



March 8, 2018

Written testimony of Matthew V. Barrett, President and CEO of the Connecticut Association of Health Care Facilities (CAHCF) concerning:

Good morning Senator Flexer, Senator Kelly, Representative Serra and to the distinguished members of the Aging Committee. My name is Matthew V. Barrett. I am the President and CEO of the Connecticut Association of Health Care Facilities (CAHCF), our state's trade association and advocacy organization of one-hundred and fifty three skilled nursing facilities and rehabilitation centers. Thank you for this opportunity to testify at today's public hearing.

H.B. No. 5395 (RAISED) AN ACT CONCERNING TRAINING AND EXPERIENCE REQUIREMENTS FOR PROVIDERS OF SERVICES TO SENIOR CITIZENS.

Our association is aware of several business organizations in Connecticut that provide long term care Medicaid application assistance to Medicaid applicants and their families when acting on the applicant's behalf. We generally understand that consumers benefit from the services that are provided and that the cost of the services is less than would be incurred by a law firm providing a full array of senior planning services. In this regard, our general concern about HB 5395 would be it in no way impede access to the services that applicants and their families now receive. We would also like to register a concern that impeding access to these services could create delays in the application process which have been experienced in the past. We are not aware of any complaints about these organizations from our CAHCF member facilities or the residents and families. We ask that the committee fully evaluate if the new and strict requirements in Section 2 of the bill can reasonably be achieved and more importantly, evaluate if consumers and their families will be served less well if Medicaid application assistance of this type can no longer be provided because of the new rules.

We are opposed to the provision in Section 3 as it would be improper and impractical for nursing homes to refer all Medicaid applicants who are residents or seeking admission to consult with a private attorney. Nursing homes are not aware of all of the private attorneys who could be of assistance when needed and nursing homes could be in jeopardy or liability if a private attorney referral made by the nursing home in the end did not perform in the best interest of the applicant in the applicant's view. As a consequence, to comply with the provision of Section 3 if adopted, nursing homes would be advised to refer all applicants to legal aid without regard to their needs. Such referrals would include an inference that legal aid assistance is required to complete all such Medicaid applications, which would not be accurate. In fact, many applicants successfully navigate the application process without assistance. Neither the Centers for Medicare and Medicare Services (CMS) or the single state agency responsible for the administration of Medicaid in Connecticut, the Department of Social Services, have ever held that referral to attorneys or legal is advisable for all applicants seeking Medicaid financed care in nursing homes.

For additional information, contact: Matthew V. Barrett, mbarrett@cahcf.org or 860-290-9424.