

# 2023 ANNUAL REPORT

Connecticut Long Term Care  
Ombudsman Program



# A Word from the State Ombudsman

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I want to take a moment to express my sincere gratitude for your unwavering commitment to the well-being of long term care residents. This past year has been filled with both challenges and triumphs, and your dedication has been an unwavering source of strength.

Our mission remains clear: to champion the rights and dignity of those residing in long term care facilities. Together, we have continued to make a positive impact, ensuring that residents' voices are heard and their concerns addressed.

As we look ahead, our commitment to empowering residents to make informed decisions, promoting dignity, and enhancing their quality of life remains steadfast. Your experiences and insights continue to guide our advocacy efforts.

Please remember that we are here for you. If you have questions, concerns, or simply want to share your thoughts, our team is ready to listen and assist.

I extend my heartfelt appreciation to all residents, their families, and our dedicated team members. Your collective dedication inspires us daily as we work together to create a brighter future for long term care residents.



A handwritten signature in blue ink that reads "Mairead Painter".

Mairead Painter

State Long Term Care Ombudsman

# Contents

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A Word from the State Ombudsman .....	1
Executive Summary .....	4
Overview .....	6
Activities Carried Out by the Office .....	9
Data Collected and Analyzed .....	12
Problems Experienced and Complaints Made .....	14
Successes and Barriers .....	16
Successes in Providing Services to Residents of Long Term Care Facilities .....	16
Barriers that Prevent the Optimal Operation of the Program .....	17
Recommendations .....	18
Policy, Regulatory, and Legislative Recommendations .....	21
Systemic Advocacy .....	21
Legislative Advocacy .....	21
National and State Advocacy Activities .....	26
Challenges & Opportunities in Long Term Care Facilities .....	27
Closing Statement and Acknowledgements .....	32

# Executive Summary

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The following information provides a high-level summary of the overall 2023 Long Term Care Ombudsman Program (LTCOP) Annual Report:

- A pivotal initiative undertaken by the LTCOP in 2023 has been the establishment and development of the Community Ombudsman Program, representing a significant expansion of LTCOP's advocacy efforts, extending support to individuals in a wider array of long term care settings. The initiative underscores a commitment to ensuring that every individual receiving long term services and supports (LTSS) has access to advocacy services, regardless of their living situation.
- In 2023, LTCOP staff diligently investigated complaints and concerns raised by or on behalf of residents: 4,711 complaints received; 2,333 cases closed; 1,571 consultations provided to individuals; 333 consultations provided to individuals including informational materials and assistance to staff.
- Of the 4,711 complaints received in 2023, the highest category of complaints was related to "care." This category received 1,570 complaints with the largest subcategory of the complaints, 282, being in "response to requests for assistance."
- The Office of the State Ombudsman offered advocacy services to approximately 30,000 Connecticut residents living in long term care (LTC) facilities.
- In addition to the 2,333 closed cases in 2023, the LTCOP staff participated in many other activities throughout the year, including completing one or more visits to 375 facilities; 91 licensure and certification surveys; 13 community education presentations; 5 training sessions to facility staff; and placements for residents following 2 nursing home closures and 1 residential care home closure.
- LTCOP started Connecticut's first statewide family council. The use of technology has provided an opportunity to connect family members from around the state in a way never thought possible. Using innovative approaches to volunteer recruitment, LTCOP is actively addressing the challenge of a historic low in the number of RAs.
- Increased access to information through the use of social media, including Facebook Live, as a way to reach residents and their families with critical information about residents' rights in long term care.

“As a Regional Ombudsman, I wholeheartedly dedicate myself to upholding the rights of the residents. The process of moving and transitioning from one home to another, regardless of the circumstances, can be incredibly overwhelming for both the residents and their families. I work tirelessly to ensure that the residents' rights, such as self-determination, choice, privacy, and dignity, are not only respected but also protected.”

- Tasha Erskine-Jackson,  
Regional Ombudsman

- The Coalition for Elder Justice in Connecticut redesigned and rebuilt its website in 2023 to make key resources and information related to elder abuse accessible and available to Connecticut residents – specifically older adults, their family members/loved ones, and professionals who support them. From July 1 - December 31, 2023, there were 1,678 new visitors to <https://elderjusticect.org> and 3,661 pages were viewed.

# Overview

The LTCOP protects and promotes the rights and quality of life for residents of skilled nursing facilities, residential care homes, and managed residential care communities, also known as assisted living facilities.

This is a program that is mandated by the Federal Older Americans Act and Connecticut General Statutes Sec. 17a-870 (Formerly Sec. 17b-405). LTCOP consists of one State Ombudsman, one Community Ombudsman Manager, eight Regional Long Term Care Ombudsmen (ROs), one Community Ombudsman, one Administrative Assistant, two Clerical/Intake Staff, and a group of volunteers known as Resident Advocates (RAs).

The State Ombudsman and the Community Ombudsman Manager work with state agencies, advocacy organizations, policy makers, legislators, and stakeholders to improve systems that strengthen protections at the state and federal level, as well as identify gaps in services and resources needed to address such gaps.

The Regional Long Term Care and Community Ombudsmen provide a voice to individuals' concerns. Equally important, ROs empower individuals to exercise their rights. This is achieved through direct consultation and complaint resolution with the individual at their home. The ROs respond to individuals' concerns and act based on the individual's direction. ROs are a highly professional, expert group of advocates who work tirelessly to assist individuals to achieve their desired outcome for their complaint. ROs explore all avenues to fully understand an issue and reach a satisfactory resolution. Receiving complaints and working to find a resolution is the largest part of the ROs' work, but they also engage in many other advocacy activities. Long Term Care Regional Ombudsmen promote Resident Councils (RCs) by providing support

*The Regional Long Term Care and Community Ombudsmen provide a voice to individuals' concerns. Equally important, they empower individuals to exercise their rights.*

# Operating Budget FY 2022-2023 Overview

The LTCOP has an operating budget of

# \$2,304,010

Federal Funds

## \$388,252

\$233,255 from Older Americans Act (OAA) Title VII, Chapter 2

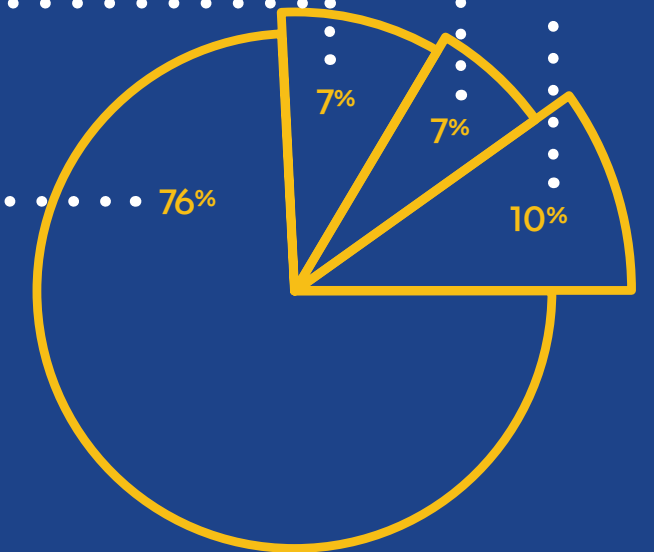
\$154,997 from OAA Title III provided at State Level

Other Federal Funds

## \$161,752

State Funds

## \$1,754,006



and facilitating the needs of the RCs as they arise. They also support the work of the Executive Board of Presidents of Resident Councils and provide outreach to the public. ROs attend senior fairs throughout the state, providing presentations to various groups. During nursing home closures, ROs maintain an active role to inform and support resident choice about where they will move. During facility bankruptcy reorganizations and receiverships, the ROs also increase their

presence in the homes to support residents and ensure their rights are honored in what can be a difficult and anxious time.

RAs are trained by Ombudsman staff in residents' rights and problem solving. RAs spend four hours per week in one assigned nursing home and help residents solve problems or address concerns with facility administration.

# Activities Carried Out by the Office

The mission of the Connecticut LTCOP is to protect the health, safety, welfare, and rights of individuals receiving long term services and supports by:

- Investigating complaints and concerns made by or on behalf of individuals in a timely and prompt manner.
- Bringing individuals to the forefront to voice their concerns directly to public officials on issues affecting their lives.
- Supporting individuals in their quest to shape their own legislative agenda and to represent their interests before governmental agencies.

## INVESTIGATIONS

In 2023, the LTCOP staff diligently investigated complaints and concerns raised by or on behalf of residents. Despite their efforts, the persistent rise in the number of complaints posed a challenge. Consequently, the LTCOP faced difficulty in ensuring that residents maintained regular and timely access to its services.

A pivotal initiative undertaken by the LTCOP in 2023 has been the establishment and development of the Community Ombudsman Program. This innovative program represents a significant expansion of LTCOP's advocacy efforts, extending support to individuals in a wider array of long term care settings. The

**4,711**  
COMPLAINTS RECEIVED

**2,333**  
CASES WERE CLOSED

**1,571**  
CONSULTATIONS WERE PROVIDED TO INDIVIDUALS

**333**  
CONSULTATIONS WERE PROVIDED TO INDIVIDUALS INCLUDING INFORMATIONAL MATERIALS AND ASSISTANCE TO STAFF

initiative underscores a commitment to ensuring that every individual receiving long term services and supports (LTSS) has access to advocacy services, regardless of their living situation.

The development of the Community Ombudsman Program is in its nascent stages, with the LTCOP actively working on formulating the necessary policies and procedures to govern the program. This foundational work is crucial to ensure that the program is structured to effectively meet

“ All the residents, they just love the staff...God bless the nurses and the aides, I mean, I really take my hat off to them because if it wasn't for them, then I might not be here. So I know the importance of 'em. And I just want everybody to just think about us. The ones that are needing that care. We need it. This is not a game. We need it. So we need the people that are gonna be there to do that for us. Without them, we don't stand a chance. ”

- Robert W.,  
a long term care facility  
resident of 3.5 years

the needs of individuals in the community, providing them with the advocacy and support required to navigate the complex landscape of long term care services.

Despite the enthusiasm and the clear need for such a program, the LTCOP faces significant budgetary limitations that pose challenges to the full realization and expansion of the Community Ombudsman initiative. Additional resources are critically needed to equip the program with the essential tools for success, including computer software systems, vehicles for Community Ombudsmen to reach clients in diverse settings, and the staffing necessary to provide comprehensive support and advocacy.

Securing these resources is a priority for the LTCOP as the office recognizes the profound impact that a fully operational Community Ombudsman Program can have on the lives of Connecticut residents receiving LTSS. It is through the support of partners, stakeholders, and the broader community that LTCOP hopes to overcome these budgetary challenges and expand this vital program to serve more individuals across the state.

Moving forward, the LTCOP remains dedicated to this endeavor, recognizing the transformative potential of the Community Ombudsman Program in enhancing the quality of life and rights of individuals in long term care settings. LTCOP is committed to

securing the necessary resources to develop and expand this program, ensuring that all residents have access to the advocacy and support they deserve.

### **BRINGING INDIVIDUALS TO THE FOREFRONT**

The Office of the State Ombudsman developed materials for nursing home residents that focused on ensuring high-quality care is received. The 27th VOICES forum centered on the theme “Receiving Quality Care Through Goals, Preferences, and Priorities.”

This forum is where RC presidents from across the state learn about the legislative process, successes from the 2023 legislative session, and advocacy issues we need to continue to focus on.

The forum’s triumph was accentuated by compelling discussions and impactful presentations, featuring distinguished speakers like Julie Robison, Ph.D., Professor of Medicine at UConn Center on Aging; and Judy Stein, the Executive Director at the Center for Medicare Advocacy. Attendees not only gained valuable insights into the intricacies of the long term care system, but also played an integral role in crafting solutions. The event’s success resonated in its ability to foster collaboration, kindle meaningful dialogues, and empower residents to assert their rights.

They also viewed the presentation of the Carol Rosenwald Spirit of Advocacy Award and Brian Capshaw Rock Star Award while connecting with RCs statewide to share best practices. This allowed them to gain skills and techniques to put systems and individual advocacy into action.

### **SUPPORTING INDIVIDUALS TO SHAPE LEGISLATION**

The Executive Board of Presidents of RCs, a smaller regional representation of residents who are the presidents of the RCs at their nursing home, actively engaged in legislative advocacy at the General Assembly throughout the 2022-2023 legislative session, reaching out to legislators, meeting with them, and providing testimony at public hearings when able. One of the major concerns of nursing home residents continued to be the desire to see increased daily staffing rates in nursing homes. On February 10, 2023, the LTCOP, E-Board, Statewide Family Council, and various other advocacy organizations gathered at the Legislative Office Building to rally before the public hearing on Senate Bill (SB) 989, a comprehensive nursing home reform bill. To underscore the severity of their circumstances and the urgent need for reform, residents displayed signs and photos bearing statements such as “You can look away, but this is our everyday.”

This rally brought attention to the dire issues of inadequate staffing and substandard care that many nursing home residents endure.

The public hearing provided an opportunity for LTCOP staff, residents, and families to present their testimonies to the Aging, Human Services, and Public Health Committees.

Although SB 989 did not pass during this session, other positive legislative measures were enacted. These include enhanced protections concerning involuntary discharge notices for nursing home residents and greater transparency in nursing home cost reporting, with public access to these reports. The adoption of these measures will continue to protect the rights of residents against involuntary discharge and increase scrutiny on the financial practices of nursing home operators.

# Data Collected and Analyzed

The Office of the State Ombudsman offered advocacy services to approximately 30,000 Connecticut residents living in long term care (LTC) facilities, including skilled nursing facilities, residential care homes, and assisted living facilities.

There was a sharp decrease in the number of residents in long term care due to the lives lost during the pandemic and a slow regrowth of facility census numbers. In 2023, there was a continued gradual recovery in facility census numbers, though it's crucial to note some nuances. Despite an increase in occupancy percentages, the rebound may not be fully reflective, as several hundred more beds were taken offline during this

fiscal year. The complex interplay of factors underscores the ongoing challenges faced by long term care facilities in the post-pandemic landscape. Because of this it is at times difficult to make year-over-year comparisons.

Despite the complexities involved in making year-over-year comparisons, it is noteworthy that one discernible trend continues to be seen from the data. Since 2009, there has been a notable and significant increase in complaints received by LTCOP. This upward trajectory prompts a closer examination of contributing factors; and underscores the importance of evaluating the evolving landscape that shapes the nature and volume of these complaints over the years.

## IN 2023, THE STAFF WERE ENGAGED WITH THE FOLLOWING ACTIVITIES:

**4,711**  
COMPLAINTS RECEIVED

**2,333**  
CASES CLOSED

**375**  
FACILITIES RECEIVED ONE OR MORE VISITS

**333**  
CONSULTATIONS PROVIDED FOR INFORMATION AND ASSISTANCE TO STAFF

**91**  
LICENSURE AND CERTIFICATION SURVEYS

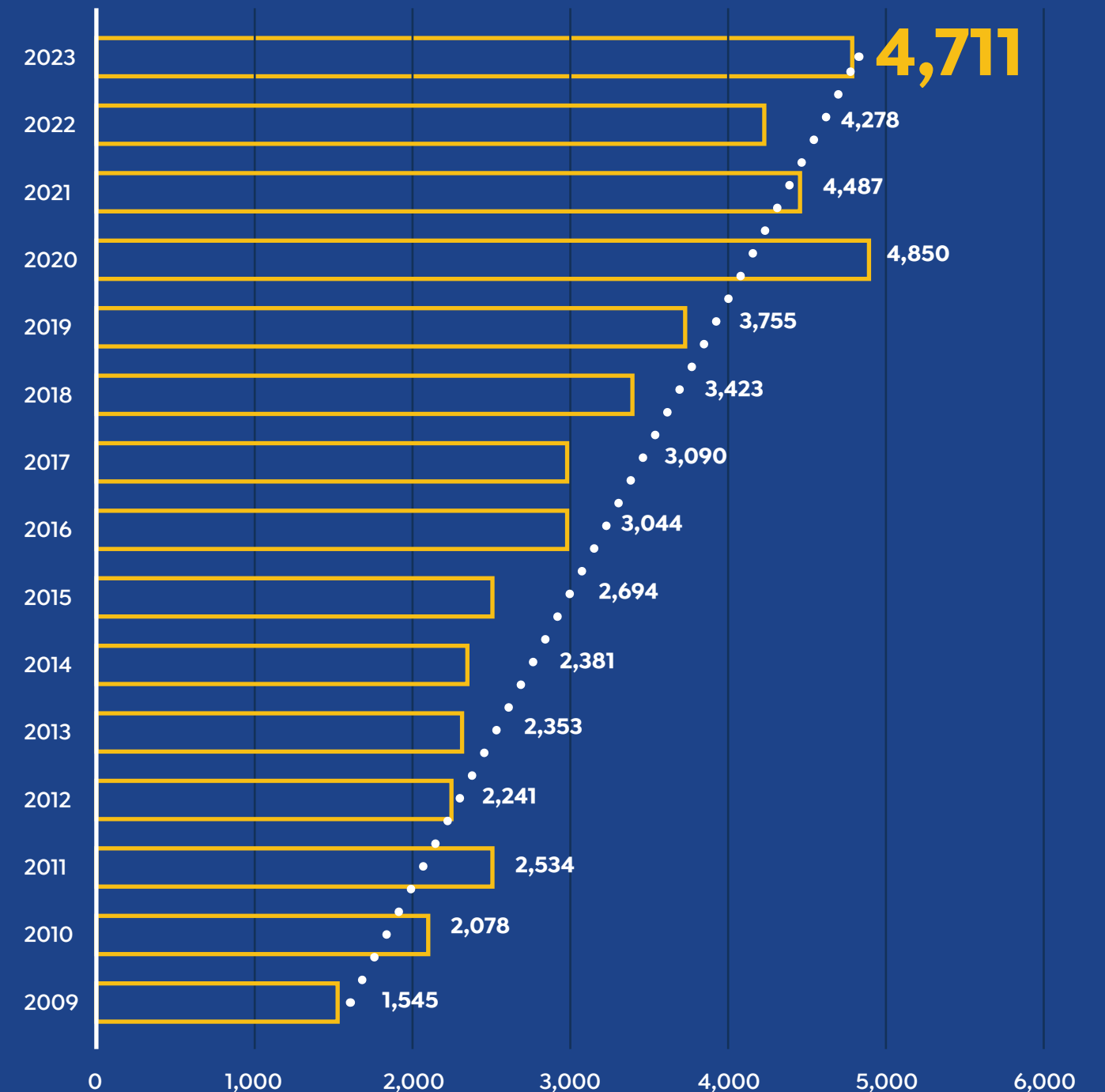
**13**  
COMMUNITY EDUCATION PRESENTATIONS

**5**  
TRAININGS TO FACILITY STAFF

**2**  
NURSING HOME CLOSURES

**1**  
RESIDENTIAL CARE HOME CLOSURE

# Total Complaints Trend: 2009 - 2023





# Problems Experienced and Complaints Made

Of the 4,711 complaints received in 2023, the highest category of complaints was related to “care.” This category received 1,570 complaints with the largest subcategory of the complaints, 282, being in “response to requests for assistance.”

Since the implementation of the new data system, this is the fourth year we have seen this as the highest category of complaint. These complaints are often initiated because the individual making the complaint does not believe there is consistent follow-through or timely response from staff to meet the goals set in the person-centered care plan. If invited by the resident or their representative, Ombudsmen participate in Resident Care Plan meetings and investigate staffing patterns related to poor call bell response times. As in previous years, LTCOP received many reports that care plan meetings were not happening regularly, and even when they were held, staffing concerns continued to affect the facilities’ ability to meet the residents’ person-centered plans of care. LTCOP continues its outreach and education efforts on person-centered care planning by informing residents and their representatives about their rights and setting clear expectations for this methodology of care.

The second largest area of concern was in the category of “autonomy, choice, rights.” This area received 629 complaints with 149 of those complaints being directly related to the subcategory “other rights and preferences,” followed closely by “dignity and respect” with 146 complaints. Most of the complaints were about resident rights, lack of person-centeredness, and dignity. These higher numbers show that there continues to be a need to work within the LTCOP to provide education and outreach related to person-centered care planning.

The third highest number of complaints occurred in the area of “admission/transfer/discharge,” accounting for 533 complaints. The subcategory of “discharge or eviction” was not only the most prevalent within this group but also represented the single largest concentrated area of complaints, with 358 specific cases. This has been a consistent area of concern both nationally and within our state, potentially due to the ongoing education and outreach efforts conducted by the LTCOP.

Ombudsmen are instrumental in helping residents understand their rights and, when necessary, connecting them to legal assistance organizations. They delve into understanding and resolving the causes of involuntary discharges by collaborating with residents and facility staff to determine the

“Being an ombudsman requires patience, empathy, and a deep commitment to promoting justice and resolving conflicts. One of the biggest issues I faced this year was involuntary discharges. These cases require an ombudsman to provide education, guidance, support and advocacy. I’ve had to help residents fight to maintain their residency in buildings they call home. I was able to help residents fight these notices and avoid homelessness. Knowing that I can make a difference in someone’s life by providing them with a safe and supportive plan is incredibly rewarding.”

- Kiomara Cruz,  
Regional Ombudsman

root cause behind the discharge notices. Their goal is to negotiate satisfactory outcomes for residents, recognizing that not all skilled nursing facilities report involuntary transfers and discharges adequately to the LTCOP.

# Successes and Barriers

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## SUCCESSSES IN PROVIDING SERVICES TO RESIDENTS OF LONG TERM CARE FACILITIES

- **Increased Access & Information:** LTCOP has continued using social media as a mechanism to reach residents and family members, and provide them with information related to residents' rights in long term care. This has allowed LTCOP to get information directly to the individuals we served in real time, engage them with LTCOP, enable them to ask questions, as well as get answers on the spot. LTCOP continues with special education sessions on social media that can be accessed through different types of technology.
- **Broadened Sense of Community:** The use of technology has provided an opportunity to connect family members from around the state in a way we never thought possible. LTCOP has brought these connections together to begin the state's first statewide family council. The LTCOP has supported the development of this statewide group that now has a board and regular meetings.
- **Connecticut is one of the only states with an active Statewide Coalition of Presidents of Resident Councils, or Executive Board.** The Executive Board has an active role advocating for their fellow residents of skilled nursing facilities. Executive Board

members bring issues to the attention of the State Ombudsman; they advocate and offer ideas and solutions about how LTCOP can promote the quality of life and well-being of long term care residents throughout the state. They advise the Office of the State Ombudsman about policy and legislative initiatives that will make their lives and the lives of their peers better. Connecticut has incredible involvement from these residents contacting the media, as well as drafting letters and statements regarding issues of importance. Executive Board members are encouraged to reach out to their legislative body to make their voices heard and they assist other residents in completing these functions as well. It has been a privilege for LTCOP to be a part of this resident advocacy effort. Connecticut offers a unique experience that is not duplicated in any other state. We bring residents together at the Annual Voices Forum, as well as engage the Executive Board members in regular monthly conference calls. We use all of these interactions to inform and identify legislative and policy initiatives to support residents and RCs throughout the state.

- Residents continue to have access to the technology of their choosing in their room/home.

- **Wi-Fi is required to be made available in all resident rooms, giving residents access to the outside world.**
- **Facility Bankruptcies, Receiverships, and Closures:** Along with Resident Advocates and other State agencies, including the Money Follows the Person team at the Department of Social Services (DSS), LTCOP maintained a presence at each of the homes to ensure that residents had an opportunity for Informed Choice. LTCOP staff empowered residents to explore all options and develop a person-centered plan where they could reside in the setting of their choice that best met their identified wants and needs.

## BARRIERS THAT PREVENT THE OPTIMAL OPERATION OF THE PROGRAM

- **Resource Shortages:** There has been incredible growth in the number of assisted living facilities built in the state and this increased the number of individuals that we served. There have been nursing home closures, bankruptcies, and receiverships that also increase demand on LTCOP's time and advocacy. LTCOP has also seen the complexity of cases increase steadily over the past few years. The LTC market has changed as has the time a Regional Ombudsman has to dedicate to each case. LTCOP believes the program

should at a minimum be staffed at 1 full-time equivalent (FTE) per 2,000 beds as recommended in An Evaluation of the Long Term Care Ombudsman Programs of the Older Americans Act. <https://pubmed.ncbi.nlm.nih.gov/25101383>.

- **Shrinking number of active and consistent RAs:** LTCOP is actively addressing the challenge of experiencing a historic low in the number of Resident Advocates (RAs). RAs have played a crucial role in the program for many years. However, due to factors such as individuals working later in life or opting to retire outside the state, the pool of volunteers has significantly diminished. The State Ombudsman has identified innovative approaches to attract potential volunteers, resulting in a gradual increase in the number of RAs. Nonetheless, a notable trend is that new recruits often retire almost as swiftly as they are brought on board to collaborate with LTCOP. The Community Ombudsman portion of LTCOP was developed this year to support individuals receiving long term services and supports in the greater community. The challenge that we faced is that during this legislative session, one manager position was approved through appropriations to begin to develop the program. This will allow LTCOP to develop the program, however it is not possible to implement any services due to lack of capacity at this time.

# Recommendations

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- 1 Expansion of LTCOP
- LTCOP should at a minimum be staffed at 1 FTE per 2,000 long term care beds as recommended in An Evaluation of the Long Term Care Ombudsman Programs of the Older Americans Act. <https://pubmed.ncbi.nlm.nih.gov/25101383>. This would require an additional 7 Ombudsman staff in LTCOP.
  - This level of staffing will allow LTCOP to provide the appropriate oversight and advocacy to address a continued increase in complaints and concerns.
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- 2 LTCOP recommends that guidelines and protections continue to be developed for all levels of the long term care system.
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- 3 One data and tracking system for all State agencies with health information technology protections in place and appropriate firewalls between State agencies, allowing for shared deidentified data to be pulled and used for trend identification and future policy decisions.
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- 4 To have Informed Choice provided to all individuals living in a long term setting.
- The individual should set the primary goal as to where they wish to receive their long term services and support.
  - All options should be explored to reach the identified goal if possible.
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- 5 A universal boilerplate contract for Managed Residential Communities (MRCs) – providing an explanation of financial expectations and historical increases.
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- 6 Greater oversight of the care and services provided to individuals living in and paying for services at MRCs and Residential Care Homes (RCHs).
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- 7 Required documentation for all LTCOP communities to be inclusive of people who might otherwise be excluded or marginalized, such as those having physical or mental disabilities, or belonging to other disadvantaged or minority groups.
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# Policy, Regulatory, and Legislative Recommendations

## Bankruptcies – none

## Receiverships

Name	Town	Outcome
WATERBURY GARDENS	WATERBURY	OUTCOME PENDING

## Closures

(Nursing Home and Residential Care Home Closures From 10/1/22 – 9/30/23)

## Skilled Nursing Facilities

Facility Name	Town	Bed Count	Date
HUGHES HEALTH AND REHABILITATION	WEST HARTFORD	170	6/1/2023
GROVE MANOR NURSING HOME, INC.	WATERBURY	60	11/18/2022
CAROLINE MANOR	EAST HAVEN	16	3/1/2023

## Residential Care Homes

Facility Name	Town	Bed Count	Date
CAROLINE MANOR	EAST HAVEN	16	3/1/2023

### SYSTEMIC ADVOCACY

The Office of the State Ombudsman is honored to be a member of and participate in many statewide stakeholder groups relevant to its advocacy work for long term care residents. These groups include:

- National Association of State Long Term Care Ombudsman Programs (NASOP), where the CT State Ombudsman serves as First Vice President
- Connecticut Long Term Care Advisory Council
- Connecticut Nursing Home Financial Advisory Committee
- Connecticut Elder Justice Coalition, Co-Chair
- Medicaid Long Term Services & Supports Rebalancing Initiatives Steering Committee, Co-Chair

Collaborations include many esteemed long term services and supports partners, such as:

- The Center for Medicare Advocacy
- Statewide Connecticut Legal Services
- Connecticut Partnership to Improve Dementia Care
- Lesbian, Gay, Bisexual, & Transgender (LGBT) Aging Advocacy
- Inclusive Communities for all workgroups

### LEGISLATIVE ADVOCACY

National and State Advocacy Activities: Legislative Updates

Notably, this year’s legislative session saw significant achievements with the approval of key bills that address these concerns more directly and robustly than in the past. These legislative advancements are critical steps forward in reinforcing our commitment to upholding the dignity, rights, and well-being of long term care residents:

1. Increased Transparency and Accountability: New laws have been enacted to require greater transparency in nursing home operations and financial reporting. This move aims to ensure that resources are appropriately allocated to improve resident care and facility conditions.
2. Enhanced Protections Against Involuntary Discharge: Legislation has been passed to offer stronger protections for residents against involuntary discharge, ensuring they have the necessary support and legal recourse to contest such actions. This includes requirements for timely and proper notification to residents and the LTCOP.
3. Improvement in Staffing Requirements: Although specific staffing increase proposals did not pass, the dialogue and

advocacy around this issue have led to a deeper understanding and commitment to addressing staffing levels in future legislative sessions.

4. Support for Person-Centered Care Plans: Efforts to train residents and staff on the importance of person-centered care plans have been bolstered by legislative support, emphasizing the critical role these plans play in enhancing residents' quality of life.
5. Mandatory Reporting Timeline Reduced: Legislation was enacted to broaden the scope of mandated reporters while simultaneously shortening the reporting deadline from 72 hours to 24 hours. This change guarantees quicker intervention by protection and advocacy agencies in response to any reported incidents of abuse, neglect, or exploitation, ensuring timely support for affected individuals.

These legislative achievements underscore the importance of ongoing advocacy work, and the need for continued vigilance and collaboration to ensure that the rights and needs of long term care residents are always at the forefront of policy decisions. This office remains committed to working with

legislators, residents, families, and other stakeholders to build on this year's successes and to seek further advancements in resident care and protections.

The 2023 CT legislative session was a long budget-focused legislative session that started January 4th and ended June 7th. Democrats controlled both the House and Senate by large majorities again this year (98-53 in the House and 24-12 in the Senate). A State budget was approved by large bi-partisan majorities in both the House and Senate, and signed by Governor Lamont. A large FY 2022-23 state budget surplus and large State rainy day fund cushion, unlike budgets from 4-5+ years ago, were backgrounds to the session along with the fiscal spending cap which legislators saw as limiting more expansive state appropriations. The State budget included tax cuts for the first time in decades in CT, and other bills related to implementation of early voting, greater phased-in income tax exemptions for retirement income, and gun violence reform.

### SUMMARY OF KEY NURSING HOME BILLS THAT PASSED DURING THE 2023 LEGISLATIVE SESSION

Related to nursing homes and long term care, there were positive measures passed to require:

Greater nursing home transparency for CT DSS cost reporting to help determine what are real nursing home costs given that many nursing homes have multiple corporate structures and related parties, and it can be hard to follow the money;

1. Greater public availability of such DSS reports;
2. More efficient use of State and federal funds by nursing homes;
3. Improved review and requirements for nursing home change of ownership for greater accountability, and to keep out bad actors;
4. Greater protections for residents related to nursing home involuntary discharge notices; such notices would be invalid if the nursing home did not provide to LTCOP at the same time as provided to the resident;
5. Many other consumer and resident/family-friendly measures.

### KEY BILLS PASSED DURING 2023 LEGISLATIVE SESSION - BY TITLE AND PUBLIC ACT

**HB 5004** – An Act Implementing Early Voting (Generally 14-day early voting period for general elections, 7-day early voting for most primaries, and a 4-day early voting period for special elections and presidential preference primaries; starting after 1/1/24; requirements and procedures for early voting included) Public Act 23-5

**HJ 1** – Resolution Proposing Constitutional Amendment Allowing for No-Excuse Absentee Voting, GAE, House Adopted, Senate Adopted (Resolution to appear on 2024 general election ballot) H.J. No. 1

**HB 5781** – An Act Concerning Notice of Proposed Involuntary Transfer or Discharge of a Nursing Facility Resident, Family Councils in Managed Residential Communities, Coordination of Dementia Services, Nursing Home Transparency, and Homemaker-Companion Agencies (Consolidated these four bills SB 930, SB 1024, HB 6678, SB 1025 into HB 5781; includes nursing home involuntary discharge focus requiring nursing to provide affirmation to LTCOP that discharge notice was provided to resident and invalidates the discharge notice if LTCOP did not receive a copy of the discharge

notice at the same time it was issued to the resident; the bill also provides access to the discharge plan for LTCOP staff; includes financial transparency requirements for nursing homes, and reduces related party cost reports required to be reported to \$30K from \$50K; the bill also requires assisted living facilities to encourage and assist in the development of family councils; a Dementia Services Coordinator position is created at the Department of Aging and Disability Services to coordinate State agency dementia programs and services; and it will transfer homemaker-companion agency jurisdiction to DPH from the Department of Consumer Protection and provides for many greater consumer protections. Public Act 23-48

**HB 6731** – An Act Concerning The Department of Public Health’s Recommendations Regarding Change in Ownership of Health Care Facilities, Public Act 23-122 (Requires greater scrutiny and review of change of ownership for nursing homes with goal to keep out bad actors)

**HB 6733** – An Act Concerning The Department of Public Health’s Recommendations Regarding Various Revisions To The Public Health Statutes, PH (Includes measure that revises assisted living [AL] definition and allows for end-of-life care at AL; residents do not have to be chronic and stable in this situation as typically required in AL), Public Act 23-31

**HB 6741** – Improving the Safety of Health Care Providers and Patients, Special Act 23-29 (Requires DPH to make public announcements against aggressive behavior towards healthcare workers; another section focuses on certain state grant funding availability for building security infrastructure improvements)

**HB 6775** – An Act Concerning Mandated Reporters, Public Act 23-168 (Expands abuse, neglect, exploitation, and abandonment mandated reporter list to also include licensed professional counselors; adult probation officers; adult parole officers; physician assistants; dental hygienists; resident service coordinators; clinical care coordinators; and managers employed at housing authorities, or municipal developers operating elderly housing projects)

**SB 956** – An Act Requiring Discharge Standards Regarding Follow-Up Appointments and Prescription Medications for Patients Being Discharged From A Hospital or Nursing Home Facility (This bill requires hospitals and nursing homes to better coordinate resident needs upon discharge), Public Act 23-39

**SB 989** – An Act Concerning Nonprofit Provider Retention of Contract Savings, Community Health Worker Medicaid Reimbursement, and Studies of Medicaid

Rates of Reimbursement, Nursing Home Transportation and Nursing Home Waiting Lists, Public Act 23-186 (Certain measures, like cost reporting transparency and involuntary discharge notices, were included in other bills; there was a strike – all amendments and final bills appear to include only resident family transportation and waitlist workgroup measures related to nursing homes – need to confirm with the CT General Assembly; expect a bill name change once bill finalized)

**SB 1088** – Financial Exploitation of Senior Citizens, Banking, Public Act 23-161 (Greater financial protections for senior citizens, and greater responsibility and requirements for financial organizations to help protect seniors)

**HB 6941** – The State Budget Bill: An Act Concerning the State Budget for the Biennium Ending June 30, 2025, and Making Appropriations Therefore, and Provisions Related to Revenue and Other Items Implementing the State Budget, Public Act 23-204 (Related to long term care: one section establishes a working group to study nursing home excess bed capacity; another section provides for compensation for family care caregivers in the Medicaid waiver program for personal care attendant support once CMS approves the CT state waiver amendment request; another section would

increase funeral assistance support to \$1,800 for low-income individuals; this bill includes the personal income tax rate reduction and retirement income phased-in exemptions up to certain limits info)

### KEY 2023 HOME- AND COMMUNITY-BASED (HCBS) RELATED BILLS

**HB 6677** – Adult Day Centers – Increase Eligibility, Fee Increase, and Add PACE (Program for All-Inclusive Care for Elderly) To Medicaid State Plan, Public Act 23-30

**HB 6767** – DCP’s Recommendations Regarding Licensing and Enforcement (Includes homemaker companion agency consumer protections), Public Act 23-99

**HB 6855** – Medicaid – Study Efficacy and Need for Expansion of Such Programs (Wheelchair Repair Workgroup established), Public Act 23-22

**SB 9** – (Sections on PCA pathways and medical record request timelines from institution to institution), Public Act 23-97

**SB 972** – Crisis Intervention Training for Police Officers and Collaboration Between Police Officers and Social Workers, Public Act 23-104

**SB 998** – Establishing Tax Abatement for Certain Conservation Easements (Sections include multiple tenant protections and

housing issues; rental regulations; Fair Share; affordable housing; reduces security deposit return timeline), Public Act 23-207

**SB 1075** – Hospice and Palliative Care Pilot Program (Establishes a Hospital at Home Hospice Pilot Program), Public Act 23-174

#### NATIONAL AND STATE ADVOCACY ACTIVITIES

Advocacy at both the national and state level focused on the restoration of residents' rights, visitation, and quality care being provided throughout the pandemic. At the national level, we saw small gains related to visitation and access, however for a portion of the year federal waivers remained in place and residents were impacted.

“ I love the staff there, but I do feel like there needs to be more of them there. They struggle all the time to work all the hours...meet everybody's needs, cause there's so many residents who live there with multiple difficulties. ”

- Martha L.,  
a long term care facility resident of 8 years

# Challenges & Opportunities in Long Term Care Facilities

## Challenge:

The changing landscape of Connecticut's long term services and supports (LTSS) presents challenges to consumers' rights to Informed Choice, as well as the right to health, safety, and well-being no matter the setting in which LTSS are received.

## Challenge:

As the composition of long term care communities continues to evolve, it's essential to ensure that communities are inclusive, welcoming, and accepting of all.

## Opportunity:

The Office of the State Ombudsman is committed to the State's efforts to rebalance the LTSS systems. The Ombudsman will be a part of the conversation for Informed Choice and advocacy for individuals choosing to live and receive LTSS in the community.

The State Ombudsman is the co-chair of the Right Sized Rebalancing Steering Committee.

Ensuring that individuals have access to protections related to their rights no matter what setting they're choosing to receive their LTSS in. Our program believes that individuals should have access and protections in regards to their rights, no matter where they are receiving LTSS. With the addition of the Community Ombudsman Program, we are hoping to continue to ensure individuals have access and support in the least restrictive setting possible.

## Opportunity:

The State Ombudsman's Office will persist in collaborating with workgroups to identify existing gaps and create resources that support long term care communities in becoming more inclusive.

## Challenge:

Not all residential care homes have engaged in becoming fully compliant with the HCBS settings rule. Therefore, individuals in those homes do not have access to waiver services.

## Challenge:

The opioid epidemic continues to grow and impact our long term care communities. This increases the risk for homelessness and need for long term care.

## Opportunity:

The State Ombudsman's Office is committed to collaborating with fellow advocates to enhance outreach efforts and distribute essential educational resources to both residents and providers of residential care homes. Our goal is to ensure that individuals benefit fully from HCBS offered within residential care settings, promoting maximum participation and advantage for those served.

## Opportunity:

The State Ombudsman's Office will collaborate with relevant organizations to tackle the growing opioid epidemic, recognizing its potential to heighten the risk of elder abuse and exploitation. We will also keep a keen focus on the implications of this crisis for accessing pain management medications in end-of-life care.

Further, the office will engage in partnerships with various state agencies to investigate LTSS that can be enhanced through telehealth and Medication-Assisted Treatment (MAT). Additionally, the aim is to work alongside these agencies to identify housing solutions that provide a less restrictive environment for the individuals served.

## Challenge:

Ombudsman cases are more complex with a focus on involuntary discharges and person-centered care planning. This has been a national trend.

## Opportunity:

The State Ombudsman's Office is dedicated to pursuing both policy and legislative solutions to the issue of involuntary discharges. To support this, we have established a data portal that collects, monitors, and analyzes data on involuntary transfers and discharges from nursing and residential care homes. This information will be pivotal in advocating for necessary changes in legislation and policy.

Additionally, we are committed to providing ongoing training on Person-Centered Care Plans for both residents and staff. This training emphasizes the significance of these plans as a tool for enhancing quality of life.

The office will also maintain active collaboration with partner agencies and advocacy groups to push for fair notice and appeal rights, as well as the implementation of individualized, person-centered care plans that truly meet residents' needs.

To achieve these goals and adhere to the recommendations outlined in the "Evaluation of the Long Term Care Ombudsman Programs of the Older Americans Act" by the Institute of Medicine, Washington, D.C., 1995, there's a clear need to increase the number of full-time equivalent positions (FTEs) within the office. This expansion is essential for meeting what is considered the national standard for the program's operation and effectiveness.



## Challenge:

Connecticut is experiencing ongoing closures of nursing facilities and residential care homes, significantly affecting the lives of residents who are compelled to make unexpected decisions. This situation presents challenges in the following areas:

**Proximity to Support Systems:** Individuals can be transferred to facilities far from their informal support systems, significantly impacting their emotional well-being and recovery.

**Transportation Coordination:** For RC homes in Connecticut, without clearly defined transportation coordination responsibilities during transfers, it can exacerbate the chaos and uncertainty.

**Catastrophic Insurance for Belongings:** The absence of provider-required catastrophic insurance can leave many without compensation for the loss of personal belongings, a loss adding emotional distress to an already traumatic situation.

**Real-time Tracking of Facility Bed Availability:** The lack of comprehensive and real-time tracking of facility bed availability hindered expedited transitions in emergencies.

**Requirement for Private Facilities to Accept Patients:** Currently, there's no requirement for private facilities to accept patients in the case of a closure or evacuation, leaving individuals without safe settings to go.

## Opportunity:

The Office of the State Ombudsman will maintain a presence at each of the closing homes to ensure that residents have an opportunity for Informed Choice when deciding where they will move. The State and Regional Ombudsman will meet with residents regularly to explain their rights in the closure process.

The Office of the State Ombudsman may propose legislative advocacy in the following areas:

**Proximity to Support Systems:** Connecticut must mandate considerations for proximity to family and known support networks in transfer decisions, ensuring emotional and logistical support remains accessible.

**Transportation Coordination:** Connecticut needs a clearly defined protocol for who is responsible for coordinating transportation during evacuations, ensuring safe and timely transfers.

**Catastrophic Insurance for Belongings:** Implementing a requirement for facilities to carry insurance that covers the loss of resident belongings during emergencies is crucial.

**Real-time Tracking of Facility Bed Availability:** Connecticut should develop a statewide, real-time database accessible to all providers and regulatory bodies to facilitate quick and appropriate placements.

**Requirement for Private Facilities to Accept Patients:** It's essential to establish a mandate for private facilities to participate in an emergency response network, ensuring no resident is left without a safe and appropriate placement during emergencies.

When appropriate, the State Ombudsman will accept appointment as the federal Patient Care Ombudsman.

# Closing Statement and Acknowledgements

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As we conclude the 2023 Annual Report of the Connecticut Long Term Care Ombudsman Program (LTCOP), we extend our deepest gratitude to myriad individuals and organizations whose dedication, partnership, and support have been instrumental in our pursuit of excellence in advocating for the rights and well-being of long term care residents in Connecticut.

First and foremost, we would like to thank our Commissioner and the Aging and Disability Services partners for collaborating with us to represent and support the needs of older adults and individuals with disabilities throughout Connecticut.

We are also thankful to our steadfast partners and stakeholders, whose collaborative efforts and shared vision for a more just and caring long term care system have significantly amplified our impact. Your commitment to improving the lives of those in long term care facilities has been a constant source of inspiration and motivation.

Our appreciation goes out to the Executive Board of the Statewide Coalition of Presidents of Resident Councils whose guidance and advocacy have been pivotal in shaping the direction and success of our program. Your leadership and passion for championing the rights of long term care residents has been indispensable to our program as we shape legislation and work on your behalf.

To our devoted volunteer Resident Advocates, we are grateful for your unwavering dedication and the countless hours you have invested in serving the residents of long term care facilities. Your contributions are truly appreciated, and your compassion and commitment have made a profound difference in the lives of many.

We extend our sincere thanks to the family members of residents, whose stories, insights, and partnership in advocacy have enriched our understanding and fueled our determination to foster a more responsive and respectful long term care environment.

Our collaboration with sister State agencies and the Office of Policy Management has been crucial in our efforts to navigate the complexities of long term care advocacy. Your responsiveness and willingness to engage in meaningful dialogue have been key to our collective achievements.

We are also incredibly thankful for the support and collaboration from external partners such as AARP, The National Consumer Voice for Quality Long Term Care, and other advocacy groups. Your expertise and advocacy on a national level have been invaluable in our continuous quest for improvement and innovation in long term care.

A special acknowledgement to our legislative partners, particularly the members and chairs of the Aging Committees, Human Services Committees, and Public Health Committees. Your leadership, support, and commitment to legislative advancements have played a critical role in fostering a legislative environment that is conducive to the rights and well-being of long term care residents.

In closing, we recognize that our journey is ongoing and the challenges we face are complex. However, with the continued support and partnership of our dedicated community, we are confident in our ability to make significant strides towards a more equitable, responsive, and compassionate long term care system. Together, we will continue to advocate for a future where the dignity, rights, and quality of life of all residents in long term care are upheld and cherished.

Thank you all for your partnership, support, and commitment to the well-being of Connecticut's long term care residents.

Sincerely,

The Connecticut Long Term Care  
Ombudsman Program

State Ombudsman:  
Mairead Painter

Community Ombudsman Manager:  
Daniel Beem

Regional Ombudsmen:  
Patricia Calderone  
Sylvia Crespo  
Kiomara Cruz  
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