This is a special edition of the Silver Panther, in honor of the 14th year of the VOICES Forum.

This year's VOICES Forum will be dedicated to the discussion of Fear and Retaliation. The Fear of Retaliation committee has worked very hard during the last couple of years to develop an educational DVD to train residents, family members, and facility staff on Fear of Retaliation. The five residents who participated in the making of the DVD will be this years' recipients of the Carol Rosenwald Award.

SCPRC Executive Board Members
Grace Bligé-Curry; Marion Gifford; Karen Hawley;
May Catherine Jasper Bey; Ronnie Martin; Brian Capshaw
Meeting the Candidates

By: Brian Capshaw East Hartford Health and Rehab

In the past two weeks I have been fortunate enough to meet several candidates running for statewide office. On Saturday August 21st, while attending the dragon boat races at the riverfront in Hartford, I saw Dan Malloy, candidate for governor, making his way through the crowd. I motioned to his aide, and he greeted me with a handshake, and I stated, “I’m a member of the Statewide Coalition of Resident Presidents Executive Board for nursing homes, and we support the money being saved by the state on the Money Follows the Person program, which allows nursing home residents to take their Medicaid dollars back into the community, being reinvested in an increase in the daily state Medicaid reimbursement rate being paid to nursing homes, as many struggle financially. He stated he does support nursing homes and is a big supporter of the SEIU 1199, the union that represents nursing home workers. I quipped back that is how you got 58% of the vote in the primary.

On Saturday the 28th, I attended the 2010 Disability Exposition in Hartford, where several were scheduled to speak. George Jepsen, candidate for attorney general, spoke first and was able to ask him a question. I stated the current Resident Bill of Rights does not contain adequate language regarding fear of retaliation against residents in nursing homes. I asked in your capacity as attorney general what can you do to assist us in getting fear of retaliation language in the Resident Bill of Rights. He responded that he has been in the legislature and would have a close working relationship with the 2011 legislatures and assist in any way he can.
Dan Malloy and Nancy Wyman were also in attendance, and Dan stood next to me, as he shook my hand he said, I saw you last week. He jokingly asked are you following me around? I did not get to ask a question as many other individuals were chosen.

Tom Foley was the last speaker of the afternoon. When he spoke he mentioned the state of Oregon spends 75% of its Medicaid dollars on community based care and Connecticut less than 50%. He said the Money Follows the Person program as an excellent way to reduce the states Medicaid expenditures and have more dollars spent on community based care. I did ask him if the money saved from the MFP program could be used to increase the daily state Medicaid reimbursement rate nursing homes receive, because many homes lose as much as forty dollars a day of their Medicaid residents. His answer was a very positive yes.
To the Candidates for
the Next Governor
(and the State Legislature)

The Statewide Coalition
Of Resident Council Presidents
Executive Board

To the Candidates for
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Nursing Home Staffing Requirements

Connecticut law only requires that nursing home staffing levels result in 1.90 total nurse and nurse's aide hours per resident per day. In contrast, the U.S. Dept. of Health and Human Services (HHS) recommends 4.10 total hours per resident day as an optimum level and the National Citizens' Coalition for Nursing Home Reform (NCCNHR) recommends at least 4.13 total hours per resident per day. California is currently 3.2

While most of Connecticut nursing homes staff above the very low required levels, the state's average nursing-staff-hours-to-resident-day (3.16) still ranks 33rd out of the 50 states, is the second lowest in New
England, and falls below both the HHS optimum and NCCNHR recommended minimum levels.

The relationship between nursing home staffing levels and quality of care is well established by research. Our state and federal leaders must take the opportunity now to protect current residents and prepare for the aging baby boomers. We call on our elected leaders to step forward and pass legislation with meaningful staffing requirements. We are calling our regulatory leaders to act now to require that nursing homes have the staffing levels needed to fulfill the legal requirements passed twenty years ago in the Nursing Home Law Reform Law. We feel the Connecticut law requiring staffing levels of 1.90 ratio should be raised closer to the 4.10 as recommended by The Department of Health and Human Services.

**Nursing Home State Medicaid Reimbursement Rate**

Many nursing homes in the state of Connecticut are struggling in this economy. Many have filed for bankruptcy, and others are petitioning the state to close. One of the main reasons is the low state Medicaid reimbursement rate nursing homes receive. Many nursing homes lose as much as forty dollars a day on each resident receiving state Medicaid. As the state continues to rebalance the Medicaid dollars it spends, through the Money Follows the Person program, savings from that program could be used to make nursing homes in our state more solvent. Even a small percentage increase in the state Medicaid reimbursement rate would lower the number of nursing homes filing for bankruptcy and petitioning the state to close.
Nursing Home Applied Income Payments

In the 2010 legislative session, the legislature considered raised senate bill 233 expand, the statutory exceptions under which a nursing facility is permitted to transfer or discharge a resident for non-payment of applied income for greater than 60 days.

Although this would benefit the nursing home, many of the individuals effected do not have control of their income and a relative is not making the applied income payment. If this legislation is brought up again in 2011, this executive board recommends the following:

All nursing homes shall provide a written notice to each patient and such patient's representative, legally liable relative, guardian or conservator explaining that such patient may owe applied income to the nursing home and that such patient can elect to have the nursing home appointed as representative payee to receive Social Security payments. Such written notice shall be provided at the time of (A) the patient's admission to the nursing home, (B) the patient's application with the Department of Social Services for medical assistance, (C) notification by the department that the patient is eligible for medical assistance, and (D) redetermination of the patient's eligibility for medical assistance by the department.
Notification of Financial Stability to Nursing Home Residents

Senate bill 234, which was not signed into law in the 2010 legislative session, this bill requires (1) nursing homes, residential care homes, rest homes with nursing supervision, and chronic and convalescent nursing homes and (2) managed residential care communities (facilities in which assisted living services are provided) to notify prospective and current residents about certain financial conditions the facilities may be experiencing. It requires the former to provide notice if a facility is placed in receivership or files for bankruptcy. It requires the latter to provide notice of whether it is in bankruptcy. A facility must provide this notice before or when a resident is admitted and during the residents' stay. We feel this piece of legislation must be brought up again in the 2011 legislative session and signed into law. Residents and their family members need to know the status of their facilities in order to be able to make informed decisions about their living arrangements.

Fear of Retaliation for Nursing Home Residents

We are looking for legislation to be passed in the 2011 legislative session regarding fear of retaliation for nursing home residents. A resident should have the right to present grievances and recommend changes in policies and services personally, through other persons or in combination with others, without fear of reprisal, restraint, interference, coercion, or discrimination. Part of the failure of residents to report a grievance can be attributed to the nature of the nursing home resident/employee relationship. We as residents are dependent on nursing home staff to respond to our basic needs. Some residents fearing retaliation may choose to continue on, rather than risk the consequences of filling out a
grievance form. This legislation would require all nursing home staff to be trained regarding the issue of fear of retaliation as it relates to residents rights.

The Statewide Coalition of Presidents of Resident Councils Executive Board Members

Brian Capshaw                    Ronnie Martin
East Hartford Health & Rehab     Bayview Health Care

Marion Gifford                  Grace Blige-Curry
Southington Care Center         Newington Health Care

May Jasper-Bey
Wethersfield Nursing

Karen Hawely
Geer Memorial Health Care
The 2010 Elections

This year is an election year. Please remember to vote on November 2, 2010. If you feel you are unable to make it to the polls please remember to request an absentee ballot from your nursing facility.

We are providing you with a list of legislators and their contact information for your convenience should you feel the need to contact them with any legislative issues that you may have. Please click onto 'web' to access contact information for each of your legislators in Connecticut.
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Sheila Hayden - Intake Coordinator

Regional Ombudsmen
Kim Massey, Dan Lerman & Mairead Phillips

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Stephanie Booth - Intake Coordinator

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