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August 7, 2015

Dear Members of the DSS Advisory Committee on Continuing Care:

Unfortunately I was unable to attend the last meeting of the Advisory Committee and I apologize for any inconvenience that may have caused. I want to thank Maureen for chairing the meeting and taking the minutes.  Our next meeting is scheduled for October 16, 2015.

I noticed upon reading the minutes (attached) that there was some question as to the role of the Committee in the passage of the new CCRC legislation this session. In light of the questions, I thought I would be helpful for me to provide some of the background information for those who may be new to the committee.

The Advisory Committee is established in Section 17b-535 of the state statutes to assist and advise the Department of Social Services. The actual enabling statute is printed below:

***Sec. 17b-535. (Formerly Sec. 17a-375). Advisory committee.*** *There shall be an Advisory Committee on Continuing Care appointed by the commissioner. The advisory committee shall be comprised of professionals such as accountants, actuaries, and insurance representatives; representatives of the continuing-care industry; and others knowledgeable in the field of continuing care and familiar with the provisions of sections 17b-520 to 17b-535, inclusive. The advisory committee shall assist the continuing-care staff in its review and registration of functions, shall report to the commissioner on developments in the field, any special problems associated with continuing care, and concerns of providers and residents, and, when appropriate, shall recommend changes in relevant statutes and regulations.*

Regarding the new legislation, I think it is important to remember that it is the result of two separate legislative proposals. The first was a proposal from DSS which was seeking to update the existing CCRC statutes. The Advisory Committee provided input and recommendations to DSS on this legislative proposal.  The second was a residents’ rights proposal initiated by the CCRC resident association (ConnCCRA) and was  sponsored by a State Representative on their behalf. The two bills were introduced separately in the 2015 state legislative session and both received a public hearing. They were then combined in the legislative process into one bill, House Bill 5358. This bill was approved by both chambers of the General Assembly and signed into law by the Governor.

**A brief timeline of the Advisory Committee’s discussions regarding this legislation:**

* **October 2013** meeting – ConnCCRA  informed the Committee that they would be sending a letter outlining three areas of concern for the Committee’s consideration. Once received, the letter was distributed to the Committee members and they were asked to consult their constituencies regarding the three areas of concern.
* **January 2014** meeting  - The three issues were discussed and a task force was formed to review the issues in the context of both the discussion and current best practices.  The task force was asked to report back to the Committee and they sent their report out prior to the next meeting.
* **May 2014** meeting  - ConnCCRA reported that they were not satisfied with the report of the task force and requested that a CCRC Resident Bill of Rights be drafted and proposed in the State Legislature. LeadingAge Connecticut disagreed and stated that they would prefer that these issues be addressed through best practices. The discussion was put on hold until ConnCCRA sent a written report to the Committee with their suggestions for additional disclosure requirements and bill of rights.
* **July 2014** meeting - ConnCCRA again reported that they did not agree with the Advisory Committee’s recommendations regarding how to address the resident concerns that were outlined in their letter and that they were planning to pursue a CCRC resident rights legislative proposal which would be made available to the Advisory Committee when drafted.

*It was clarified at this meeting that while the role of the Advisory Committee is to advise DSS on legislative changes, DSS would not be obliged to accept the Committee’s recommendations. It was further clarified that regardless of the actions of either the Advisory Committee or DSS, individuals and organizations always have the opportunity to participate in the legislative process.*

* **September 2014** special meeting - DSS presented on potential statutory modifications that the Department would propose in the 2015 legislative session to update and streamline the disclosure statement and filing requirements for CCRCs. ConnCCRA again reported that they had decided to pursue a legislative proposal to establish a statutory CCRC resident bill of rights. ConnCCRA was not ready to share their proposal, but they reported that it was being reviewed by a law firm and being drafted into legislative bill form.  They were to present it at the October 17th meeting of the Advisory Committee. All of the state CCRC providers were then notified of the October meeting and invited to attend.
* **October 2014** meeting -  A continued review of the potential DSS legislative proposal was conducted as well as a presentation of the list of items that ConnCCRA indicated that it intended to pursue as a legislative proposal. The Advisory Committee reviewed the ConnCCRA proposal and provided feedback to ConnCCRA. The Committee agreed to have representative members meet together with ConnCCRA and the sponsoring member of the state legislature to review the draft proposal and provide him with the opinion and input of the committee. That meeting occurred on December 5.
* **January 2015** meeting was rescheduled and then cancelled. The legislature was in session and the CCRC bills were introduced and were making their way through the legislative process. The CCRC resident rights bill was initially introduced as a general concept bill with no specific provisions. ConnCCRA, LeadingAge Connecticut, and other interested parties were advocating in the legislature on behalf of their own constituencies.
* **April 2015** meeting - The Committee reviewed the file copy of House Bill 5358 which represented a combination of the two bills, one proposed by DSS to update the statutes and one proposed by ConnCCRA to establish a CCRC resident rights. The file copy was waiting action in the House and included more detail on the CCRC resident rights. Concerns were raised regarding a proposed two year limit on the entrance fee refund and the aggressive effective date of the bill. ConnCCRA took these concerns under advisement.

I hope that this information is helpful in putting the series of events into context.

Sincerely,

**Mag Morelli, President**

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