

Legislative History for Connecticut Act

PA 17-34

SB762

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Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
Proceedings

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2017**

**VOL.60
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3997 – 4474**

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HOUSE OF REPRESENTATIVES

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DEPUTY SPEAKER ALTOBELLO (82ND):

Thank you, Representative Smith.

Representative O'Dea of the 125th, you have the floor, Sir.

REP. O'DEA (125TH):

Thank you very much, Mr. Speaker. Good to see you up there.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Thank you, Sir.

REP. O'DEA (125TH):

I just want to stand in support of this bill and this amendment, and join my colleagues in stating that, frankly, in 1972, when the initial limit was set at \$20,000 dollars, there was some logic behind it. People looked at, you know, how much is somebody going to be injured; that should be the minimum amount of insurance somebody should have. Well, that amount in 2017 is the equivalent to \$117,000 dollars. So, the minimum limits we had in 1971 is the equivalent to the minimum damages in -- of \$100,000 dollars here.

So, this is a great first step. I appreciate

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the Ranking Member and the Chair, the Committee, in taking this first step, and I would urge my colleagues to support this amendment. Thank you very much, Mr. Speaker.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Thank you, Representative O'Dea.

Representative Ferraro of the 117th, you have the floor, Sir.

REP. FERRARO (117TH):

Thank you, Mr. Speaker, and through you, I have a question for the proponent of the bill.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Please proceed, Sir.

REP. FERRARO (117TH):

In reading through the bill and looking at the history of the indemnity type of coverage that has been for the last 45 years, I can see the need for increasing the amount of coverage. My question just simply is, and I've heard reference to the minimal amount of cost the -- an insurance policy would go up as a result of increasing the limits -- I would just like to know from the proponent of the bill

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what type of increase can we expect on a per-policy basis?

Through you, Mr. Speaker.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Representative Scanlon.

REP. SCANLON (98TH):

Through you, Madam [sic] Speaker, I don't have an exact dollar figure, but in my conversations with the representatives of the industry, I would expect no increase to an incredibly minimal increase.

Through you, Madam [sic] Speaker.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Thank you, Madam [sic]. Representative Ferraro.

REP. FERRARO (117TH):

Thank you, Mr. Speaker, and I thank the kind gentleman for his answers, but I know that when someone says incredibly minimal, that's a relative term. To some people, incredibly minimal could be incredibly a lot. So, I'm just wondering if at some point the kind gentleman across the aisle could get something more definitive with regards to how much

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ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Representative Tong.

REP. TONG (147TH):

Through you, if they should choose to continue, and provided that they are re-nominated and confirmed in the normal process, they may proceed to be a trial referee in the Superior Court, and that is -- that's subject to availability and to there being sufficient work.

Through you.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Representative Ziobron.

REP. ZIOBRON (34TH):

So, on this point, just to follow up, so is there ever a case where -- for instance, I know my good friend the Chairwoman of the Appropriation Committee talks a lot about consultants, DOT hiring back employees and paying people twice for the same job. So, in this aspect, are we sometimes paying a former judge to have this kind of a referee position? So, are we paying two judges at the same time for different work?

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Through you, Mr. Speaker.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Representative Tong.

REP. TONG (147TH):

Through you, I do not believe that we pay trial
-- judge trial referees and Superior Court judges at
the same time for the same work.

Through you.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you very much, Mr. Speaker. I spent some
time this morning, Mr. Speaker, reading the
testimony from the Judiciary meeting, and I came
across testimony from AFSCME, the same folks, I
think, that were here this morning, and pieces of
their testimony resonated with me. For instance,
Mr. Speaker, one is that they can find no record of
the Judicial Branch requesting the large number of
judges that we may be looking at voting on today.
If the good Representative could tell me, is that a
true statement in the testimony of the Union, that

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in fact there's been no request through Judicial
Department for these judges?

Through you, Mr. Speaker.

ASSISTANT DEPUTY SPEAKER ALTOBELLOW (82ND):

Representative Tong.

REP. TONG (147TH):

Through you, Mr. Speaker, I don't have that
testimony in front of me. I don't doubt that the
Ranking Member of the Appropriations Committee is
correct in her recitation of that testimony. I am
not aware, in my 11 years on the Judiciary
Committee, that there's generally a request made by
the Judicial Branch for vacancies to be filled. I
don't believe that's a custom.

As the Ranking Member of the Appropriations
Committee knows, they are a co-equal, separate
branch of government. They're independent largely
from us, and -- but we have a role, and we're
discharging that role right now. The Governor has a
role, and his role is to nominate judges for the
Superior Court. Our job is to review and confirm
those nominations, but I don't think there's a

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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April 19, 2017

Mr. Clerk.

THE CLERK:

On Page 4, Calendar 71, Senate Bill No. 762 AN ACT CLARIFYING THE ROLE OF THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN IN THE MANDATED REPORTING OF ABUSE OF ELDERLY PERSONS AND DELETING OBSOLETE STATUTORY PROVISIONS.

THE CHAIR:

Senator McCrory. Good afternoon, sir.

SENATOR MCCRORY (2ND):

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

THE CHAIR:

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

SENATOR MCCRORY (2ND):

Yes. Thank you, Madam President. Currently, existing law requires certain professionals who are mandated reporters to notify the Department of Social Service when they reasonably suspect an elderly person who has been abused, neglected, abandoned, or exploited or needs protective services. This bill clarifies that representatives of The Office of Long-Term Care Ombudsman are not mandated reporters of elderly abuse. In doing so, the bill confirms through the state law and new

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federal regulations. By law, representatives of The Office of Long-Term Care Ombudsman include Regional Ombudsman, residents, advocates, and office employees whom the state Ombudsman designate. In addition, the bill also makes technical changes including replacing the term patient's advocate with resident's advocate to reflect current terminology. Thank you, Madam President.

THE CHAIR:

Will you remark further on the bill? Good afternoon, Senator Kelly.

SENATOR KELLY (1ST):

Good afternoon, Madam President. And, I rise in favor of this aging committee bill on this Alzheimer's lobby day. This is a good bill. What it does, is it clarifies the role of the Ombudsman and it conforms it with current federal law, The Older American's Act and state law. In particular, the Ombudsman plays a special role in this in that they have personal relationships with seniors in skilled nursing facilities, and a high degree of trust goes into that relationship. What this bill will do is not compromise that trust by making them a mandatory reporter. In fact, it won't have a chilling effect on those discussions. So, what this will do, is it will give the Ombudsman the tools necessary to protect individuals, and there's also other people in nursing homes that are already mandatory reporters, so if there is abuse, there are people there to report it. I would urge support of the circle on this bill.

THE CHAIR:

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Thank you. Will you remark further? Will you remark further? Senator McCrory.

SENATOR MCCRORY (2ND):

Yes, Madam President. If there's no objection, I will ask that this bill be placed on the Consent Calendar.

THE CHAIR:

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

THE CLERK:

On page 5, Calendar 78, Substitute for Senate Bill No. 834 AN ACT CONCERNING THE FOREST PRACTICES ADVISORY BOARD AND GRACE PERIODS FOR THE RENEWAL OF CERTAIN PROFESSIONAL CERTIFICATIONS ISSUED BY THE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION.

THE CHAIR:

Senator Kennedy. Good afternoon, sir.

SENATOR KENNEDY (12TH):

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

THE CHAIR:

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

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SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, can I ask the clerk to call the Consent Calendar for today? But, before we do that, if I can take an item off the Consent Calendar, please? It'd be Calendar No. 181, Substitute for Senate Bill 900 and mark that item PT.

THE CHAIR:

That's calendar 181, sir?

SENATOR DUFF (25TH):

Yes. Calendar 181, page 22. Substitute for Senate Bill 900.

THE CHAIR:

It's been taken off and marked PT.

SENATOR DUFF (25TH):

Thank you, Madam President. And, if the clerk could now read the items on the Consent Calendar No. 1 and followed by a vote of the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Consent Calendar No. 1 for today. On page 1, Calendar 251 House Joint Resolution No. 106. Calendar 252, House Joint Resolution No. 107. On page 2, Calendar 252, House Joint Resolution No.

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108. Calendar 254, House Joint Resolution No. 109.
Calendar 255, House Joint Resolution No. 110.
Calendar 256, House Joint Resolution No. 111. On
page 4, Calendar 71, Senate Bill 762. Page 5,
Calendar 78, Senate Bill No. 834. On page 6,
Calendar 87, Senate Bill 867. Page 9, Calendar 110,
Senate Bill 353. On page 15, Calendar 138, Senate
Bill No. 798. Page 16, Calendar 144, Senate Bill
833. On page 18, Calendar 159, Senate Bill 816.
Page 19, Calendar 163, Senate Bill 839. Page 23,
Calendar 185, Senate Bill 946. Calendar 189, Senate
Bill No. 961. Page 24, Calendar 191, Senate Bill
968.

THE CHAIR:

At this time, seeing no objection, the machine will be open. Mr. Clerk, will you call for a roll call vote on the Consent Calendar?

THE CLERK:

Immediate Roll Call has been ordered in the Senate on Consent Calendar No. 1 for today. Immediate Roll Call ordered in the Senate on Consent Calendar No. 1.

THE CHAIR:

Have all members voted? All members have voted? The machine shall be closed. Mr. Clerk will you please call a tally.

THE CLERK:

On Consent Calendar No. 1.

Total number voting

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Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar passes. At this time, are there points of personal privilege? Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, for purposes of an announcement.

THE CHAIR:

Please proceed, ma'am.

SENATOR GERRATANA (6TH):

Thank you, Madam. The Public Health Committee will hold a committee meeting tomorrow, Thursday, April 20th at 10:30 a.m. outside the house chamber. Thank you.

THE CHAIR:

Thank you very much. Are there any other points of personal privilege or announcements? Any other -- Senator Duff. Senator Duff. Senator Duff. There's no other points of personal privilege.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, that concludes our business for today.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**AGING
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**2017
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February 14, 2017

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AGING COMMITTEE

10:30 a.m.

PUBLIC HEARING

CHAIRPERSONS: Representative Joseph
Serra, Senator Mae Flexer

SENATORS: Kelly, Gomes, Hwang

REPRESENTATIVES: Byroon, Bolinsky,
D'Amelio, Fusco, Rovero,
Winkler

REP. SERRA (33RD): Public Hearing and the first person on the agenda is the Commissioner of Aging, Betsy Ritter. Good morning Commissioner.

COMMISSIONER BETTY RITTER: Good morning. Can you hear me? Usually people don't have a problem with that. Good morning Representative Serra and members of the Committee on Aging. It's a pleasure to be here today, again. I have two bills to talk to you briefly about and then I will be happy to take questions when I'm finished. The first one is Senate Bill No. 762 and -- I should start out by introducing myself, my name is Betsy Ritter and I'm the State Commissioner on Aging. I'm here today to provide testimony in support of Senate Bill No. 762, AN ACT CLARIFYING THE ROLE OF A LONG-TERM CARE OMBUDSMAN IN THE MANDATED REPORTING OF ABUSE OF ELDERLY PERSONS AND DELETING OBSOLETE STATUTORY PROVISIONS. The first section of the bill gives some amended language to clarify the role of the long-term care ombudsman program. The Federal Administration on Community Living has recommended this language to us and again in my, certainly in my opinion, it just clarifies our current practice, bringing Connecticut into compliance with the federal statute and the new federal regulations

HB 7020

regarding the program. Section II deletes three obsolete sections in the "Connecticut General Statutes." The first statute 17a-301a sub E - The State Department on Aging became a standalone agency in January 2003 and subsequently appointed a commissioner, so this section of the statute is no longer relevant.

The second 17a-301a sub F refers to a transfer of funds to take place on June 30, 2013, that date has passed, that action occurred and so it also can be deleted.

The third, 17a-302a sub B refers to a study of alternative sources of funding for nutrition services that is due to the General Assembly on July 1, 2016. The committees met, the report was prepared and presented and a copy of the report can be found on the State Department on Aging website under programs and services nutrition. I know we've been talking about that for a couple of years, so that also is a statute that is now obsolete.

The second bill that I'd like to talk about is to testify in support of Section III of House Bill No. 7020, AN ACT REQUIRING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING LONG-TERM CARE. And this bill essentially adopts all or encourages adoption of all of the recommendations that PRI made in December following its investigation. And the part that is relevant to the State Committee on Aging is in Section III. The agency supports the addition of the language in Section III with the inclusion of the words "as appropriate" and I would like to explain why. This refers to our Falls Prevention Program. The last year, the State

SB770

NANCY SHAFFER: Good morning Representative Serra and members of the Aging Committee. My name is Nancy Shaffer and I'm the state Long-term Care Ombudsman. As most of you know, the role of the ombudsman is to provide services to protect the health, safety, welfare and rights of Connecticut's residents who reside in long-term care facilities such as skilled nursing facilities, residential care homes and assisted living facilities. It's also our responsibility to advocate for changes in laws and governmental policies and actions that pertain to the health, safety and welfare and rights of residents. I'd like to testify today regarding two bills, the first is one that Commissioner Ritter first discussed and that is Senate Bill No. 762, AN ACT CLARIFYING THE ROLE OF THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN IN THE MANDATED REPORTING OF ABUSE OF ELDERLY PERSONS, and I will just speak to that piece which references the ombudsman.

Ombudsman, by the nature of the Older American's Act and the new federal rule for ombudsman is not a mandated reporter. That does not mean that if someone alleges abuse to use, if a resident alleges abuse, we would encourage them to allow us to forward that concern and allegation to the proper individuals.

However, the intent of the ombudsman is to be the voice of the resident and to assure the resident of complete confidentiality. So, if the resident chooses not to have us forward that information, we're obligated to the confidentiality piece of our role. So, the Administration on Aging, the Administration for Community Living, as Commissioner Ritter noted, has recommended that we make this proposed change. It has been cleared with the

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Department of Social Services as this is their statute, you know, they have privy of this statute and I just want to read to you a piece of the new final rule and I've referenced where that can be found and it says that policies regarding the disclosure of information must include "exclusion of the ombudsman and representatives of the office from abuse reporting requirements, including when such reporting would disclose identifying information of a complainant or resident without appropriate consent or court order." So this change in the language would bring us into compliance for that reason.

The second bill I'd like to talk with you about is Senate Bill No. 770 and I just want to say how appreciate the residents and the ombudsman program are that the Aging Committee has raised this once again, the personal needs allowance, to increase that amount on a monthly basis. We do understand with the current fiscal climate that there are many hurdles that would have to be crossed in order to move this through the process at the legislature, but just keeping it in the conversation is a good thing. Residents certainly have needs for quality of life issues, such as gifting their house of worship, that they always over their years, their lifetime have done or telephone, television, those kinds of needs are important. So, this personal needs allowance is used for those kinds of things and it's certainly important to keep talking about that, so thank you very much.

REP. SERRA (33RD): Any questions from the --
Representative Winkler.



– Growing Older Together –

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Testimony before the Aging Committee

February 14, 2017

Elizabeth B. Ritter, State Department on Aging

Senator Flexer, Senator Kelly, Representative Serra and distinguished members of the Aging Committee. My name is Betsy Ritter. I am the Commissioner of the State Department on Aging. I am here today to provide testimony in support of SB 762: AN ACT CLARIFYING THE ROLE OF THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN IN THE MANDATED REPORTING OF ABUSE OF ELDERLY PERSONS AND DELETING OBSOLETE STATUTORY PROVISIONS.

The Long-Term Care Ombudsman Program is authorized by the Older Americans Act (OAA). In accordance with the OAA and the new Final Regulations for the Long-Term Care Ombudsman Program, the State Department on Aging proposes to amend CT General Statute 17b-451(a) to reflect that the Office of the Long Term Care Ombudsman, and its representatives, are exempt from any mandatory reporting requirements. In its review of CT's statutes, regulations and policies of the Long-Term Care Ombudsman Program the Administration on Community Living recommended this amended language. The amended language will bring Connecticut into compliance with federal statute and regulation regarding the Ombudsman exemption from mandatory reporting.

In addition, currently there are 3 obsolete sections of the State Department on Aging statutes which are being proposed for elimination:

1. **17a-301a(e)** – *The Department of Social Services shall administer programs under the jurisdiction of the Department on Aging until the Commissioner on Aging is appointed and administrative staff are hired.*

As the State Department on Aging became a stand-alone agency in January of 2013, and subsequently appointed a commissioner, this statute no longer applies.

2. **17a-301a(f)** – *The Governor may, with the approval of the Finance Advisory Committee, transfer funds between the Department of Social Services and the Department on Aging pursuant to subsection (b) of section 4-87 during the fiscal year ending June 30, 2013.*

As the fiscal year 2013 has passed, this statute no longer applies.



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3. **17a-302a(b)** – *The departments and stakeholders shall study alternative sources of funding for nutrition services programs. The departments and the nutrition service stakeholders shall, in accordance with the provisions of section 11-4a, submit a summary report on their findings and recommendations concerning any such alternative sources of funding, along with a report on any other recommendations they may have regarding nutrition services programs, to the joint standing committee of the General Assembly having cognizance of matters relating to aging not later than July 1, 2016.*

A study of alternative sources of funding for nutrition services programs was completed and submitted to the General Assembly on July 1, 2016. A copy of the report can be found on the **State Department on Aging Website - Programs & Services - Nutrition**.

I want to thank the committee for your time today. I am happy to answer any questions you may have.





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AGING COMMITTEE

Public Hearing

February 14, 2017

Written testimony of State Ombudsman, Nancy Shaffer

Senator Flexer, Senator Kelly and Representative Serra and members of the Aging Committee, my name is Nancy Shaffer. I am the Connecticut State Long-Term Care Ombudsman. Per the Older Americans Act and Connecticut General Statute 17a-408, 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 homes, residential care homes and managed residential communities/assisted living homes. It is the responsibility of the Office of the 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 care and services in these long-term care settings. Please accept this written testimony regarding:

SB770

S.B. No. 762 (Raised) AN ACT CLARIFYING THE ROLE OF THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN IN THE MANDATED REPORTING OF ABUSE OF ELDERLY PERSONS AND DELETING OBSOLETE STATUTORY PROVISIONS.

This proposal is necessary in order to clarify that the Office of the Long-Term Care Ombudsman and its representatives are not mandated reporters of abuse of individuals who reside in long-term care institutions. This change to Connecticut General Statute 17b-451 will bring the Ombudsman Program into compliance with the language of the Older Americans Act and the new federal rule for Long-Term Care Ombudsman Programs. Both the Act and the New Rule specifically state the Ombudsman and representatives of the Office are not designated mandated reporters. The reason for this is that the role of the Ombudsman is unique in that the Ombudsman is to act solely at the direction of the resident. When there is an allegation of abuse the Ombudsman certainly encourages the resident to allow the Ombudsman and her representatives to report the allegation. But when the resident refuses we are not allowed to divulge the information. There are other entities such as the staff of long-term care institutions, health care professionals and others which are designated mandatory reporters of abuse. But the Ombudsman is the only entity that the resident may entrust with information with the expectation of confidentiality. The new Ombudsman Program Final Rule, Federal Register, Vol. 80, No. 28, 7704-7767, 45 CFR Parts 1321 and 1324.1324.11 states that policies regarding disclosure of information must include: "Exclusion of the Ombudsman and representatives of the Office from abuse reporting requirements, including when such reporting would disclose identifying information of a complainant or resident without appropriate consent or court order."

The Administration on Aging, Administration for Community Living, which funds and oversees the Office requires that the State Department on Aging and the Office of the Ombudsman ensure clarification of



Connecticut General Statute 17b-451 to ensure clarity about the exclusion of the Ombudsman's mandatory reporting requirements. The proposed amended language has been approved by the Department of Social Services as this is a statute that falls under that department's purview. Your support of this proposal is greatly appreciated.

S.B. No. 770 (RAISED) AN ACT INCREASING THE PERSONAL NEEDS ALLOWANCE FOR LONG-TERM CARE FACILITY RESIDENTS.

The residents of Connecticut's nursing homes and the Ombudsman appreciate this proposal to increase the Personal Needs Allowance (PNA). The Aging Committee recognizes that the monthly PNA provides for quality of life needs such as a telephone to maintain contact with family and friends, television and cable and other small diversionary activities, and continuing life-long activities such as donations to their place of worship or occasional gifts to family members as examples. These activities are important no matter your age, but may become even more important as we age. They are small things, but an aspect of psychosocial well-being that cannot be underrated. In light of the current economics of the state, we know this proposal comes with a fiscal tag. We are very aware of the hurdles involved. But it is important to keep this conversation in the forefront. And the Ombudsman appreciates the Aging Committee's ongoing commitment to all aspects of quality of life for aging individuals.



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February 14, 2017

Elizabeth B. Ritter, State Department on Aging

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A study of alternative sources of funding for nutrition services programs was completed and submitted to the General Assembly on July 1, 2016. A copy of the report can be found on the **State Department on Aging Website - Programs & Services - Nutrition**.

I want to thank the committee for your time today. I am happy to answer any questions you may have.

