

Testimony of Mairead Painter

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Education, and Related Agencies – Addressing the Administration for Community Living**

Chairwoman DeLauro and Ranking Member Cole, I am pleased to present this testimony on behalf of residents in Connecticut long-term care facilities and in collaboration with the National Association of State Long-Term Care Ombudsman Programs (NASOP). Thank you for your ongoing support of State Long-Term Care Ombudsman Programs (SLTCOPs). For Fiscal Year 2023, we request the following funding levels for the SLTCOP administered through the Administration for Community Living in the Department of Health and Human Services: \$65 million for assisted living ombudsman services under Title VII of the Older Americans Act, \$70 million for our current core funding under Title VII of the OAA, and \$52.5 million under the Elder Justice Act for staff, training, and services to address increasing abuse, neglect, and exploitation.

I thank you and the entire Subcommittee for your support last year of a \$10 million increase for the program and the citizens we serve. Unfortunately, the final amount approved for the program was \$1 million. Although greatly appreciated, after being divided by formula between

all the states and territories, most states did not receive enough to hire the permanent staff needed to meet current demands in all settings.

Additionally, there is a growing number of older adults nationwide who currently or may soon require long-term services and supports (LTSS) and who need our advocacy assistance. The requested stable funding for permanent staff and training would enable ombudsman programs to support individuals recovering from the pandemic, to meet the significant increase in the demand for our services and support the growing number of older adults nationwide.

This staff is crucial to our ability to continue the important work that we do and achieve our mission of protecting the health, safety, welfare, and rights of some of our nation's most vulnerable citizens. In addition to the work related to our mission, our programs support residents still at risk of Covid, the thousands recovering from the trauma they endured, and we also address the care concerns due to the staffing shortages.

Over the past three years long-term care residents have faced a pandemic that targeted older persons in particular, caused drastic infection control measures resulting in their isolation and extreme disconnection from family, friends, and peers. There was an extreme loss of access, oversight, and accountability. For almost two years restrictions prevented family, friends, and long-term care ombudsmen from having regular access to residents. Restrictions also paused normal state and federal surveys that ensure the quality of care and complaint investigation. Our offices have received thousands of calls reporting the impact that these restrictions have had, and the calls continue today as residents and family members report serious staffing and care concerns.

Across the country we have seen an increase in complaints related to significant staffing shortages causing an impact to residents' quality of life and general overall care. This comes at a time when residents are trying to recover from the trauma and the unintended consequences of isolation that for many resulted in weight loss, failure to thrive, incontinence, and overall general decline. Residents need access to ombudsman intervention now more than ever.

Historically, SLTCOP representatives included paid staff and, in some states, large numbers of volunteers who worked as the residents' advocates. They investigated and resolved complaints to the resident's satisfaction and protected their health, welfare, and rights, while maximizing the individual's participation in all decisions to ensure they receive person-centered care.

However, the pandemic exacted an incredible impact on our programs and our ability to respond to complaints. To resolve complaints at the height of the pandemic we developed remote outreach, education, trainings, trauma response, and expanded technology to reach residents.

Due to the risks, many SLTCOPs were decimated, losing significant numbers of paid staff and volunteers. By the end of FY 2020, nationwide, the program had 1,700 paid staff and approximately 5,100 volunteer representatives. This was a significant drop in volunteers from FY 2019 and we anticipate that FY 2021 data will reveal another significant loss in volunteers. Our current numbers are not sufficient to provide a regular presence in the 14,000+ nursing homes and thousands of other community facilities nationwide. Ombudsmen must have the funding necessary to rebuild their programs and hire the replacement staff needed to meet current demand and respond to the decrease in volunteerism.

The SLTCOPs greatly appreciated the additional COVID recovery funding, but we also need stable annual funding to secure our ability to respond appropriately to complaints, protect residents' rights and ensure that they are treated as individuals with autonomy, choice, independence, and access to quality health care. Older adults and their family members want to be informed of their rights and afforded protections necessary to living a high-quality life. The funding you provide to SLTCOPs ensures the voices of residents are heard, their rights are protected, and that they have access to appropriate services in response to the pandemic and beyond.

In Connecticut, we desperately need a volunteer coordinator, as do many programs across the country that rely on volunteers to support large portions of their work. Last year, with 8 Regional Ombudsmen, 3 support staff and about 4 active volunteers, the Connecticut program responded to 4,487 complaints; that is about equal to the height of the pandemic, and we do not see things returning to previous levels. This significant increase was sparked by the pandemic; however complaints were increasing as this portion of the population has grown.

In addition to nursing homes, as in most states the Connecticut Ombudsman program represents residents in other settings. These are settings such as assisted living facilities, where ombudsman programs have mandates to serve the residents, but were not provided regular annual funding to hire the staff that is necessary to provide appropriate protections and outreach. Specific assisted living as well as home and community-based services (HCBS) ombudsman funding is acutely needed due to the growth in these settings and the associated increased in demand for our services.

Therefore, let me respectfully submit our funding requests for FY 2023: first and most importantly, we request \$65 million to support SLTCOP work with residents of assisted living, board and care, and similar community-based long-term care settings. Assisted living and similar businesses have boomed, but SLTCOP funding has not increased to meet the demand and respond to the growth in this industry. As a result, our program is unable to adequately serve residents in assisted living. Second, we request \$70 million for our current core SLTCOP, currently funded at \$19.8 million in addition to the \$34 million provided through the COVID-19 relief bills. With diminished resources and funding, coupled with the tremendous demand due to the pandemic, we face great challenges in ensuring that residents have regular and timely access to our programs. Current funding levels prevent SLTCOPs from quickly responding to complaints and monitoring facilities. Third, we request \$52.5 million to support the work of SLTCOPs under the Elder Justice Act (EJA). This appropriation would allow states to hire and train staff and recruit more volunteers to prevent abuse, neglect, and exploitation of residents and investigate complaints. Though the funds have been authorized since 2010, to date no EJA funds have been appropriated for SLTCOPs in the annual appropriations process.

Without our eyes and ears in these facilities, residents are at risk of abuse, neglect, and exploitation, and any number of rights violations. Thank you for your consideration of the needs of long-term care facility residents and what we need to serve them.

Respectfully,



Mairead Painter, Connecticut State Long Term Care Ombudsman