents of nursing facilities pay their Social Security and other unearned income towards the care cost or cost of care with the exception of a monthly personal needs allowance or PNA.

In 1998, Connecticut increased the PNA from the federal minimum of \$30 to \$50 per month, provided for July 1 annual updates equal to the inflation adjustment in Social Security. As a result of the indexing to Social Security increases, the state's PNA was \$69 per month in state fiscal year 2010. PA 11-44 reduced this amount to \$60 and eliminated the indexing.

The federal minimum for personal need allowance is

\$30 per month. Neighboring states, Rhode Island and New York, have a current PNA level of \$50 per month.

The Governor's budget reduces the PNA to \$50, which results in anticipated state savings of \$1 million in state fiscal year 2016 and \$1.1 in state fiscal year 2017. For this reason, the Department is unable to support increasing the PNA and reinstating the annual cost-of-living increases.

I want to thank you for your time and the opportunity to present testimony this morning. My staff and I are able to answer any questions you might have.

REP. SMITH: Thank you. Any questions from the Committee? Representative Rovero.

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REP. ROVERO: Commissioner, I want to thank you for what I think is a great job you do in your agency.

I have just one question. You know these people that are referred to the Chief State's Attorney for financial exploitation, what usually ends up with the results? Do we ever recoup any money, or what are some of the results of some of these cases?

COMMISSIONER BREMBY: You can ask Laura Stawning, one of our attorneys in the office to talk about the outcome of the cases that, in fact, she refers to the Chief State's Attorney for prosecution.

MS. STAWNING: Good morning. I primarily work with the Protected Services for the Elderly Unit, and I make the referrals. The referrals come to me from the field of instances of financial exploitation as well as physical abuse,

neglect. And we forward those to the Office of the Chief State's Attorney for criminal investigation. From that point, the Chief State's Attorney's Office will either take on the case themselves, or they will contact a local law enforcement and have them assigned to investigate the case.

We have had several cases that are particularly egregious that have and are being prosecuted.

REP. ROVERO: Okay. Thank you. I think we have to get some publicity out there to let these people know they're not going to get away with this because --

MS. STAWNING: I agree.

REP. ROVERO: Your Honor, I do it for not only the reason that the state is going to end up paying the bill, but I mean, somebody works all their life to have some security when they get older; and they turn it over to what they think is a reliable son or daughter that has something else in mind. Somehow we have to let the word out that you're not going to get away with this. You're going to have to give it back and maybe spend a couple days behind bars or something. So thank you very much for your time.

MS. STAWNING: Okay

REP. SMITH: Representative Bolinsky.

REP. BOLINSKY: Thank you very much, Mr. Chair. And, Commissioner Bremby, thank you very much for all of your work and for your agency's work, your commissions work.

I have a question about the education that you've just provided me regarding Senate Bill

1005. Because I've got a constitute that actually fell victim to a son who, with his power of attorney, second mortgaged the gentleman's home that he had lived in for 53 years and then defaulted, leaving his father to basically be evicted. And we literally fought and tried to get him, and did eventually get him replaced after about a year and a half of wrangling.

But to my question, I found an awful lot of frustration in that particular case because regardless of my urging and regardless of my offense at what had happened, prosecution never occurred because the gentleman and -- this elderly gentleman was not a dementia patient, not an Alzheimer's patient, therefore, did not have what I would consider or what the state would consider to be diminished mental capacity. So when it came time to open the case and press charges, he was so afraid of losing his son's support, love, being ostracized by the family that he would never -- he didn't prosecute. And I suspect, with elderly parents of my own, that, that's going to be common.

So is there something that can be done to rectify the situations in a case where the victim is afraid of retribution and will not press charges?

COMMISSIONER BREMBY: I think so. You've hit on an issue that is emerging in our culture, and I think that we've been more keen towards physical abuse and neglect of our seniors but not so much about financial exploitation.

In the same way that we have to help people become aware what exploitation really is, I think we're eager to work with our colleagues in the Department of Aging on some educational

concepts or forms so that people understand that they don't have to accept that, and it is abusive. It is exploitation, and it's not something that they should tolerate. It's very difficult.

REP. BOLINSKY: And if I might have a follow-up question, Mr. Chair. In a case, such as the one I'm describing, there was \$175,000 extracted, and then there was further coercion of the elderly gentleman by the son to continue to turn over Social Security and other forms of financial support so that he could catch up on the mortgage payments; and not one cent of that ever went to the mortgage company. And I can't discuss further details because of privacy issues, obviously, and also the bank wouldn't discuss with me, even though I was trying to climb into this thing as far as I could.

So I guess the question I've got out of that part is if prosecuted and there are no remaining assets because this particular thief, abuser took his father's money, took his father's home, took his father's everything and blew it, drank it, gambled it, whatever, I mean, if prosecuted and if convicted, what's the recourse if there's nothing left to repay?

COMMISSIONER BREMBY: I think the bill also increases this exploitation as a secondary larceny. We believe that the possibility of some time behind bars would serve as a deterrent, where today those resources are often expended, and there really aren't assets to be reacquired. It's not as though they go out and buy something of value that could then be monetized in return. They go out and they spend it. And so we hope that in some way this would offer a deterrent.

We hope further still that we can create a

culture where this doesn't exist or is less likely to exist, but we're seeing a rise. And we think that this legislation is a really good first step towards trying to preclude more of this.

REP. BOLINSKY: I agree that this is a good first step, and I think that, you know, if I can, I'm really, really on board with your concept of making sure that everybody in society is aware of this and can spot it. And we can have neighbors, friends, and other family members be active advocates for people that are getting their entire lives stolen from them. So working together with the Committee on Aging, I'm -- whatever you need.

COMMISSIONER BREMBY: Thank you.

REP. SMITH: Representative Cook.

REP. COOK: Thank you, Mr. Chairman. Good morning, Commissioner. Nice to see you. I want to thank you for your support of the majority of the bills. I just have a comment and maybe a question regarding the last bill you addressed, H.B. 6893, the act increasing personal needs allowance for residents of long-term care facilities.

You know, in your testimony you had stated that our surrounding states have a \$50 PNA, and I think that -- obviously you see we fluctuated this back and forth over the past few years. And myself, I've heard from constituents that say, hey, look, it costs me just \$17 to get a haircut, let alone whatever else I might need. And if we're looking to drop this allowance back down to \$50 a month, we're talking about -- and let's assume that a haircut is as reasonable as \$17, you're looking at less than, you know, \$40 to be able to spend and to

utilize for the whole rest of your month. And I just --

With the respect of the fiscal crisis, I get it. I mean, you know, we obviously understand the situation that we're in. I find it disheartening to kind of not have consideration for the elderly and their needs, whatever those needs might be, given the fact that we walk this Earth because they walked it first. And for me it's a respect issue, and it's the ability to live and have some pride and ownership of yourself and your personal day-to-day needs, let along whatever else, like I said, those things might be.

So you know, it breaks my heart to know that we continue to pull away from the elderly, and if there's a way at all that we can negotiate that, or look at that, or even meet half way in what the proposal is versus where we have -- I understand the cost savings, but for me the cost savings just isn't worth what it's going to do to impact the elderly. So it's more of a comment I guess, but thank you.

COMMISSIONER BREMBY: Representative Cook, I appreciate your sentiments. I don't disagree with them. As you know, the amount that is reflected in the Governor's budget is less than the amount that this bill proposes to go to, and because of that reason, we can't support the bill. But I don't disagree with your sentiment.

REP. SMITH: Representative Adinolfi.

REP. ADINOLFI: Thank you, Mr. Chairman. Hi, welcome.

Two things I'd like to talk about. One is the power of attorney. There is a difference

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between a power of attorney and a conservator. You could have power of attorney and not be a conservator until you go through the probate court, and they send someone over to examine the person and talk to the person in the nursing home to see if they need a conservator.

I thought that before someone goes on Medicaid you can go back five years and check all the accounts, all the money withdrawn from accounts and stuff. I know when my mother was in a nursing home years ago, they could go back three years, and I had to supply every bank statement in every checking account.

Now I understand the law is such that -- I'm not saying me, but I'll use myself as an example -- I can give each of my children \$14,000 a year and not have to report it, and my wife could give each of my children \$14,000 a year and not have to report it. Now five years go by and that \$14,000 -- that was what \$6,000 it wound up, would be washed out by going back five years and you know, would increase the eligibility for Medicaid there.

And I do believe that there is a lot of abuse. I was a hospice volunteer for four years, all right. And you had patients that were fully awake, and you also had patients that were on a morphine drip. And the families would come in to visit, and they would argue over the estate. And I had to be trained to be a hospice volunteer. I would take them outside the room and tell them that, you know, your mother or father hears every word you're saying, and that's the first thing we learn. And a lot of it does go on, and I think the idea of investigating it closer is good.

On the PNA, I'm not sure -- can't they accumulate that money? Say \$50 a month, they

don't spend it; the next month they got 100 to spend. And I found that -- I know when my mother was in, I would get a statement every month.

But there are some nursing homes I understand that actually make money on this. The people going around with the wagon with the candy on it, and the cookies, and stuff like that, it's not monitored that closely, and I've heard -- we should monitor it, and I believe we should require every nursing home to require a statement given to whoever has the power of attorney or conservator monthly to see what was spent. Thank you.

REP. SMITH: Any other questions from the Committee?

I just have one question. You quoted -- in the adjustment in the Governor's budget it amounted to, and correct me, \$1 million savings by taking it from 60 to 50?

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COMMISSIONER BREMBY: That is correct.

REP. SMITH: And as you well know, I guess the Governor had sent that in the newspaper, so I'm not saying that anything most people don't know here. The Governor has basically told the Legislature, fix the budget to your liking. So in the scheme of things we're talking about a two-year, roughly \$40 billion. We're talking about \$1. So I guess this Legislature will have to do some soul searching and maybe leave it at \$60. I don't think that's a lot of money.

I just came from about 19 months with a family member in a nursing home. So not that she had to worry about anything because she had us, but that was beside the point. She was a very independent individual. She went to 102 with

COMMISSIONER RITTER: I was going to correct the record. Yes. It is Acting Commissioner.

REP. SMITH: Well, you are a good actress anyway from way back.

COMMISSIONER RITTER: Oh, that makes me feel great just starting out this testimony. Thank you.

Good morning, Senator Flexer and Representative Serra, along with -- we miss Senator Kelly, but Representative Bolinsky and the rest of the members of the Committee on Aging.

To save perhaps some time in the process, rather than simply repeat some of the points that you've already heard from some of the other Commissioners, I have testimony on just three bills and a comment on a fourth for you.

The first bill would be testimony regarding Senate Bill 1002, an act concerning senior centers. As you well know, senior centers in Connecticut are a gathering place for older adults and a valued and integral part of the aging network. They offer a wide range of educational, recreational, health, and social services to older adults so they may successfully age in place. Most are multipurpose centers providing meals, information, and assistance, health and wellness programs, public benefits counseling, and much more.

One program in particular that we're all familiar with, the Elderly Nutrition Program, is supported by the State Department of Aging and our community partners to provide meals in participating senior centers across the state.

Through the Federal Older Americans Act, the

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that. It is limited by that amount.

I just wanted to put that out there because in the discussion that I've had, many people have indicated that they felt that information was helpful when they looked at opportunities to continue to discuss our senior centers and how many we are fortunate to have and how they exist.

Mr. Chair, would you like me to take questions individually on bills or offer all of the testimony and then (inaudible).

REP. SMITH: Why don't you provide all your testimony, and then I'll have the Committee ask you questions, specifically on different areas that you addressed. Thank you.

COMMISSIONER RITTER: Thank you. The second bill that I'd like to speak to is in opposition of Senate Bill 1003, and act concerning nursing home care and House Bill 6984, an act concerning a study of long-term care, not because these are bad studies in any way.

But I think it's important to understand, not just the importance of strategic planning for these long-care needs, but that a variety of studies have been conducted over the past decade already concerning both of these issues and proposing numerous recommendations.

In my testimony, I give you a citation of some of those. The important point is that this work is currently being completed, and we would respectfully suggest that additional studies may be duplicative and that agency resources could be utilized more effectively in other areas.

The third bill would be Senate Bill 1005, an

act protecting elderly persons from exploitation. You've already heard a lot of testimony, which the State Department on Aging supports from our other Commissioners, so I won't read everything here. But I would like to quickly point out that -- and some of this testimony you'll see I recently offered to the Committee on Human Services on a very similar bill.

The Department on Aging has continued to grow and adapt to the changing needs of our residents, as we listen to concerns throughout the state, and in fact, we have now developed our coalition for elder justice in Connecticut. It is a truly public, private sector, non-political collaborative of aging, disability, and elder rights advocates and agencies. I've given you some detail as to its structure.

The coalition already has several workgroups addressing concerns that are included in this bill. The financial bank group consists of a chair from Jewish Services in Fairfield, members from the Department of Banking, community banking and credit unions, and the Departments of Social Services and Aging, and has been researching best practices throughout the country to come up with educational programs to increase awareness and reporting of abuse without increasing mandatory reporters at this time.

Our Department has also been working with DSS' Protective Services for the Elderly on how to combine our mission of programming and awareness with their mission of prevention of abuse within our financial constraints, and we'll be adding appropriate coalition partners, including the Chief State's Attorney, who are specifically involved in prevention and prosecution of elder abuse. Consumer fraud,

law enforcement education, probate court concerns, and senior safety are all workgroups in some stage of formation and operation.

I would respectfully recommend utilizing the findings of these existing groups rather than duplicating their efforts in statute.

And seconds, a small correction, relative to defining terminology, I would also recommend that for purposes of your statutory language, the Americanized preferred term of caregiver from the Older Americans Act be used to replace the older term caretaker, which is not currently used to refer to persons.

As to other issues in this bill, and you've heard already about many of them, the Department on Aging supports improvement to the uniform statutes relative to power of attorney, appropriate criminal sanctions when elders have been abused, and actions in passing changes to the statutes before adequate study has been completed on the scope of ramifications.

Thank you for your time. I would like particularly to thank you for your concerns about this issue. We've heard already increasing incidences, particularly in the area of financial exploitation that are deeply troubling. As it's so often the case, it serves us well to do everything we can to be learning about them, but also everything we can to be examining opportunities where we can strength the protections for our vulnerable older adults. I appreciate that.

Finally, I didn't bring written testimony, but Senate Bill 1004, the act concerning senior housing. I very much support the respectful suggestions from our fellow Commissioners, that as we go forward to study this, certainly the

REP. SMITH: Any other questions from members of the Committee?

I just have one, Commissioner, and it's more of an announcement. Obviously, everybody I think here knows that the issue of the power of attorney, the last stop will be at the Judiciary Committee. So any thoughts that anybody may have how to make this bill better, make sure the members of the Judiciary Committee know.

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One of the things I do know is -- and I see some people here representing banks -- that some of the banks that I'm aware of in Connecticut have trained a lot of their tellers and people to actually ask questions when seniors will come in to do things that are beyond the normal, and that's usually that there's a fraud or something of that going. So I think this is very important. As we heard the Commissioner of DSS speak, it's become a bigger program.

So with that, Commissioner, thank you for being here this morning. Thank you.

Next is Deb Migneault.

MS. MIGNEAULT: Good morning --

REP. SMITH: Good morning.

MS. MIGNEAULT: -- Representative Serra, Senator Flexer, and members of the Committee. Thank you very much for having me here this morning. As you all know by now if you've seen me, my name is Deb Migneault. I'm a Senior Policy Analyst for the Legislative Committee on Aging, non-partisan public policy office, right here at the General Assembly, and I'm going to be

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services to nursing home residents. And I also wanted to say that existing federal funds that support the ombudsmen program are restricted to -- and are not allowed to be used for community-based services.

Finally, Senate Bill 1005, an act protecting elderly persons from exploitation. We are supportive of this bill, and this bill criminalizes financial exploitation of older adults, creates a civil cause of action for recovery against the perpetrator, expands mandated reporters, and there's other protections in the bill for victims of financial exploitation.

You've already heard some of the numbers about financial exploitation. That's certainly an issue. It is increasing the numbers are increasing. The Department of Justice said that 11.2 percent of older adults report financial exploitation by a family member, and according to a 2011 MetLife study, financial loss of older adult victims of financial abuse is estimated at about \$2.9 billion.

I also want to say that it's important to be aware and recognize during your deliberations on all this that it is often times family members that are involved that are exploiting the person they're caring for. So it's not just an outside person coming in. A lot of times our consumer awareness campaigns are around outside entities. Certainly those are very, very important, but it's also just important to remember that we have very, very complex family dynamics at play; and that happens in families too.

And specific to Section 8, which charges the Committee on Aging with conducting a study around best practices or reporting and

identification of abuse and neglect exploitation and abandonment of elders, just a little bit of history. The Aging in Place task force had lots of discussions about financial exploitation, and you're going to hear from Laura Snow. She's here in the audience. She is really an expert on this. I encourage you to ask her lots of questions. She's really great, but she talked about the data desert in this area, where really we don't know the data very well. We don't have common definitions, and reporting is complex because things get reported to different entities. So that was a recommendation of the task force to look at this. Certainly we're very much willing and supportive to do this with the Elder Justice Coalition and further collaboration there. So thank you for that.

Additionally, in Judiciary we testified last week on the enhanced protection around the Informed Power of Attorney Act, and we're supportive of that.

I think that's it. That was a lot. Thank you very much for having me again.

REP. SMITH: Any questions of the Committee?  
Representative Adinolfi.

REP. ADINOLFI: Yeah. Just a fast question. Thank you, Mr. Chairman.

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Welcome. On the training of hospital staff for Alzheimer's and dementia, don't you think that the hospitals already have specialists in this area?

MS. MIGNEAULT: There are definitely -- I'm sure. Hospitals have specialists around people -- have specialist doctors, geriatricians, that work with people with Alzheimer's and dementia.

REP. ADINOLFI: Well, I'm familiar with quite a few nursing homes. They're all in my district. And they do a great job, but I'm saying the regular hospitals -- the hospitals are right now taking a beating. And now to give them another unfunded mandate could be a problem. I'm not saying we shouldn't do it, but it could be a problem.

MS. MIGNEAULT: Right. Yes, I agree. Hospitals are certainly under tough times, and those are discussions that I'm happy to work with the Committee on with the hospital to discuss how best it could be integrated within their current training. And like I said, it's not intended to be burdensome in any way, just to enhance some training for the direct line staff, really to make their job a little bit easier even.

REP. ADINOLFI: Thank you.

MS. MIGNEAULT: You're welcome.

REP. SMITH: Any other questions from the Committee? Thank you, Deb.

MS. MIGNEAULT: Thanks.

REP. SMITH: Next up is Nancy Shaffer.

MS. SHAFFER: With your permission, may I ask Brian Capshaw to come up and join me in the conversation about the personal needs allowance? Thank you.

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Good morning, Senator Flexer, Representative Serra, and member of the Aging Committee. My name is Nancy Shaffer. I'm a state long-term care ombudsman.

Senate Bill No. 1005, an act protecting elderly persons from exploitation. I do think it's important that the state take a leadership role in effective protections for frail and aging individuals, and as Commissioner Ritter mentioned and I think Deb Migneault as well, the Coalition for Elder Justice in Connecticut is a very active entity, which is looking at -- and I know that Laura Snow is going to talk more I'm sure about the banking group and the fraud protections that are being woven into some of the best practices in the state.

What I want to mention though is that in Section 4A of this proposal, it defines mandated reporters to include -- and it underlines professional as the new language -- professional patient advocates. I'm going to ask that the Committee take another look at that, and I've spoken with DSS and just confirmed with Laura Stawning that we can negotiate that to better define what is a professional patient advocate.

The ombudsman program, per the Older Americans Act, we're not mandated reporters, and that's because we are seen as resident advocates; and we're directed by the resident. We certainly systemically advocate for eliminating exploitation, but at the individual level it's not a requirement at the federal level for us to be mandated reporters.

I think that this is talking about professional advocates such as a care manager, social workers, entities that have developed organizations that are really paid via family or a resident to provide advocacy services, whereas the ombudsman program is quite different. So I'd ask that you take a look at that.

caregivers...to provide these services, but we're not asking the right questions about how we go about that.

So our suggestion is that these studies, whatever studies they are, expand to include data on key workforce issues. How many workers, for example, in long-term care in Connecticut make less than \$15 an hour? How many want full-time hours but are unable to get them and cobble together two or three jobs to make a 40-hour week?

We know from our own statistics that nursing home assistants and support staff, about 50 percent of them, still earn less than \$15 an hour after an average of 10 years on the job, and the statistics in homecare are even lower.

Thank you for this opportunity to testify on behalf of our caregivers, and I'd be happy to answer any questions.

REP. SMITH: Any questions from members of the Committee? Thank you.

MS. CHERNOFF: Thank you.

REP. SMITH: Good morning.

MS. GRAY: Good morning, Committee members. I'm Jeryl Gray. I'm here to speak to Bill No. 1005, an act protecting elderly persons from exploitation. I have submitted already to you a 99-page sample of the material from our case of extreme exploitation of elderly that's been committed upon my mom, Dolores Gray, DOB 1930; and myself DOB 1954, and I'm testifying today and welcome this opportunity to give you my positions on this bill within the context of our situation.

My basic support of the intention and contents of this bill are overridden by the context of learning through such unspeakable experience of the atrocities of the past six horrific, horrific years, as having my elderly mom and I become subjected to and having turn to Kevin Kelly, who is Stratford town attorney, private elder law attorney and close political crone of the Stratford Probate Judge F. Paul Kurmay for help back in spring of 2009.

My Depression-era mother and I are very well known through Stratford and surrounding communities for having started and built, completely from scratch, an extremely successful multimillion dollar enterprise beginning back in 1971, Nature's Way Health Foods through our decades of very, very hard work of 60 to 80-hour, 7-day work weeks together.

When my fully mentally-competent mother realized how over a period of time our own attorneys, CPA, and her son, my brother Jay, have been conspiring against us in the eluding transfer of our multimillion dollar earned assets into their own possession, control, and ownership. With our confrontation of those attorneys, Engelmann and Crew (phonetic), confirming this to be true, we were referred by Carrie McNanema (phonetic) of Stratford Senior Services to her close pal, Stratford town attorney, Kevin Kelly for help in going after these predators to get back our assets.

We went to Stratford Town Attorney Kelly, who had us hire him in his capacity of being an elder law attorney in private practice. I, therefore, paid Attorney Kelly to help us in his capacity in his capacity of private elder law attorney. However, instead of helping us, Kevin Kelly immersed my mother and me into --

65.  
jat/ag/gbr AGING COMMITTEE

March 03, 2015  
10:00 A.M.

REP. SMITH: Excuse me. You know, before you continue and talking about individuals and all that, I think it's -- you should be really talking about the bill.

MS. GRAY: Yes.

REP. SMITH: And what you think this Committee will then probably make the Judiciary Committee aware of; how we can strength legislation here in Connecticut to stop certain exploitation of senior citizens and other people.

Now, the question I have, as the Chair of this Committee; is have you addressed the proper attorneys in government and the proper law enforcement people? You know, we're not a court hear or jurors to listen to this. So hopefully you just make your point as to what you want the members of this Committee to do, proving your testimony to strength this bill on exploitation. So I hope I gave some guidance of what I think this Committee wants to hear. Thank you.

MS. GRAY: All right. Thank you, sir. I'll go a little further. I'll just end that part by saying my mother has been stripped of all of her assets and is now a prisoner of the probate court and is not allowed to see anyone.

And the point I'm making about this bill is that all the extensively worthy points in it do not protect the monied elderly who end up in the crosshairs of the predatory probate elder law industry, whose members are by law immune to the provisions of law presumably protecting the elderly from exploitation.

As these are the true exploiters, your bill does nothing to protect victims of predators,

who under color of law can rob monied elders like my mother of everything she earned in a lifetime, as they are paying themselves -- and I have the document here -- \$700,000 per year of the money stolen from her for their services of --

REP. SMITH: Ma'am, again, I don't want to cut you off. This is -- we represent your government, all of you here, and you know, you're saying things that I believe belong to the State's Attorney or the criminal court system of this state. You know, you're making charges here, and it's really -- you're not speaking to the right people, other than maybe we can ask questions and make sure we strengthen the various statutes here in Connecticut to protect people against exploitation.

So hopefully you continue but just make the point. I think I'm speaking on behalf of the members of this Committee. We're looking for some direction. We want to know kind of what happened, and what we can do to pass it on to our other members of the House and the Senate to strengthen this statute that currently exists.

So thank you and continue, and I hope you don't get into any personal --

MS. GRAY: All right.

REP. SMITH: -- and make inflammatory charges against a lot of our court system, and probate courts, and all that. We have no knowledge of that. So continue now. Thank you.

MS. GRAY: Well, that is along the lines of what I am speaking in that this bill does not protect any of us victims who are victims of the probate elder law industry. I am in

(Inaudible) whistleblower situation in being that -- I'm not sure you're aware but every few years the probate assembly re-ups -- revises their rule book, and while it is open to the public for any of us to go and listen, I was the only person in the whole state of Connecticut, non-participatory person in the whole state of Connecticut that went and attended these. And they are not audio recorded. They are only taken in minutes by Mr. Bilker (phonetic).

And I was just horrified, sir. I was horrified to learn and to see, watch them parse each word to further enable themselves to have the opportunity to strip people of their civil rights through the probate actions and loot their estates.

Within that context, we are considered some of the worst victims. We are considered to have the most corrupt and predatory elder law probate racket in the whole 50 United States. We're considered dead last, ranked dead last of states to retire, and the number one state that people are relocating, fleeing Connecticut to relocate into other states.

This is in the context I'm speaking of the probate court is outside of the normal Judiciary. I heard Judge Domandare (phonetic) speak. I have it recorded. We're not part of the Judiciary, and we don't want to be.

A probate judge can override a medical diagnosis at their own discretion and declare anyone mentally incompetent, and a probate judge in Connecticut can take anyone who happens to be positioned in Connecticut -- my mother is a Florida resident and domiciliary, voting, driving, car registered. She was granny-snatched, and she is now an involuntary

conservatorship because the probate court in Connecticut can declare anyone who happens to be standing, sitting, situated in Connecticut to be a Connecticut resident at that moment and, thereby, involuntarily conserve them. This is what happened to my mother. My mother has got involuntary conservator person, involuntary conservator of the state, guardian ad litem, court-appointed attorneys while she has an attorney in place. This is corruption, sir. This is corruption.

REP. SMITH: Ma'am, you know, I understand. I'm assuming --

MS. GRAY: We have no way from this bill -- we have no way from this bill of addressing the true --

REP. SMITH: I don't want to cut you off. I think members of the Committee are well aware of the point you're making. I'm not sure if you had attorneys representing you, but I think just, please, just summarize and conclude because we got a long agenda here.

MS. GRAY: Alrighty.

REP. SMITH: Thank you.

MS. GRAY: My conclusion on this is that I do not see that this bill is able to give any aid in addressing perpetrators of financial exploitation of the elderly when, in fact, they are operating under color of law.

REP. SMITH: Well, thank you, and this Committee will take that under consideration. Thank you.

MS. GRAY: Thank you.

REP. SMITH: Laura Snow, please.

MS. SNOW: Hi. My name is Laura Snow. I am the Program Director for the Center for Elder Abuse Prevention, which is part of Jewish Senior Services down in Fairfield. I wear a number of different hats, and I hadn't actually planned on testifying today until a number of people said I was testifying. But I do have a couple comments and contributions to make about this bill.

And also wanted to extend an invitation, which I think one of my colleagues from the credit unions is going to extend as well.

To say a little bit more, the hat I am wearing today, I'm involved in a number of different activities through the Center for Elder Abuse Prevention. We provide services to victims of elder abuse and also extensive advocacy and education activities. We've been servicing -- alongside with my colleagues here, Erin Burke, our community advocate -- we've been serving on the steering team for the Connecticut Elder-Justice Coalition, and that's the hat I'm wearing today. I Chair the Committee that is leading the bank and financial institution workgroup that's specifically looking at efforts to enable banks and other kinds of financial institutions to confidently make reports or active ways to prevent cases to begin with, and that really comes with training and education. And our partners with the bankers association and the credit unions have been working diligently with us for over a year on that.

I would say also that a lot of the points I would like to make have been brought up by others, so I won't mention those. But this -- if I haven't said it already, I'm talking about Senate Bill 1005.

The power of attorney, I would say the training elements as well there that is needed. One of the things that our office is working on that other states have done is looking to voluntary efforts for people to participate in not just the mechanics of what it takes to be a power of attorney, but also what are some of the ethical and moral implications of that role? How do you make decisions alongside somebody else or potentially on their behalf depending on their capacity? There are some guidelines for this. Other states, in particular Arizona has really set the stage for this nationwide.

Section 5(b) of this bill, the Speedy Civil Trial, again, it sounds like the Judiciary bill is drafting a lot of these power of attorney elements, but that Civil Speedy Trial, one of our cases had an individual who was living here in Connecticut as well as Florida. And we ended up helping him facilitate because he didn't have email, or a fax machine, and some of those other things. The Civil Speedy Trial I think is very important.

And my last thing I'll conclude with is inviting you all tomorrow afternoon at Nutmeg Credit Union, Nutmeg State Credit Union in Rocky Hill. We'll actually be piloting our first training of bank managers and working with them on materials we put forth to start that education that I know this bill wants to see, and I know that the members in that world as well we'll be speaking to.

So thank you very much. If you have any questions too, I'd be happy to answer those.

REP. SMITH: Thank you. Any questions from members of the Committee? Thank you. Any other members of the public wanting to testify before we adjourn?



Testimony to the Aging Committee

Presented by Mag Morelli, President, LeadingAge Connecticut

March 3, 2015

Regarding

- SB 1002, An Act Concerning Senior Centers
- SB 1003, An Act Concerning Nursing Home Care
- SB 1004, An Act Concerning Senior Housing
- SB 1005, An Act Protecting Elderly Persons from Exploitation
- HB 6893, An Act Increasing the Personal Needs Allowance for Residents of Long-Term Care Facilities
- HB 6894, An Act Concerning a Study of Long-Term Care
- HB 6895, An Act Requiring the State Ombudsman to Investigate Complaints Concerning Recipients of Home and Community-Based Care

Good morning Senator Flexer, Representative Serra, and members of the Aging Committee. On behalf of LeadingAge Connecticut, a membership organization representing mission-driven and not-for-profit provider organizations serving older adults across the continuum of long term care, services and supports and including senior housing, I would like to submit the following testimony on several of the bills that are before you today and offer the Committee our assistance as you consider these various issues.

**SB 1002, An Act Concerning Senior Centers**

LeadingAge Connecticut has no objection to this proposed bill and would be happy to assist the Committee with such a study.

**SB 1003, An Act Concerning Nursing Home Care**

LeadingAge Connecticut has no objection to this proposed bill and would be happy to assist the Committee with such a study.

**SB 1004, An Act Concerning Senior Housing**

LeadingAge Connecticut is a strong proponent of the model of linking affordable senior housing with long term services and supports; a model that enables older adults to remain in the community and to age in place. We believe this model is one of the answers to our state's quest to balance the system of long term services and supports. Our membership includes several affordable senior housing sites and we are pleased to comment on the bill before you today.

Affordable housing should be available to all those who need it and as a state we should strive to meet that need. There is currently a growing need for affordable housing with long term services and supports both for older adults and for persons with disabilities. LeadingAge Connecticut supports the

study outlined in section one of this bill before you today. We would encourage including the Commissioners of the Department of Social Services, the Department of Mental Health and Addiction Services and the State Department on Aging in the study as their respective departments oversee many of the services provided to older and younger adults in affordable housing.

**SB 1005, An Act Protecting Elderly Persons from Exploitation**

Prevention of elder abuse is a priority for LeadingAge Connecticut members and we therefore support the intent of this proposed bill which is to extend the current statutory reporting requirements and protective services for elder abuse to include the financial exploitation of older adults. We believe expanding the statutory protective services could be beneficial to many individuals and we applaud the Committee for moving forward in this direction.

As the representative of aging service providers, we would be very interested in being included in the further development of this proposal. We do have questions regarding some of the new and amended definitions contained in the bill. For instance, in the definition of a "person who stands in a position of trust and confidence," in line 36 we question whether the intent was to place an "and" instead of an "or" between (A) and (B). We also note that the definition of "neglect" now varies from its use in other similar statutes and we ask if the definition of "caretaker" should be clarified.

**HB 6893, An Act Increasing the Personal Needs Allowance for Residents of Long-Term Care Facilities**

LeadingAge Connecticut supports the effort to increase the personal needs allowance for nursing home residents. An increase in the allowance can enhance the personal experience and quality of life for a nursing home resident. Related to this bill, we are very concerned that the Governor's budget proposal calls for a \$10 reduction in the monthly allowance. We have opposed that proposed cut.

**HB 6894, An Act Concerning a Study of Long-Term Care**

LeadingAge Connecticut has no objection to this proposed bill and would be happy to assist the Committee with such a study.

**HB 6895, An Act Requiring the State Ombudsman to Investigate Complaints Concerning Recipients of Home and Community-Based Care**

There is already a pilot community long term care ombudsman program in statute that is intended to be implemented in the Hartford area. This pilot has not yet been launched and is the target of a proposed cut in the Governor's budget.

Thank you for this opportunity to submit testimony and we offer the Committee our assistance on any of these issues.

Respectfully submitted,

Mag Morelli, President



(860) 828-2903, [mmorelli@leadingagect.org](mailto:mmorelli@leadingagect.org)  
 1340 Worthington Ridge, Berlin, CT 06037 [www.leadingagect.org](http://www.leadingagect.org).



# Connecticut's Legislative Commission on Aging

A Nonpartisan Public Policy and Research Office of the Connecticut General Assembly

State Capitol  
210 Capitol Ave.  
Hartford, CT 06106  
860-240-5200  
www.cga.ct.gov/coa

Testimony of  
Deb Migneault  
Senior Policy Analyst  
Connecticut's Legislative Commission on Aging

Agging Committee

March 3, 2015

Julia Evans Starr  
Executive Director

TS

Deb Migneault  
Senior Policy Analyst

Senator Flexer, Representative Serra and esteemed members of the Aging Committee, my name is Deb Migneault and I am the Senior Policy Analyst for Connecticut's Legislative Commission on Aging. I thank you for this opportunity to comment on SB's 1002, 1003, 1004 and HB's 6892, 6893, 6894 and 6895 today.

Alyssa Norwood  
Project Manager

SB1005

Christianne Kovel  
Communications  
Specialist

As you know, Connecticut's 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 more than twenty years, the Legislative Commission on Aging has served as an effective leader in statewide efforts to promote choice and dignity and to enhance the quality of life for Connecticut's older adults and persons with disabilities.

*With 21 volunteer  
board members from  
across the state*

**SB 1002: An Act Concerning Senior Centers**  
~ CT's Legislative Commission on Aging Supports

In 2011, the Connecticut Association of Senior Center Personnel in collaboration with CT's Legislative Commission on Aging surveyed senior centers across the state in order to better understand the range of services provided, funding and staff support of Connecticut's senior centers. The study (Profile of Senior Centers in Connecticut) found that among the 100 centers who responded to the survey the budgets, staffing levels, services offered, availability of training, hours of operation, etc., senior centers across Connecticut are extremely diverse. For example, in 2011 the median operating budget for senior centers was between \$231,000 to \$1.5 million.

Senior Centers, Municipal Agents, Resident Services Coordinators, Social Service Departments and many other municipal entities are often foundational elements of our services and supports system, particularly as it relates to information and referral. The Department of Social Services has received \$72 million dollars from the Center for Medicare and



unique challenges faced by people with Alzheimer's disease. Dementia specific capabilities need to be expanded and enhanced to ensure a dementia competent workforce with the skills to provide high quality care.

HB 6892 requires hospitals to provide Alzheimer's disease and dementia training to hospital employees who provide direct patient care to people with Alzheimer's' disease and dementia. We are supportive of this bill and enhanced training on Alzheimer's disease and dementia across the health care delivery system.

**HB 6893: An Act Increasing the Personal Needs Allowance for Residents of Long-Term Care Facilities**

~ CT's Legislative Commission on Aging Supports

We appreciate this committee's commitment to the personal needs allowance for nursing home residents. The FY 12-13 state budget reduced nursing home residents' personal needs allowance (PNA) from \$69/month to \$60/month. As this Committee knows, the PNA is used for grooming, clothing, TV/phone service and other items that help improve the quality of life and preserve dignity for nursing home residents. Through the Coalition for Presidents of Resident Councils and the annual Voices Forum, the Legislative Commission on Aging has heard from residents themselves about this hardship and its impact. We support the increase the PNA from \$60 to \$65/month and, at the very least, support maintaining the current level. (note: The Governor's recently released proposed budget reduces the personal needs allowance to \$50 for a projected savings of \$1 million.)

**HB 6895: An Act Requiring the State Ombudsman to Investigate Complaints Concerning Recipients of Home and Community Based Care**

~ CT's Legislative Commission on Aging Informs

Mandated by the federal Older Americans Act, the LTCOP safeguards the rights and quality of life for residents of skilled nursing facilities, residential care homes and assisted living. This proposal would significantly expand the role and work of the LTCOP to also safeguard the rights of those living in their homes and communities. In the 2013 CGA session, PA 13-234 established a pilot in Hartford to have the LTCOP available in the community and appropriated funding. Some initial work had begun. However, the funds were not released due to the hiring freeze. The Governor's proposed budget eliminates the funding for this effort (expected savings \$28,015). It is important to note that the LTC Ombudsman does not have the capacity to staff a pilot or this new mandate without additional funds. Existing federal funds for the LTCOP are restricted and are not allowed to be used for community-based ombudsman services.

**SB 1005: An Act Protecting Elderly Persons from Exploitation**

~Connecticut's Legislative Commission on Aging Supports

SB 1005 criminalizes the financial exploitation of older adults, creates a civil cause of action for recovery against a perpetrator, expands mandated reporters to include

financial agents and otherwise enhances protections for victims of financial exploitation. The need to address financial exploitation is more salient than ever more. According to a 2007 study by the Department of Justice, 11.2% of older adults report financial exploitation by a family member or stranger. Moreover, according to a 2011 Metlife study, the financial loss by older adult victims of financial abuse is \$2.9 billion annually.

The Connecticut Elder Justice Coalition ("the Coalition") was created by the Governor's Executive Order No. 42. With the support of the State Department on Aging, Department of Banking, the Department of Consumer Protection, the Department of Emergency Services and Public Protection, and the Department of Social Services, the Coalition, among other tasks, is considering ways to strengthen and improve the programs and services available to elder abuse victims in Connecticut, identifying and highlighting best practices and lessons learned in elder abuse prevention, detection and intervention in Connecticut and other states, and is preparing recommendations on governmental actions to be taken.

Among its other components, Section 8 of SB 1005 charges the Legislative Commission on Aging with conducting a study concerning best practices for reporting and identification of the abuse, neglect, exploitation and abandonment of elderly persons. We welcome the opportunity to further collaborate with the Coalition and its many stakeholders. Through the development of recommendations to standardize reporting and identification, we will better understand the nature and scope of the problem. Once established, consistent and reliable data will soon follow which would serve as a tremendous catalyst for effective policy and programmatic development in this area.

Additionally, SB 1005 offers enhanced protections of which we are supportive, including the Uniform Power of Attorney Act (Sections 9 – 53). These sections contain provisions that aim to promote choice and autonomy and prevent and detect Power of Attorney abuse. UPOAA creates greater transparency and oversight about the agent's actions and set forth the powers that an agent cannot exercise unless specifically authorized to do so by the individual. Additionally, it lists circumstances under which a third party may legitimately refuse to accept a power of attorney or provide sanctions for unlawful refusals.

Finally, though such laws often target older adults over the age of 60, we would suggest that exemplary state policies offer protections for *all* people who are incapacitated or otherwise vulnerable and would recommend such an amendment.

<sup>[1]</sup> Conn. Gen. Stat. § 8-114d

<sup>2</sup> Legislative Program Review and Investigations Committee. *Mixing Populations in State Elderly/Disabled Housing Projects*. 2004. Available at <[http://www.cga.ct.gov/2004/pridata/Studies/pdf/Housing\\_Populations\\_Final\\_Report.pdf](http://cga.cga.ct.gov/2004/pridata/Studies/pdf/Housing_Populations_Final_Report.pdf)>



## AGING COMMITTEE

## Public Hearing

March 3, 2015

OFFICE OF THE STATE LONG TERM CARE OMBUDSMAN

55 Farmington Avenue

Hartford, CT 06105

Telephone: (860) 424-5200

Toll Free: 1-866-388-1888

Website: [www.ltcop.ct.gov](http://www.ltcop.ct.gov)*Written testimony of State Ombudsman, Nancy Shaffer*

T6

Good morning Senator Flexer, Representative Serra, Co-Chairpersons Senator Osten and Representative Rovero and esteemed members of the Aging Committee. My name is Nancy Shaffer and I am the Connecticut State Long-Term Care Ombudsman. Per the Older American's Act and CT General Statute 17b-400-417, it is the duty of the State Ombudsman to provide services to protect the health, safety, welfare and rights of the residents of skilled nursing facilities, residential care homes and managed residential communities/assisted living facilities. Most recently, the CT General Assembly mandated the Long-Term Care Ombudsman Program develop a pilot project to provide community ombudsman assistance to individuals in Hartford County. It is the responsibility of the State Ombudsman to also advocate for changes in laws and governmental policies and actions that pertain to the health, safety, welfare and rights of residents with respect to the adequacy of long-term care facilities. I appreciate this opportunity to testify on behalf of the thousands of individuals throughout Connecticut who receive long-term services and supports.

S.B. No. 1003 (RAISED) AN ACT CONCERNING NURSING HOME CARE.HB6895  
SB1005

The objective of this proposal is to study whether long-term services and supports across the continuum of care are sufficient to meet future demands in terms of programs, planning and services. This would provide demographic information about the adequacy of numbers of nursing homes and whether these homes will be positioned to provide services to meet the long-term care needs of our aging population. Previous studies, such as the Mercer, 2012 report, "State of Connecticut Medicaid Long-Term Care Demand Projections", the Long-Term Services and Supports Plan (2010 and 2013) and the Long-Term Care Needs Assessment and others should serve as an excellent foundation for an updated study, if it is determined that a further study is required.

HB6893

Long-term services and supports (LTSS) throughout the country as well as here in Connecticut are going through significant changes. The emphasis on supported community living and transitioning residents from nursing homes to the community means that there are substantial changes in the environments where people receive long-term supports and services. It is important to identify the specific needs at each point and the capacity of the various care settings. As more people receive LTSS in their home and community settings care providers and the state must understand the needs of those residents who continue to require care in the



of those residents who continue to require care in the nursing home setting. These individuals will quite likely have more medically complex needs and will require higher and more acute levels of care. Knowing how this changing acuity will impact future models of Connecticut nursing homes is essential.

**S.B. No. 1005 (RAISED) AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION.**

The purpose of this legislation is to strengthen protections of vulnerable elders against exploitation. The Long-Term Care Ombudsman Program supports this proposal, but with a specific recommendation: Section 4 (a) of the proposal defines mandated reporters to include "(8) professional patients' advocate". I ask the Aging Committee to add to the language "(excluding the Office of the State Ombudsman)". Per the Older American's Act, the Ombudsman Program is not a mandated reporter. The work of the Ombudsman is designed to be resident-centered and directed. And in fact, the Older American's Act at section 712(d) indicates that the Ombudsman (Office of the State Ombudsman) has sole authority to make such determinations of disclosures.

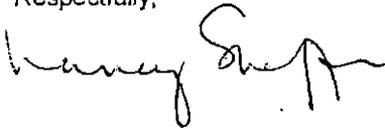
It is important that the State take a leadership role in effective protections for frail aging individuals, especially at a time when our aging demographics speak so dramatically to the numbers of people over the age of 65 who will reside in Connecticut. The Ombudsman Program appreciates the proponents thoughtful clarification of definitions included in this proposal as well as the professional intent of the proposal to provide improved protections for elders, with the exception of the request for clarification about mandated reporters/"professional patients' advocate. There are professional entities, care managers, social workers, aging professionals which have formed and provide advocacy services, these are the types of "professional patients' advocates" I believe are the intent of the proposed language.

**H.B. No. 6893 (RAISED) AN ACT INCREASING THE PERSONAL NEEDS ALLOWANCE FOR RESIDENTS OF LONG-TERM CARE FACILITIES.**

The Ombudsman Program and the residents of our long-term care facilities sincerely appreciate the Aging Committee's proposal to raise the Personal Needs Allowance from sixty dollars to sixty-five dollars and also restore the Social Security cost-of-living allowance. This modest increase will make a difference for residents. As you know, the 2011 budget resulted in a "temporary reduction" of the PNA and elimination of the cost of living allowance. The residents and this Office have come to the legislature the past few years to ask that the PNA and the COLA be restored. We have described for you the hardships this reduction causes the residents. Clothing, toiletries, occasional out-trips, hair care, telephone service, cable television services, all must come out of the monthly Personal

As a state we promote rebalancing through greater reliance on home and community based services. I look forward to further conversation and collective "brainstorming" to develop a Community Ombudsman service that both meets the needs of our citizens and is sustainable within the available resources of the Long-Term Care Ombudsman Program.

Respectfully,

A handwritten signature in cursive script, appearing to read "Nancy Shaffer".

Nancy Shaffer



T3

*Testimony before the Aging Committee  
Roderick L. Bremby, Commissioner  
March 3, 2015*

Good morning, Senator Flexer, Representative Serra and distinguished members of the Aging Committee. My name is Roderick Bremby and I am the Commissioner of the Department of Social Services. I am pleased to be before you today to testify on several bills on today's agenda that impact the Department.

**S.B. No. 1003 (RAISED) AN ACT CONCERNING NURSING HOME CARE & H.B. 6894 (RAISED) AN ACT CONCERNING A STUDY OF LONG-TERM CARE**

The Department of Social Services commends the Committee for its attention to the need for strategic planning for Medicaid long-term care services. This is a critical need given the strong preferences of older adults and individuals with disabilities to live in home and community-based settings, the state's interest in controlling escalating costs, and support for town-level tailoring of strategies to meet local needs. DSS respectfully suggests to the Committee, however, that the studies that are being proposed by S.B. 1003 and H.B. 6894 are not needed. In keeping with the legislation enacted by the General Assembly, Governor Malloy, the Office of Policy and Management, and DSS released the Strategic Plan to Rebalance Long-Term Services and Supports, which already captures the data and planning strategies that are contemplated by these bills. Also, section 17b-337, CGS, requires the Connecticut Long-Term Care Planning Committee to prepare a long-term care plan every three years based on the fundamental principle that individuals with long-term care needs have the option to choose and receive long-term care and support in the least restrictive, appropriate setting. The most recent plan, entitled *Balancing the System: Working Toward Real Choice for Long-Term Services and Supports in Connecticut*, was released in January 2013.

In support of the RFP for nursing facility diversification, the Department contracted with Mercer to make town-level projections of need for nursing home beds and associated workforce for all cities and towns in Connecticut. Mercer recently released updated projections for 2014.

HB 6893

The plans can be accessed at [www.ct.gov/dss/rebal](http://www.ct.gov/dss/rebal) and [http://www.ct.gov/opm/lib/opm/hhs/ltc\\_planning\\_committee/ltc\\_plan\\_-\\_2013.pdf](http://www.ct.gov/opm/lib/opm/hhs/ltc_planning_committee/ltc_plan_-_2013.pdf)

**S.B. No. 1005 (RAISED) AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION**

This proposal addresses a rapidly increasing problem in our community – financial exploitation of elderly persons.

In 2014, the Department referred close to 100 cases of financial exploitation to the Office of the Chief State's Attorney for criminal investigation, which is significantly greater than in previous years. Reports of financial exploitation account for approximately 25% of the reports the Department receives. In 2012, there were 880 reports of financial exploitation, and the number of such reports rose to 1300 in 2014, a significant increase. Also, it should be noted that, many times, once an investigation of abuse or neglect is initiated, the Department discovers that there is also financial exploitation. This is not reflected in these numbers.

These cases are quite disturbing. The Department has seen numerous situations where an elderly person's once-trusted friend, or designated power of attorney, or even family member, has depleted the elderly person's life savings, sometimes to the tune of hundreds of thousands of dollars. Incredibly, these once wealthy individuals who saved for their care and comfort in their later years become eligible for Medicaid, which prematurely shifts the cost of caring for these individuals to the state.

Actual examples of such cases include:

- Protective Services received a report of neglect and financial exploitation. The elderly person, who suffered from dementia, was about to be evicted from her apartment, where she received assisted living services, for non-payment. Her son, who was her POA, had paid the initial deposit and failed to pay anything further on her behalf after her admission. In addition, the elderly person's income was being sent directly to the POA and he did not provide any money to the elderly person so that she could pay her expenses. The POA did not respond to the telephone calls and letters from the facility, or to the notice of eviction proceedings.

The Department learned through its investigation that the son used his POA to sell the elderly person's home, retain the assets from the sale of her home, and had her monthly income directed to him. He depleted her assets to such a degree that she became eligible for Medicaid, shifting the cost of her care to the state.

- Protective Services received a report of possible financial exploitation when a State Marshal served an elderly person living in a nursing facility with an eviction notice for an apartment she had not resided in for several months. The elderly person reported that her daughter, her POA, paid all of her bills. In addition, the POA failed to follow through with the elderly person's Medicaid application, and the nursing facility was not being paid for her care.

The Department tried, without success, to work with the POA for several months to help her complete the Medicaid application. Ultimately, the Department had to file a petition for the appointment of a conservator of estate, which was granted. The Conservator discovered that the POA had not terminated the elderly person's lease, and had failed to pay the rent or utilities related to the apartment. The POA was, using her mother's funds to pay her own bills. It was later discovered that the POA several judgments against her.

The proposed changes to the protective services and criminal statutes, and the addition of a "Connecticut Uniform Power of Attorney Act" would go a long way toward deterring financial exploitation of elderly persons and creating meaningful consequences for those who are convicted of such exploitation. They add important changes to current law relating to oversight of individuals who have power of attorney. These revisions would reduce the financial burden imposed on the state as a result of the misuse of authority by powers of attorney.

For example, subsection (h) of section 22 allows the probate court to order and the elderly services division of the Department to ask a power of attorney to disclose receipts, disbursements or transactions conducted on behalf of the principal. The power of attorney must comply with the Department's request within 30 days, with extensions possible. This will allow the Department to have necessary access to information about an elderly person's finances, so that, if there is exploitation, which is thoroughly defined in subdivision (5) of section 1 of the bill, the Department will be able to move more quickly to stop it.

Subsection (a) of section 24 of Raised Bill 1005 provides that various categories of persons, including the Division of Protective Services for the Elderly within the Department, may petition the probate court to construe a power of attorney or review the agent's conduct and grant appropriate relief. This increase in oversight by the probate court of individuals will lead to more timely resolution of protective services cases, obviating the need for the Department to petition the probate court for a conservator of the estate in order to address issues related to the agent's conduct under a power of attorney, which is what has to happen now.

Subdivision (6) of subsection (b) of section 28 allows the Department to put the elderly person's bank on notice if a report has been made to the Department that there is a good-faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation or abandonment by the power of attorney or a person acting for or with the power of attorney, and allows the bank to reject the acknowledged power of attorney presented to it by the power of attorney. This is important because, currently, the only way for the Department to get an elderly person's bank account frozen is to apply for a conservatorship, and then send a notice of pending application to the bank. But sometimes a conservatorship is not necessary, and freezing the account places burdens on the elderly person's ability to access the account himself or herself. This is a much more efficient and narrowly tailored way to ensure that the bank may assist in protecting the elderly person's assets.

Subdivision (5) of section 1 of Raised Bill 1005 also expands the definition of "exploitation" by giving examples of different types of misconduct that are included within the definition, and includes "a breach of a fiduciary relationship, such as the misuse of a power of attorney," which is critical. Also important and beneficial to elderly persons is that section 2 makes "financial agents," defined in section 1 as officers or employees of a financial institution defined in section 32-50 of the general statutes, mandated reporters. As such, if they have reasonable cause to suspect or believe that an elderly person has been abused, neglected, exploited or abandoned, or is in a condition that is the result of such abuse, neglect, exploitation or abandonment, or in need of protective services, they are required to report to the Department within 72 hours of such suspicion or belief. Bank employees often have long-term relationships with elderly persons, and are often in a good position to observe changes in the elderly person, such as a decline in the

elderly person's physical or mental health, and to identify suspicious changes in the elderly person's banking activity.

Finally, and also importantly, section 5 gives an elderly person who has been abused, neglected or exploited or his or her conservator or other person acting on behalf of the elderly person with the consent of the elderly person a cause of action against any perpetrator and allows for recovery of actual and punitive damages, together with costs and reasonable attorney's fees. This is an important way to empower those whose lives have been adversely affected by others' misuse of their authority. This, in addition to the section 4 amendment of larceny in the second degree, to include exploitation, may also act as deterrents and result in a decrease in cases of exploitation.

For these reasons, the Department supports this proposal.

**H.B. No. 6893 (RAISED) AN ACT INCREASING THE PERSONAL NEEDS ALLOWANCE FOR RESIDENTS OF LONG-TERM CARE FACILITIES**

This bill proposes to increase the personal needs allowance of residents of long-term care facilities from \$60 to \$65. It also would restore annual cost-of-living increases.

Residents of nursing facilities pay their Social Security and other unearned income towards their cost of care with the exception of a monthly personal needs allowance (PNA).

In 1998, Connecticut increased the PNA from the federal minimum of \$30 to \$50 per month and provided for July 1 annual updates equal to the inflation adjustment in Social Security. As a result of the indexing to Social Security increases, the state's PNA was \$69 per month in FY 10. PA 11-44 reduced this amount to \$60 and eliminated the indexing.

The federal minimum for the personal need allowance is \$30 per month. Neighboring states, Rhode Island and New York have a current PNA level of \$50 per month.

The Governor's budget reduces the PNA to \$50, which results in anticipated state savings of \$1.0 million in FY 2016 and \$1.1 million in FY 2017. For this reason the Department is unable to support increasing the PNA and reinstating the annual cost-of-living increases.

March 3, 2015

**TO:** Members of the Aging Committee  
**FR:** Connecticut Bankers Association  
Contacts: Tom Mongellow, Fritz Conway  
**RE:** Senate Bill 1005, AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION

The CBA has been diligently working with the Department of Aging and a task force including a broad group of key stakeholders, to create a public/private partnership for the voluntary reporting by banks of actual or suspected elderly fraud. Other states (including Massachusetts and Maine) have successfully developed similar programs. The Connecticut partnership has many important goals including financial education and safety for our senior citizens, and prevention of fraud or exploitation against them. To accomplish many of these goals, the partnership is developing a robust training and implementation strategy for financial institutions to enhance the voluntary reporting and resolution of suspected fraud against elder customers. As the Massachusetts Bank Reporting Project states: "Through voluntary participation in the Project, financial institutions and their employees have been and will continue to be integral in the successful detection and prevention of elder financial exploitation."

Elderly fraud is of serious concern to banks as they work to protect an elder customer's privacy and dignity, while at the same time trying to identify and protect them against possible fraudulent activities or perpetrators. Commonly, when an elder customer is asked about a suspected transaction they may get defensive and threaten to close the account. It's a very sensitive area that requires a great deal of training and tactfulness when engaging a senior in that type of conversation. Indeed, many times lawsuits are threatened and the bank is put in the middle of trying to serve the customers wishes, yet protect their monies from criminals. The "liability trap" in these situations can occur if the monies are inadvertently released in a fraudulent scheme or conversely, if it is not released due to suspected exploitation – then reported – but winds up being a legitimate transaction.

While the Bills provisions are well intended, we are concerned that the language creating the new mandatory reporting, significant fines and criminal prosecution for perceived non-compliance will create several unanticipated and negative consequences. This will likely cause over-reporting "to be safe" and not address the complexities of effectively identifying and reporting to protect elder customers. Also, and importantly, is the potential for lawsuits from elder customers, their family members or those with Power of Attorney designations who do not want the bank reporting any activities, or telling them what to do with their monies. These provisions will also highlight a lack of capacity to address the flood of new reporting to law enforcement

and those agencies that will receiving those reports, as their resources are already stretched thin. The success of any anti elder fraud program hinges not just on reporting, but the ability of those key protective agencies to promptly investigate and resolve them.

We believe the approach that the Connecticut partnership is undertaking is more desirable and implementable than a harsh mandate that includes fines and criminal penalties for non-compliance.

Another major section of the bill proposes a Uniform Power of Attorney statutory framework. The CBA and other interested groups have been negotiating a similar bill in the Judiciary Committee, H.B. 6774, which just had a public hearing last Wednesday. That bill, which has been proposed by the Connecticut Bar Association, is a result of many interested groups providing input over the last two sessions. We would respectfully ask that the committee consider that bill as the POA vehicle for this legislative session.

We would be happy to work with the Committee to further the goal of protecting our senior citizens from exploitation and thank you for the opportunity to provide this testimony.

T13

MARCH 3, 2015

IN ADDITION TO SUBMISSION OF WRITTEN TESTIMONY OF :

JERYL GRAY, PO BOX 695, STRATFORD CT 06615, (203) 5001917, [jvgrayconn@hotmail.com](mailto:jvgrayconn@hotmail.com)

For Connecticut Aging Committee re

The Aging Committee public hearing on Tuesday, March 3, 2015 at 10:00 A.M. on

S.B. No. 1005 (RAISED) AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION,via email to Amy Linskey, per her advisement to do so at [amy.linskey@cga.ct.gov](mailto:amy.linskey@cga.ct.gov),

I Jeryl Gray, in having submitted a 99 page sample of material from a case of extreme EXPLOITATION OF ELDERLY as has been so committed upon my Mother Dolores Gray (dob 1930) and myself (dob 1954) I testify here now in person before you.

In having just learned of this hearing I am not able to prepare as extensively as I would have wished to; however I welcome the opportunity to testify here and to state my positions regarding this bill and the context in which it is taking place: that being a Senate Bill under the Aging Committee in which Kevin Kelly is Ranking Member.

My basic support of the intention and contents of this bill are overridden by the context of learning through such unspeakable experience of the atrocities of past six horrific years as have my elderly Mother and I been subjected to in having turned to Kevin Kelly, (who is Stratford Town Attorney /private elder law attorney/ close political crony of Stratford Probate Judge F Paul Kurmay) for help back in spring 2009.

My Depression Era Mother and I are well known throughout Stratford and surrounding communities for having started and built from scratch an extremely successful multimillion dollar enterprise beginning in 1971, Nature's Way Health Foods, through our decades of hard hard work of 60-80 hour seven day work weeks.

When my fully mentally competent mother realized how, over a period of time our own attorneys, CPA and her son Jay had been conspiring against us in their looting transfer of our multimillion dollar EARNED assets into their own possession, control, ownership, (with our confrontation of Attorneys Engelman, and Krug confirming this to be true), we were referred by Carrie McNanama of Stratford Senior Services to her close pal, Stratford Town Attorney Kevin Kelly for help in going after these predators to get back our assets.

We went to Stratford Town Attorney Kelly who had us hire him in his capacity of being an elder law attorney in private practice. I therefore paid Attorney Kelly to help us in his capacity of private elder law attorney. However, instead of helping us, Kevin Kelly immersed my Mother and me into the most unspeakable horror of what has resulted in the total theft of all of our assets, in the stripping of my Mother, Medically Diagnosed Mentally and Psychologically "Capable and Competent" Florida Resident/ Domiciliary Dolores Gray of all her Civil Rights and multimillion dollar assets, in the seizure and sale of her two 56 year owned Connecticut homes, as she was placed into imprisonment in involuntary captivity in solitary confinement via probate court sentences of involuntary conservatorships, involuntary guardianships and involuntary control of court appointed attorneys, all pigs at the trough getting our millions of dollars, getting our hard EARNED money.

My mother remains today in the captivity to the mother-beating son against whom she had obtained an attorney-created Order of Protection, had disowned and disinherited and whom she never wanted to see again; she is forbidden any contact to or from her beloved daughter from whose loving cohabitation she was seized. My Mother seeks death, suicide to escape.

The submitted documents I've given you touch in overview on what your colleague did to my Mother, which was, instead of going after the predatory attorneys which we hired him to do, was his installation of my Mother and me into the Probate Racket under the power and control of his close political crony, his colleague Stratford 36- year- reigning Probate Judge F Paul Kurmay, who is commonly resentfully known as King Kurmay.

My Mother has thus been stripped of all of her multimillion dollar assets and is now a prisoner in solitary confinement who is never allowed to see or have any contact to or from me, her beloved daughter ever again because of probate judges being able to do so per the laws and lawmakers of Connecticut.

The point I am making re this bill is that all the ostensibly worthy points in it do not protect the moneyed elderly who end up in the crosshairs of the predatory probate/ elder law industry whose members are by law immune to the provisions of laws presumably protecting the elderly from exploitation. As these are the true exploiters, your bill does nothing to protect victims of predators who under color of law can rob moneyed elders like my Mother of everything she earned in a lifetime of working 60-80 hour seven day work weeks, as they have stripped her of all of her Civil Rights and as they are paying themselves \$700,000.00 per year of the money they stole from her for their "service" of doing this to her.

We learned, far too late into being so preyed upon that my Mother Dolores Gray and I, Jeryl Gray are victims of what has been characterized by very qualified and credentialed experts as being

**"The worst case of probate corruption seen"** in this state of **"Corrupticut."** which is nationally infamous for being the home of

**"The most corrupt and predatory probate / elder law RACKET of all fifty states."**

I make here the DISCLOSURE that I originally engaged in conversation with Dept of Justice Ms Lori Vernali, DOJ's Victim's Coordinator located in New Haven DOJ office back before the huge Feb 2015 publicity presentation of this Federal Task Force Corruption Crackdown Campaign; that after an hour's phone conversation of briefly, cursorily, barely- scratching- the- surface of outlining for and with her of an overview of the Gray Case as is also broached in enclosed Affidavits, Ms Vernali *assured* me that the circumstances of this, Dolores and Jeryl Gray Case, a case involving such powerful people as the **Senator / Legislator /Town Attorney / Elder Law Attorney / Professional Politician Kevin Kelly,**

as involving the sequential Presidents of the Connecticut Probate Assembly, (all being local SW CT Judges)

as involving a President of CT Bar Assoc who is a long time established member of the CT Elder Law Racket

as involving the wife / law partner of a President of Greater Bridgeport Bar Ass, she also a long timer in Racket

as involving the members of multiple various Connecticut governmental agencies / Legislative Committees etc as related to the Big Business that is **The Elderly Industry,** the multi, multi billion dollar Industry that is entirely based upon

profiting itself through gaining access to the lifetime- accumulated financial assets of America's older citizens,

of which Connecticut, long known to be the richest per capita state in America, and also the state with one of the highest population percentages of older persons, is the ripest grounds for the predators,

that being the PACK of legislative, judicial, elder law, elder "care" predators,

predators who have caused Connecticut to be ranked and infamously nationally known as having

The most corrupt and predatory Probate / Elder Law RACKET of all 50 states

which has caused Connecticut to be ranked dead last of all states in which to retire

ranked number one of all fifty states from which its citizens are fleeing to relocate in other states.

were not a detriment to getting this matter into hands of Connecticut-residing Federal agents for a

Federal Investigation in corruption and Racketeering, even as such relief has been so completely thwarted in the State

of Connecticut arena, even as this Federal Task Force is composed of Connecticut-residing, Connecticut-based Federal

agents who are so connected to and integrated with such powerful Connecticut people who certainly are not

welcoming of the spotlight being shined upon them.

I have now just met with US Attorney Deirdre Daly per investigation of this Racketeering and Civil Conspiracy that are taking place in this "Exploitation of Elderly" here in Connecticut / Corrupticut via the probate/ elder law / nursing home group whose interests are apparently so supported here in the hallowed halls of our Connecticut state government

I respectfully submit to you my opinion that that this BILL NUMBER 1005 unfortunately is just more business as usual in what we have so tragically learned is such a corrupt state, tragically learned that our "public servants" are in fact the perpetrators of the PUBLIC CORRUPTION and tragically learned that abject lawlessness has truly destroyed the ironically named Constitution State. I grieve for all of us.





March 3, 2015

The Honorable Senator Flexer  
 The Honorable Representative Serra  
 Co-Chairs, Joint Committee on Aging  
 State Capitol Building, Room 011  
 210 Capitol Avenue  
 Hartford, Connecticut 06106

Senator Flexer, Representative Serra and Members of the Aging Committee:

On behalf of Connecticut's 113 not-for-profit credit unions, we are submitting testimony today on SB 1005 AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION. We are extremely concerned that mandating reporting of suspected financial abuse will put credit union employees at the risk of civil and or criminal penalties and could make the credit union liable should an employee make an error in reporting suspected financial abuse. We are fearful that a credit union member may bring an action for damages against the credit union for revealing private information. Gramm-Leach Bliley contains extensive provisions regulating the privacy of financial records and mandating reporting opens up financial institutions to lawsuits for disclosure of private information, including breach of the contractual duty of confidentiality defamation and invasion of privacy.

We take financial abuse very seriously and joined a working group that was coordinated by the Coalition for Elder Justice in Connecticut. The Financial Institutions Working Group consists of a Chair from Jewish Services in Fairfield, members from the Department of Banking, the Bankers Association, the Departments of Social Services and Aging and the Credit Union League of Connecticut, representing the interests of Connecticut's credit unions. In the past fourteen months we have been researching best practices throughout the country to come up with an educational program to increase awareness and reporting of abuse without increasing mandatory reporters at this time. A great deal of time and energy has gone into creating a comprehensive educational program for all financial institutions in the State of Connecticut. We are now at the program testing stage with the very first training taking place at a credit union tomorrow afternoon. Any committee members who would like to attend this training are welcome. Please reach out to Kelly Fuhlbrigg at [kfuhlbrigg@cucl.org](mailto:kfuhlbrigg@cucl.org) or at 203-500-9293 to observe the training.

Thank you for this opportunity to testify, we respectfully recommend allowing us to use the findings of our collective research to combat this important issue rather than mandating it.

Sincerely,

Jill Nowacki - President & CEO  
 Credit Union League of Connecticut  
 1064 East Main Street - Meriden CT 06450



NATASHA M. PIERRE, ESQ.  
*State Victim Advocate*

Testimony of Natasha M. Pierre, Esq., State Victim Advocate  
 Submitted to the Aging Committee  
 Tuesday, March 3, 2015

Good morning Senator Flexer, Representative Serra and distinguished members of the Aging Committee. For the record, my name is Natasha Pierre and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Senate Bill No. 1005, *An Act Protecting Elderly Persons From Exploitation*

Financial exploitation of seniors, a form of elder abuse, is on the rise and often goes unreported. The elder may experience shame, embarrassment, fear and guilt, coupled with the devastating reality that a trusted caretaker or family member is responsible for the abuse. Further, as the elder ages, mental and physical limitations may increase the elder's potential for abuse. Elders are likely to suffer financial, emotional and social harm as well as physical health effects.

Perpetrators of financial exploitation establish a relationship of trust with the elder and are often involved in the direct care of the elder. Sadly, many elders are victimized by members of their own family, increasing the likelihood that the abuse will go unreported. In any event, perpetrators manipulate, coerce, pressure and deceive elders into total control of their finances and assets, while stealing the elder blind.

Senate Bill No. 1005 will make it clear that any person who violates the trust and welfare of an elderly person for personal financial gain will face harsh consequences. This proposal is a holistic approach to the rapidly increasing problem of financial exploitation upon our elders. I would, however, like to bring to the Committee's attention, *Senate Bill No. 896*, which addresses the *response* to reported incidents of elder abuse, including financial exploitation. Together the proposals will undoubtedly reduce the momentum of financial exploitation of elderly persons.

The Office of the Victim Advocate has visited many senior centers across the state to talk about crimes that target seniors and provide tips for enhancing their safety. The stories of financial abuse are difficult to hear, especially in cases where the perpetrator escapes accountability. Senate Bill

No. 1005 will provide greater protections for this vulnerable and trusting population. I strongly urge the Committee's favorable report. Thank you for consideration of my testimony.

Respectfully submitted,

Natasha M. Pierre, Esq.  
State Victim Advocate



Testimony of AARP  
In Support of  
S.B. 1005 (RAISED), *AN ACT PROTECTING ELDERLY PERSONS FROM  
EXPLOITATION.*  
March 3, 2015

Dear Aging Committee Members,

Thank you for the opportunity to provide written comments on S.B. 1005, *AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION*. AARP is a nonpartisan social mission organization representing nearly 37 million members age 50+, and approximately 600,000 here in Connecticut. We fight for issues that matter most to families such as quality healthcare, family caregiving and consumer protections. As such, AARP supports the broad principles and objectives contained in S.B. 1005.

AARP believes states should enact and enforce strong legal protections against, and effective protective services addressing, all forms of exploitation and abuse of incapacitated and vulnerable adults. Elder abuse, like many other forms of domestic abuse, is an often hidden phenomenon that affects hundreds of thousands of older Americans.

The Centers for Disease Control and Prevention lists—among the consequences of elder abuse—injuries, pain, poor nutrition, increased vulnerability to new illnesses, worsening of health conditions, and premature death. Other consequences include higher levels of distress and depression. Elder abuse may also induce post-traumatic stress disorder and other anxiety disorders. Financial exploitation additionally can exhaust seniors' incomes, reduce health care options, and leave seniors impoverished and even homeless.

Several provisions outlined in S.B. 1005 are intended to fight elder financial exploitation and abuse. The proposal also provides additional mechanisms to detect and report potential abuse. We applaud the Aging Committee for raising the legislation. In particular, AARP supports adoption of the Uniform Power of Attorney Act (sections 9-53). Powers of Attorney are essential tools for delegating authority to others to handle financial matters in many situations. It is a legal document used by an individual (the principal) to name someone else (the agent) to make financial decisions and act on the principal's behalf. To be useful as an incapacity planning tool, a POA must give broad authority to the agent.

A Power of Attorney, whether general or durable, is private; there is not the same level of court oversight as there is for a guardianship or conservatorship appointment. State laws often are unclear about the duty owed by the agent to the principal. This combination of broad consent, lack of oversight, and unclear duties makes it possible for agents to misuse their authority.

The power of attorney has been called a "license to steal" and this misuse of authority is a form of financial exploitation. This concerns us greatly and that is why we think it's critical that state laws help prevent, detect and redress power of attorney abuse. Power of attorney abuse can take many forms, including:

- Forging the principal's signature on a power of attorney or making a fraudulent document;
- Spending the principal's money for the benefit of the agent;
- Making gifts when the power of attorney does not provide authority to do that; and
- Undermining the principal's estate plan by giving assets to unintended recipients.

Additionally, a power of attorney will not be useful if third parties, such as financial institutions, refuse to honor an agent's directions. Third parties that refuse to honor a power of attorney because they believe the agent is misusing authority may help prevent exploitation of the principal. Sometimes, however, third parties refuse to honor the POA for less legitimate reasons, such as because it is old or from another state. The Uniform Power of Attorney Act strikes a balance between these interests and sets clear standards for third-party reliance.

While the Act can't prevent bad actors from committing theft and other forms of abuse, it does set forth clear agent duties and prohibitions that will make civil actions and criminal prosecutions more effective. Highlights include provisions that:

- Contain mandatory and default duties that prohibit self-dealing and mandate preservation of the principal's estate plan;
- Makes clear that a power of attorney terminates when the principal dies;
- Set forth the powers that an agent cannot exercise unless the power of attorney expressly authorizes such actions;
- Establish liability for agents who violate the power of attorney law;
- Address third-party acceptance of and reliance upon a power of attorney; and
- List circumstances under which a third party may legitimately refuse to accept a power of attorney and provide sanctions for unlawful refusals.

To date, seventeen states have enacted the Uniform Power of Attorney Act, and D.C. and Utah are considering it now. By enacting the UPOAA, Connecticut could strengthen its power of attorney law to better protect its residents and to benefit its businesses and courts.

AARP has a long history of fighting for protections against financial exploitation of seniors; we support strong legal protections against these types of abuse. AARP looks forward to working with this Committee to advance the goals and objectives outlined in S.B. 1005, so that we can properly safeguard vulnerable residents from abuse, financial exploitation and harm. Thank you.

Find AARP Connecticut Online at: [www.aarp.org/ct](http://www.aarp.org/ct)



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55 Farmington Avenue  
 Hartford, CT 06105  
 Telephone: (860) 424-5274  
 Toll Free: 1-866-218-6631  
 Website: www.ct.gov/aging  
 Email: aging.sda@ct.gov

(T4)

*Written Testimony before the Aging Committee*

*Elizabeth B. Ritter on behalf of the State Department on Aging*

*March 3, 2015*

Good morning Senator Flexer, Representative Serra, Senator Kelly, Representative Bolinsky and distinguished members of the Committee on Aging. My name is Betsy Ritter. I am the Acting Commissioner of the State Department on Aging. I am here today to offer testimony on SB 1005: AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION.

This bill, along with Raised Bill No. 896: AN ACT CONCERNING PROTECTIVE SERVICES FOR SUSPECTED ELDERLY ABUSE VICTIMS, addressed recently in the Committee on Human Services, compiles a number of issues related to the safety of older persons that the Department on Aging has begun addressing on a multidisciplinary level. As you know, the Department continues to grow and adapt to the changing needs of Connecticut's residents as we listen to concerns throughout the state. In fact, this led to the development of the Coalition for Elder Justice in Connecticut, the first truly public - private sector, non-political collaborative of aging, disability and elder rights advocates and agencies. Overseeing the Coalition is a Coordinating Council, referred to in this Bill, including approximately 18 members drawn from the Coalition and Co-chaired by a member of my staff and the Long-Term Care Ombudsman. The Coalition itself includes representatives from law enforcement, financial institutions, state agencies, non-profit and for-profit service providers, legal services, educational institutions, victims' services, and other groups that are addressing general elder justice and elder abuse matters along the wide spectrum of their issues. The mission of the Coalition is to develop more cohesive and collaborative initiatives to raise awareness and educate people of all ages about Elder Justice in order to prevent elder abuse as well as protect the rights and promote the independence, security, and well-being of vulnerable elders.

The Coalition already has several work groups addressing concerns included in this bill. The Financial / Bank group consisting of a Chair from Jewish Services in Fairfield, and members from the Department of Banking, Community Banking and Credit Unions, and the Departments of Social Services and Aging, has been researching best practices



throughout the country to come up with an educational program to increase awareness and reporting of abuse without increasing mandatory reporters at this time. Our Department has also been working with DSS's Protective Services for the Elderly on how to combine our mission of programming and awareness with their mission of prevention of abuse within our financial constraints and will be adding appropriate Coalition partners, including the Chief State's Attorney, who are specifically involved in prevention and prosecution of elder abuse. Consumer Fraud, Law Enforcement Education, Probate Court Concerns and Senior Safety are all workgroups in some stage of formation and operation.

I respectfully recommend utilizing the findings of these existing groups rather than duplicating their efforts in statute. Relative to defining terminology, I would also recommend that for purposes of statutory language, that the Americanized preferred term of "caregiver" from the Older Americans Act replace the older term "caretaker" which is not currently used to refer to persons.

As to other issues raised in this bill, the Department on Aging supports improvement to uniform statutes relative to Powers of Attorney, appropriate criminal sanctions when elders have been abused, and tempered actions in passing changes to the statutes before adequate study has been completed on the scope of ramifications.

Thank you for your time, and as always I stand ready to answer any questions you may have.



T7

**Marjorie Partch**  
 P. O. Box 776  
 Westport, CT 06881

March 3, 2015

Committee on Aging  
 Connecticut General Assembly

**Re.: Raised Bill # 1005: A Bill to Protect the Elderly From Exploitation**

Dear Members of the Committee:

Thank you for this fourth opportunity to testify before the State Legislature. I have testified before the Judiciary Committee on three separate occasions concerning the systemic exploitation of my elderly mother, Dorothy S. Partch, a retired school teacher from Norwalk.

Despite my properly conveyed authority as her Health Care Representative, With Durable Power of Attorney (Coupled With an Interest in the \$1M Estate), my mother was forced into an Involuntary Conservatorship fraudulently procured by Wilton Meadows nursing home in 2010, when the Norwalk-Wilton Probate Court was all too happy to comply with the agenda to seize the entire Estate – *AND* my vulnerable stroke-patient mother.

I had brought her to the facility for stroke rehabilitation in April. When the facility learned in June that her Medicare benefits were about to run out, they were eager to force her into home care. I asked for an additional month of institutional care, in order to prepare our shared home for my mother's return. Upon the facility's interrogation, they learned of assets remaining in my mother's name, and soon reversed their Discharge Plan and applied for her Involuntary Conservatorship under the fraudulent claims that she had no Health Care Representative or Attorney-in-Fact. However, that this is how I signed her into the facility was confirmed in their subsequent Collections Suit a year later for more than \$100,000.

Many, many innocent Citizen families in Connecticut are being injured and even destroyed by the systemic corruption that has taken root in the "Constitution State."

We hope that you can help restore the meaning of that nickname, and redeem us from our current moniker around the nation: "Corrupticut."

This initial Fraud Upon the Court has spilled over to the Civil Court system, resulting in Tort Claims and Foreclosure in Superior and Appellate Courts in the past four and a half years.

As you may know, Probate Courts were the first Courts in the country, dating back over 300 years. That is to say, they go back to Colonial structures, and predate our Democratic principles, namely our Constitution and Bill of Rights. The self-regulated mechanisms of these quasi-

Judicial entities run particularly deep in Connecticut's well established "Old Boy Network," which seems to utterly transcend and defy not only the other Courts that have grown up around them, but the "other" Three Branches of Government as well, and to function on its own as a Fourth Branch.

I am beseeching Federal authorities to review the Probate Court's Rules of Practice (available online) for their (lack of) Constitutionality, and to restore the Civil Rights of its victims post haste, and to consider eradicating these pseudo-Courts entirely.

When the Probate (or Family) Court "evaluators" stand to personally acquire the incomes and assets of the evaluatees, at the rate of \$300, \$400, \$500 per billable hour, in packs of four to six forced "service providers," what motive do they have to ever find anyone to be "fit" to manage their own families and resources? With a profit incentive like that, it is a wonder that *anyone* with substantial income or assets is ever found to be fit to manage their own affairs.

In our case, I safeguarded my family's "Estate" (\$1M) in my mother's name for more than six years of having the full authority to transfer the entire Estate to my own name as a Gift *Inter-Vivos*. And I *didn't*.

And all of this, built up over the entire working lives of my parents (a journalist and a public high school English teacher), was completely wiped out in approximately 18 months of my mother's so-called "Conservatorship." This family nest egg was completely *liquidated* in order to qualify my mother for otherwise unnecessary Medicaid benefits; and forced the Family Homestead into a Fraudulent Foreclosure for a completely unnecessary Mortgage.

And what is the "justification" for this? After winning the first round in Probate Court with their fraudulent claims that I and my authority did not exist, the facility changed its tactic to Perjury, again with false claims, this time that I was "unfit."

According to whom? Not any of my mother's private medical providers, but only the facilities holding her hostage for their own gains, and that is all. Our congregation's Habitat-for-Humanity-like "Westbridge Coalition Committee" is willing to *pay for* the necessary restorations and modifications to bring my mother home where she belongs. In contrast, the facilities have received private payments and fees from not only Medicaid, but my mother's State Pension as well.

Please remember, these false claims against my mother's Designated but Defrauded Health Care Representative, with Durable Power of Attorney (Coupled with an Interest in the \$1M Estate), is the Courts' formulaic self-justification in 99% of our cases, for their own self-enrichment, at the horrible expense of [my mother's] *actual* (documented) suffering at their hands.

Please see the enclosed documentation of my points, including my CUTPA Complaints filed for the second time; and please remember to Follow the Money. I *conserved* it. *They* liquidated it, into their own pockets (and outrageous capital gains taxes clearly not in the best interests of the modest Estate; or its Principal or Beneficiary).

Thank you for your work for Justice in these hopefully to be United States of America.

That the States' Probate (and Superior) Courts are Federally Funded to commit these systemic and routine Civil Rights Violations seems, to this novice *Pro Se* litigant, to present a unique and urgent need for Constitutional Review of their "Rules of Practice" by the Federal Corruption Task Force.

If not to our State and Federal Governments,, where else are Citizens to turn? There are "Guardianship Gulag" cases being brought to the United Nations for Human Rights Violations Review. Is that my next step to save my family and our home?

Sincerely,

Marjorie Partch, POA  
For Dorothy S. Partch



**SENATOR BOB DUFF**  
Norwalk & Darien  
*Assistant President Pro Tempore*

*Chair*  
Energy & Technology  
*Vice Chair*  
Childrens  
*Member*  
Regulations Review • Appropriations  
*Appropriations Subcommittee Chair*  
Results-Based Accountability  
Conservation & Development  
General Government A

January 15, 2014

Senator Eric Coleman  
Representative Gerry Fox  
Co-Chairmen  
Joint Committee on Judiciary  
LOB, Room 2500

Dear Senator Coleman and Representative Fox,

Per Joint Rule 9(i), I would like to respectfully request your consideration of a reintroduction of a section of 2013 Senate Bill 1162, Sec. 33.

As you may be aware, this component of SB-1162 was by the request of a constituent of mine, Marjorie Partch of Norwalk. I have enclosed the relevant section of this bill for your review.

Thank you for your consideration of this request. Should you have any questions, please do not hesitate to contact me or my staff.

Sincerely,

Bob Duff  
Connecticut Senate

Enclosure  
CC: Marjorie Partch

GEORGE C. JEPSEN  
ATTORNEY GENERAL



Office of The Attorney General  
State of Connecticut

55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120  
Tel: (860) 808-5040  
Fax: (860) 808-5033

February 7, 2013

The Honorable John C. Gerogasian  
The Honorable Robert M. Ward  
Auditors of Public Accounts  
210 Capitol Avenue, Rooms 114 & 116  
Hartford, CT 06106

Attn: Stephen R. Eckels, Deputy Auditor

RE: C-13-1645 – Marjorie Partch – Alleged Elder Abuse by Probate Court System

Dear Messrs. Ward and Gerogasian:

Attached you will find a complaint that our office received from Ms. Marjorie Partch regarding her mother, Dorothy S. Partch, a resident at Wilton Meadows Health Care Center and actions taken by the Probate Court System.

We are referring this complaint to you for whatever investigation pursuant to Conn. Gen. Stat. §4-61dd or action as authorized by Conn. Gen. Stat. § 4-61dd (b) you deem appropriate.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Cole".

Michael E. Cole  
Assistant Attorney General  
Chief, Antitrust and Government Program Fraud  
Department

MEC/sm  
Enc.

cc: Patricia Wilson, Administrative Auditor

EXHIBIT 1

**S - 684**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2015**

**VOL. 58  
PART 6  
1656 - 1970**

THE CHAIR:

Opposed. Senate "A" passes. Senator Gerratana.

SENATOR GERRATANA:

Thank you, Madam President. Now we're on the bill. This bill allows food service establishments to process food using the sous vide method culinary technique. The food will be consumed on the premises where it is processed, and there has to be at least two controls to prevent the formation of bacteria. Sous vide, as described in the bill - I thank also the Department of Public Health working on the language - means the packaging in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of bacteria that can cause a food-borne illness.

It is, as Senator Frantz had alluded, a very old method. It is French, pronounced sous vide, and it is delectable. I'm happy to say I've had the [laughs] pleasure of being able to enjoying the food. So I do urge adoption of and passage of this bill. Thank you.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Gerratana.

SENATOR GERRATANA:

If there is no objection, Madam President, I ask this item be placed on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, ma'am. Mr. Clerk.

CLERK:

On Page 36, Calendar 169. Substitute for Senate Bill 1005, AN ACT PROTECTING ELDERLY CONSUMERS FROM EXPLOITATION AND ADOPTING THE CONNECTICUT UNIFORM

/kj/dm  
SENATE

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May 20, 2015

POWER OF ATTORNEY ACT. Favorable Report of the  
Committee on Aging. There are amendments.

THE CHAIR:

Senator Flexer. Good evening, ma'am.

SENATOR FLEXER:

Good evening, Madam President. Madam President, I move  
for acceptance of the Joint Committee's Favorable  
Report and passage of the bill.

THE CHAIR:

Motion's on acceptance and passage. Will you remark,  
ma'am?

SENATOR FLEXER:

Thank you, Madam President. Madam President, the Clerk  
has an amendment, LCO 7715. Will the Clerk please call  
the amendment and I be granted leave of the Chamber to  
summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 7715, Senate "A" offered by Senator Flexer,  
Kelly, Osten, et al.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER:

Thank you, Madam President. Madam President, I move  
adoption of the amendment.

THE CHAIR:

Motion's on adoption. Will you remark, ma'am?

/kj/dm  
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SENATOR FLEXER:

Thank you, Madam President. Madam President, the amendment before us is a strike-all amendment. It does a few key things to this bill. It removes the Uniform Power of Attorney Act from the underlying bill, which is a separate measure that's being discussed through a bill in the Judiciary Committee. It removes provisions criminalizing exploitation and making financial agents mandatory reporters in an effort to reflect concerns that innocent family members might be wrongly accused, and it adds the crimes of larceny and abuse to the existing list for which a conviction would prevent a person who is convicted from inheriting the estate of a victim or receiving proceeds of insurance policy or annuities.

The underlying, the rest of the amendment, Madam President, makes some technical changes to the elder abuse laws and adds EMTs to the list of mandated reporters. It codifies an elderly person's right to discover damages for abuse, neglect, exploitation, or abandonment by a civil action. It also allows assets to be frozen of someone who's accused of these acts.

It prevents someone convicted of stealing from or abusing an elderly person or others, including the disabled, from inheriting their estates or getting their insurance annuity proceeds. It also requires that there be created a web portal for the training of financial agents to detect the abuse of the elderly and fraud and exploitation of elderly people, and it also requires that financial agents receive this training.

I want to thank the many people who worked on this legislation that's before us this evening. Senator Looney and his staff, Senator Kelly and Representative Serra and the AARP who are tremendous advocates for this legislation that will put Connecticut in line with other states that have strong laws protecting the elderly against financial exploitation.

And just a last note, as members as the Aging Committee will recall, during the public hearing on this measure, Commissioner Bremby of the Department of Social Services testified that reports of financial

/kj/dm  
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exploitation have increased from 880 in 2012 to approximately 1300 in 2014. Clearly, this measure is a timely issue, and I encourage the members of this Chamber to support it. Thank you.

THE CHAIR:

Thank you. Will you remark on Senate "A?" Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I also rise in support of this amendment and would like to thank Senator Flexer for her leadership in this amendment and the hard work that she put in in bringing various parties together, together with her Chairman on Aging, Representative Joseph Serra. I'd also like to thank Senator Osten for her support of this bill also.

As Senator Flexer pointed out, at the Committee level, we did hear from the Commissioner, who indicated that there's a marked increase in elder exploitation. This, as well as Senate Bill 896, demonstrates the focus and importance that this body has given to this issue and its need to help protect our citizens across our state.

What I think is very important in this is the bank training that is gonna help people that are in the field, in banks, recognize abuse, exploitation, and fraud and to be able to see this as it's happening. It also enables individuals who are victims of exploitation a new cause of action together with the ability, through prejudgment remedy, to freeze assets until such time as a court renders a decision on their case.

I think this is a great step forward, and it was done in large part with the assistance and leadership of Senator Flexer, and I would certainly encourage everybody to support this amendment. Thank you very much.

THE CHAIR:

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Thank you. Will you remark further on Senate "A?" Will you remark further on Senate "A?" If not, I'll try your minds. All those in favor of Senate "A," please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. Senate "A" has been adopted. Will you remark further on the bill? Will you remark further on the bill? Seeing not, Senator Flexer.

SENATOR FLEXER:

Thank you, Madam President. Madam President, if there is no objection, I move that we place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, ma'am. Mr. Clerk.

CLERK:

On Page [pause], on Page 41, Calendar 314, Substitute for Senate Bill No. 1061, AN ACT CONCERNING THE FISCAL SUSTAINABILITY OF STATE PARKS. Favorable Report of the Committee on Environment.

THE CHAIR:

Senator Kennedy. Good evening, sir.

SENATOR KENNEDY:

Good evening, Madam President. Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

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

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Thank you, Madam President. If there is no objection, I would move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir. Mr. Clerk.

CLERK:

I think that's it.

THE CHAIR:

That's it. Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Madam President, I believe that is our last bill of the evening. If the Clerk can please call the items on the Consent Calendar, and then we will have a vote on our Consent Calendar for yesterday and early this morning.

THE CHAIR:

Mr. Clerk.

CLERK:

On Page 2, Calendar 93, Senate Bill 871; Page 2, Calendar 116, Senate Bill 867; Page 3, Calendar 153, Senate Bill No. 907; Page 4, Calendar 192, Senate Bill No. 983; Page 4, Calendar 185, Senate Bill 158; and on Page 5, Calendar 195, Senate Bill 1026; on Page 6, Calendar 248, Senate Bill No. 939.

On Page 7, Calendar 269, Senate Bill 751; also on Page 7, Calendar 272, Senate Bill 1023; and on Page 8, Calendar 312, Senate Bill 573; on Page 13, Calendar 415, Senate Bill 590; Page 34, Calendar 126, Senate Bill 532; Page 35, Calendar 148, Senate Bill 303; and Page 36, Calendar 169, Senate Bill 1005.

On Page 38, Calendar 223, Senate Bill 896; and Page 40, Calendar 301, Senate Bill 186; also on Page 40,

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Calendar 288, Senate Bill 961; and Page 41, Calendar 314, Senate Bill 1061; Page 42, Calendar 328, Senate Bill 1069.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote on the Consent Calendar.

CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call on Consent Calendar No. 1 has been ordered in the Senate.

[pause]

THE CHAIR:

All members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you give us a tally, please.

CLERK:

On Consent Calendar No. 1

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

THE CHAIR:

The bill passes. [gavel] Senator - points of personal privilege or announcements. Senator Bartolomeo.

SENATOR BARTOLOMEO:

Yes, thank you, Madam President. I rise for the purpose of an announcement.

THE CHAIR:

Please proceed, ma'am.

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if your vote is properly cast.

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

DEPUTY SPEAKER RYAN:

Will the Clerk please announce the tally.

CLERK:

Senate Bill 907 in concurrence with the Senate

Total Number Voting	144
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Necessary for Passage	73
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Those voting Yea	144
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Those voting Nay	0
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Absent and not voting	7
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A VOICE: Madam Speaker, is your voice strained?

DEPUTY SPEAKER RYAN:

The bill passes. [gavel] Are there any announcements or introductions? Any announcements or introductions? If not, will the Clerk please call Calendar No. 621.

CLERK:

House Calendar 621 on Page 34, Favorable Report of the Joint Standing Committee on Judiciary, Substitute Senate Bill 1005 AN ACT PROTECTING ELDERLY CONSUMERS FROM EXPLOITATION AND ADOPTING THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT.

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DEPUTY SPEAKER RYAN:

Representative Serra of the 33<sup>rd</sup> District, sir,  
you have the floor.

REP. SERRA (33<sup>rd</sup>):

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.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint  
Committee's Favorable Report and passage of the bill  
in concurrence with the Senate. Representative Serra,  
you do have the floor.

REP. SERRA (33<sup>rd</sup>):

Thank you, Mr. Speaker. Mr. Speaker, the title  
of the bill is, of course, AN ACT PROTECTING THE  
ELDERLY AND CONSUMERS FROM EXPLOITATION AND ADOPTING  
THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT. With  
that, Mr. Speaker; I move adoption.

DEPUTY SPEAKER RYAN:

The Clerk.

REP. SERRA (33<sup>rd</sup>):

Mr. Speaker, the Clerk has in his possession LCO  
7715. I ask that it be called and I be allowed to

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summarize.

DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 7715, which has been designated Senate Amendment Schedule "A."

CLERK:

Senate Amendment Schedule "A," LCO 7715,  
introduced by Representative Serra, Senator Flexer et  
al.

DEPUTY SPEAKER RYAN:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Serra, you may proceed with summarization.

REP. SERRA (33<sup>rd</sup>):

Thank you, Mr. Speaker. Mr. Speaker, earlier this week this Chamber removed the Uniform Power of Attorneys Act under House Bill 6774, and that's part of this amendment.

The other part of the amendment, it removes the provision criminalizing exploitation and making financial agents mandatory reporters reflecting concern that innocent family members would be wrongly accused.

It also adds the crime of larceny abuse to the existing list for which a conviction will prevent the person convicted from inheriting from the estate of the victim or receiving proceeds of insurance policies or annuities.

In Section 1 and 2 it makes largely technical and conforming changes to elderly abuse reporting statutes and adds EMTs to mandated reporters list.

And under Section 3 it codifies an elderly person's right to recover damages for abuse, neglect, exploitation or abandonment by a civil action. It also allows them to seek a court order to eventually freeze the assets of someone accused.

In Section 4 it prevents someone convicted of stealing from or abusing an elderly person and others, including the disabled, from inheriting their assets or getting their insurance or annuity proceeds. A person convicted of these crimes can ask for a court to override the prohibition if they present evidence that restitution was made and that the donor forgave a debt or that allowing them to inherit, fulfill the intent of the donor. The standard to do this is the preponderance of evidence.

And Section 5, Mr. Speaker, requires a Commission

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on Aging to set up a web portal to provide financial agents and others with training designed to detect abuse, fraud and exploitation of elderly people.

And Number 6 requires financial agents to receive training and detection of fraud and exploitation and financial abuse of elderly people, including from the Commission on Aging.

And finally, it's important to recall at the public hearing on the bill, the DSS Commissioner testified the report of financial exploitation has increased from 880 in 2012 to approximately 1,300 in 2014, according to NCSL data, and at least 18 states have enacted legislation to provide additional safeguards for elderly people against financial exploitation.

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

DEPUTY SPEAKER RYAN:

The question before the Chamber is adoption of Senate Amendment Schedule "A." Will you remark on the amendment? Representative Bolinsky of the 106<sup>th</sup>, sir, you have the floor.

REP. BOLINSKY (106<sup>th</sup>):

Thank you, Mr. Speaker, through you, just a quick question for the proponent of the amendment.

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DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. BOLINSKY (106<sup>th</sup>):

Thank you very much. To the good Representative, in the Section 6, the financial agent participating in a mandatory training program, does that in fact make them a mandatory reporter, or is that just training so that they can, you know, participate in the program and spot financial abuse and neglect, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Serra.

REP. SERRA (33<sup>rd</sup>):

Through you, Mr. Speaker, a financial in order to handle elderly must receive training in detection of fraud and exploitation and financial abuse of the elderly. This is under the purviews of the Commissioner on Aging, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Bolinsky.

REP. BOLINSKY (106<sup>th</sup>):

Thank you very much to the distinguished Chairman of the Aging Committee. Just for the members of the House, my colleagues, this is an amendment that, along

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with the underlying bill, is supported by the financial industry and signed off on by Connecticut's banking oversight.

So this is an amendment that I would recommend that we approve quickly and then we'll take a quick vote on the underlying bill. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the amendment before us? Will you remark further on the amendment before us? Representative McCarty of the 38<sup>th</sup>, ma'am, you have the floor.

REP. MCCARTY (38<sup>th</sup>):

Thank you, Mr. Speaker, I would just like to make a comment on the amendment. While I believe the intent of the amendment is very beneficial, I would hope as we go forth that we could perhaps look at the 72-hour requirement for mandated reporters.

I think, and as I said, when we look at school children, the time limit is immediately or within 24 hours. So as we go forward, I think that perhaps we could look to reduce this requirement so that it would be almost an immediate notification or less than 72 hours, through you, Mr. Speaker.

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DEPUTY SPEAKER RYAN:

Representative Serra.

REP. SERRA (33<sup>rd</sup>):

Through you, Mr. Speaker, the gentle lady's recommendation will definitely be taken up by the Committee on Aging as we move forward, through you, Mr. Speaker.

REP. MCCARTY (35<sup>th</sup>):

And I thank -

DEPUTY SPEAKER RYAN:

Representative McCarty.

REP. MCCARTY (35<sup>th</sup>):

Excuse me. And I thank the good Representative for noting that observation, through you, Mr. Speaker. Thank you very much.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the amendment before us? Representative Buck-Taylor of the 67<sup>th</sup>, ma'am, you have the floor.

REP. BUCK-TAYLOR (67<sup>th</sup>):

Thank you, Mr. Speaker, and I think we've reached the point in Session where we should just say good day because we can never remember if it's morning, afternoon or evening, so good day, sir.

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DEPUTY SPEAKER RYAN:

Good evening.

REP. BUCK-TAYLOR (67<sup>th</sup>):

Through you, I have a question to the proponent of the amendment, if I may?

DEPUTY SPEAKER RYAN:

Please proceed.

REP. BUCK-TAYLOR (67<sup>th</sup>):

This bill had made its way through Judiciary. Can you tell me specifically what changes are in this amendment that were not in the bill that passed through Judiciary, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Serra.

REP. SERRA (33<sup>rd</sup>):

Through you, Mr. Speaker, as the good Representative is aware of, we removed through Bill 6774, the uniform power of attorney. We thought it would be important that it come out of Judiciary so there's consistency throughout all our statutes, and not be in this bill.

So the uniform power of attorney is one that was taken out of this bill and put into a Judiciary bill, through you, Mr. Speaker.

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DEPUTY SPEAKER RYAN:

Representative Buck-Taylor.

REP. BUCK-TAYLOR (67<sup>th</sup>):

Through you, Mr. Speaker, so is it correct that that's the only change that was made to this bill subsequent to being provided to Judiciary, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Serra.

REP. SERRA (33<sup>rd</sup>):

Through you, Mr. Speaker, other than making largely technical and conforming changes to the elder abuse reporting statutes and adding EMTs to the mandatory reporter list. Those are the big things. Other than that, other than codifying as the good Representative knows, a person's right to recover damages.

All this is in statute but we put it into an Aging bill to make sure that people who deal with the elderly are well aware that we're aware of how they deal with our elderly citizens, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Buck-Taylor.

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REP. BUCK-TAYLOR (67<sup>th</sup>):

Thank you, Mr. Speaker and thank you to the proponent of the amendment. Any further questions I have I will have on the bill soon. Thank you, sir.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the amendment before us? Will you remark further on the amendment before us?

If not, I will try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed, nay? The ayes have it. The amendment is adopted. [gavel] Will you remark further on the bill as amended? Representative Serra, would you remark further?

REP. SERRA (33<sup>rd</sup>):

Through you, Mr. Speaker, I think this is a good bill. I think this is a bill that goes way out of its way to protect our elderly and for me, I hope this Chamber accepts that and passes it overwhelmingly. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

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Thank you, Representative. Representative  
Bolinsky of the 106<sup>th</sup>, sir.

REP. BOLINSKY (106<sup>th</sup>):

Thank you, Mr. Speaker, I address my comments to  
the Chamber in general, through you, though.

This bill is a very, very, very monumentally  
important piece of legislation. The most financially  
vulnerable people that we have in society today are  
our ever-growing population of elderly citizens, some  
of whom are moving into the beginnings of dementia and  
Alzheimer's, which makes them even that much more  
vulnerable.

So it has been blessed and very heavily supported  
by the State Department of Aging as well as  
Connecticut's Legislative Commission on Aging,  
Department of Developmental Services.

It's been blessed by our state long-term care  
ombudsman, AARP and I'm going to spare you the reading  
of all the people that are behind this bill and just  
say that this is a very good bill and it should pass.  
Thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark  
further on the bill as amended? Will you remark

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further on the bill as amended?

If not, will staff and guests please come to the Well of the House. Will the members please take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll members to the Chamber. The House of Representatives is voting by roll, members to the Chamber.

[pause]

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote's properly cast.

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

CLERK:

Senate Bill 1005 as amended by Senate "A" and in concurrence with the Senate

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144

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Those voting Nay 0  
Absent and not voting 7

DEPUTY SPEAKER RYAN:

The bill passes in concurrence with the Senate.

[gavel] Are there any announcements or introductions?  
Hearing none, will the Clerk please call Calendar 628?

CLERK:

On Page 34, Calendar No. 628, Favorable Report of  
the Joint Standing Committee on Higher Education and  
Employment Advancement, Substitute Senate Bill No. 393  
AN ACT CONCERNING A CAP ON THE ADMINISTRATIVE EXPENSES  
OF THE BOARD OF REGENTS FOR HIGHER EDUCATION AND THE  
UNIVERSITY OF CONNECTICUT.

DEPUTY SPEAKER RYAN:

Representative Willis of the 64<sup>th</sup> District, ma'am,  
you have the floor.

REP. WILLIS (64<sup>th</sup>):

Good evening, Mr. Speaker, nice to see you. Mr.  
Speaker, I move for the acceptance of the Joint  
Committee's Favorable Report and passage of the bill  
in concurrence with the Senate.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint  
Committee's Favorable Report and passage of the bill