



February 8, 2022

To:

Members of the Joint Standing Committee on Aging  
Senator Patricia Billie Miller, Co-Chair  
Representative Jane Garibay, Co-Chair  
Senator Ryan Fazio, Ranking Member  
Representative David T. Wilson, Ranking Member  
Senator Rick Lopes, Vice Chair  
Representative Anne M. Hughes, Vice Chair  
Senator Mary Daugherty Abrams  
Senator Derek Slap  
Senator Kevin Kelly  
Senator Christine Cohen  
Representative John Fusco  
Representative Mitch Bolinsky  
Representative Jennifer Leeper  
Representative Edwin Vargas  
Representative Jay M. Case  
Representative Treneé McGee  
Representative Joel de la Cruz

Members of the Joint Standing Committee on Human Services  
Senator Marilyn V. Moore, Co-Chair  
Representative Catherine F. Abercrombie, Co-Chair  
Senator Eric C. Berthel, Ranking Member  
Representative Jay M. Case, Ranking Member  
Senator Matthew Lesser, Vice Chair  
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Representative Harry Arora  
Representative Bill Buckbee  
Representative Gale L. Mastrofrancesco  
Representative Tony J. Scott  
Representative Terrie E. Wood  
Representative Larry B. Butler

From: Members of the Senior Fraud Task Force

Re: Task Force to Study Ways to Protect Senior Citizens from Fraud

In accordance with Public Act No. 21-84: An Act Lowering the Age of Eligibility For Property Tax Relief for Senior Citizens and Establishing a Task Force to Protect Senior Citizens from Fraud, we hereby submit to the joint standing committees of the General Assembly having cognizance of matters related to aging and human services, the preliminary report of the Senior Fraud Task Force. The Task Force hopes the Aging Committee and Human Services Committee will consider these recommendations during its deliberations in the 2022 legislative session.



Connecticut General Assembly

### **Report of the Senior Fraud Task Force**

Public Act No. 21-84: An Act Lowering the Age of Eligibility for Property Tax Relief for Senior Citizens and Establishing a Task Force to Protect Senior Citizens from Fraud

Submitted:  
February 8, 2022

**Task Force Membership**

Joan Reed Wilson (Co-Chair)

Appointed by Speaker of the House of Representatives Matt Ritter

Michael Werner (Co-Chair)

Appointed by Senate President Pro Tempore Martin Looney

Matthew Barrett

Appointed by Speaker of the House of Representatives Matt Ritter

Steven Rubin

Appointed by Senate President Pro Tempore Martin Looney

Anna Doroghazi

Appointed by House of Representatives Majority Leader Jason Rojas

Michele Jakab

Appointed by Senate Majority Leader Bob Duff

Jacqueline Haywood

Appointed by House of Representatives Minority Leader Vincent Candelora

Marie Allen

Appointed by Senate Minority Leader Kevin C. Kelly

Lara Stauning

The Commissioner of the Department Aging and Disability Services designee

Matthew Antonetti

The Commissioner of the Department of Social Services designee

Administrative Staff:

Joe Perkus, Aging Committee

Cameron Clarke, Aging Committee

## Overview

The following report is the culmination of the work of the Senior Fraud Task Force. In accordance with Public Act No. 21-84 the Task Force was charged with studying ways to protect older adults from fraud through prevention and intervention:

1. Such study shall include, but not be limited to, the planning services available for Medicaid applicants

## Task Force Work Plan

Due to the open nature of the statutory language from the enabling public act and the broad definition of senior fraud, the Task Force's first step was to establish themes that would guide its meetings. The first meeting involved a review of the current legislation and a discussion of relevant and practical issues that the members agreed were of utmost importance to address. Narrowing the topics allowed the Task Force to discuss a wide range of relevant issues, identifying key recommendations surrounding the Medicaid application process and related issues of fraud that impact some of Connecticut's most vulnerable residents (those who are in need of long-term care assistance) wherever they are situated along the Long Term Supports and Services continuum, whether in an institution or in the community. The Task Force looked at resources from other states that have already worked on legislation in this area, including New York, Ohio, Tennessee, Florida, and New Jersey.

The Senior Fraud Task Force met a total of nine times between October 2021 and February 2022. Each meeting was two-hours long and at five meetings guests with expertise in the relevant fields provided detailed information about the themes the Task Force agreed to deliberate. The themes discussed included:

- Medicaid Planning Services: Ways to make the application process easier and to know when advanced assistance may be recommended;
- Fraud prevention through Long-term Supports and Services/Community Ombudsman; and
- Review ways to augment and strengthen the Protective Services for the Elderly Program.

## Executive Summary

Connecticut has the seventh-oldest population in the United States and is home to 823,529 residents aged 60 or older, which is 23% of our state's inhabitants.<sup>1</sup> Our population is the most diverse in New England in terms of race and ethnicity. With our aging population, Connecticut has a special responsibility to help make sure that systems are in place to protect all residents, especially those in this vulnerable cohort, from financial victimization now and into the future. We saw through the course

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<sup>1</sup> The 2021 Connecticut Healthy Aging Data Report. [https://healthyagingdatareports.org/wp-content/uploads/2021/06/CT-Healthy-Aging-Report-2020\\_final.pdf](https://healthyagingdatareports.org/wp-content/uploads/2021/06/CT-Healthy-Aging-Report-2020_final.pdf)

of the COVID-19 pandemic almost 91% of all COVID-19 associated deaths were from residents 60 years old or older.<sup>2</sup>

Older adults in Connecticut are too often victims of fraud, violations of consumer protection and a system that does not adequately train the professionals to whom older adults and their families reach out to when in need. Older adults often feel shame and embarrassment when it comes to reporting fraud or financial exploitation and fear being conserved or not wanting to testify against those who have stolen from them, who are many times a family member or caretaker. According to the United States Department of Justice, “about 1 in every 10 seniors is abused each year and only about 1 in every 23 cases is actually reported to the appropriate agencies.”<sup>3</sup> As detailed more fully below, our research identified four key areas where the State can improve the system and provide protections and effective systems of fraud prevention and intervention for all residents as they age.

The process of applying for long-term care Medicaid services, both in a skilled nursing facility and in the community for home care services, is complex and involves a multitude of laws, rules and regulations that include protections for consumers. Yet, the systemic complexities inherent in long-term care planning are not necessarily appreciated when an individual may consider applying for such Medicaid supports and these protections are often overlooked to the detriment of older adults and people with disabilities.<sup>4</sup> Some older adults do not get the assistance they need to stay safe and healthy in the community because they receive incorrect information from untrained and unlicensed professionals. Many of these professionals are not intentionally harming the older adult but they also lack the understanding of the complexities of the state and federal laws and rules impacting planning and long-term care services, which hurts the older adult. Proper guidance is necessary to ensure that our residents are not left unattended because they are told they do not qualify for services or are forced to enter a skilled nursing home simply because they have exhausted their funds before they receive proper guidance or unnecessarily spend their funds when they can otherwise be safeguarded for a spouse, disabled child or someone who has had to leave their job to care for a loved one. The Task Force recommends simple, straightforward disclosures that a Medicaid application assistor would be required to review with an applicant before completing an application for long-term care Medicaid services and supports.

Through our discussions, the Task Force learned that often older adults do not get proper guidance because they simply do not know who to contact for assistance. The Task Force reviewed the various entities, state agencies and professionals who could serve as resources for older adults and concluded that there is no one centralized entity that currently serves as a hub for older adults in the community to reach out when they need help or answers when considering long-term care services and supports.

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<sup>2</sup> Conn. Gen. Stat. §17b-450 defines an “elderly person” as “any resident of Connecticut who is sixty years of age or older.” Accordingly, use of the terms “older adult,” “senior” or “elder” are utilized interchangeably within this report to refer to individuals sixty years or older.

<sup>3</sup> <https://www.findlaw.com/elder/elder-abuse/what-is-the-elder-justice-act.html#:~:text=According%20to%20the%20U.S.%20Department,reported%20to%20the%20appropriate%20agencies>

<sup>4</sup> Other vulnerable populations may be served by the Task Force recommendations as they apply for and receive Medicaid through LTSS.

The Task Force recommends a Community Ombudsman, similar to the Long-Term Care Ombudsman, to serve the older adult population living in the community with long-term care needs.

The Task Force also learned that many mandated reporters, including professionals such as police officers and medical practitioners, are not aware of their legal obligation to report suspected elder abuse or financial exploitation to the Department of Social Services' Protective Services for the Elderly program, or how to submit a report of elder abuse or financial exploitation. This lack of knowledge results in significant under-reporting of incidents of all types of abuse. Failing to timely report allows the abuse or financial exploitation to continue without intervention. To remedy this issue, the Task Force recommends that mandated reporters be statutorily required to attend periodic training on how to recognize the signs of elder abuse and financial exploitation, to whom reports must be submitted and the process to make reports.

Recognizing that with increased awareness and knowledge about when and how to report elder abuse or financial exploitation there will be increased demand on the Protective Services for the Elderly Program ("PSE"), the Task Force recommends that a staffing ratio be adopted by statute to ensure that there are adequate skilled personnel available to investigate and respond to reports of all types of elder abuse or financial exploitation. Despite a steady increase in report of elder abuse and exploitation in recent years, the number of Protective Services for the Elderly staff able to respond and assist older adults has declined. A recent state audit recommended a maximum caseload per Social Worker be established to ensure that there are enough Social Workers to meet the needs of the program, which are anticipated to continue to grow.<sup>5</sup> The PSE Program, designed to safeguard elders from physical abuse, neglect and financial exploitation, is extremely valuable to ensuring the future well-being and financial security of our residents, yet the Task Force learned that even many professionals, including police officers and other mandated reporters, may not be aware of the program or of when they are required to report an incident to PSE. Furthermore, the Task Force learned that PSE is likely understaffed to manage Connecticut's increasing elder population. The Task Force recommends ensuring dedicated budgetary support for PSE staffing ratio of 25 cases per employee, to include budgetary support for the hiring of staff experienced in accounting and financial investigations, and prioritizing training for mandated reporters to ensure that professionals in the community with frequent access to, and observation of, vulnerable older adults and their finances have proper training to identify potential fraudulent activities or financial exploitation, and know what to do when they see them<sup>6</sup> be established by law to ensure Protective Services for the Elderly can provide timely and effective responses to reports of abuse.

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<sup>5</sup> *State of Connecticut Performance Audit, Protective Services for the Elderly*, 8/11/21, Finding 6., and Exhibit 5, p. 14. (Attached)

<sup>6</sup> *State of Connecticut Performance Audit, Protective Services for the Elderly*, 8/11/21, Finding 6., and Exhibit 5, p. 14. (Attached) and National Adult Protective Services Association, *Adult Protective Services Recommended Minimum Program Standards*, October 2013, p. 7, [Recommended-Program-Standards.pdf \(napsa-now.org\)](https://www.napsa-now.org/wp-content/uploads/2013/10/Recommended-Program-Standards.pdf).

## PRIMARY RECOMMENDATIONS

- 1. The Task Force recommends including disclosures and recommendations that a Medicaid application assistor is required to review with applicants before completing Medicaid applications.**

As the Task Force learned through the testimony of several elder law attorneys and other professionals who work on Medicaid applications, qualifying for Medicaid can be a complex, often nuanced and circumstance-specific, process. Federal law allows anyone to complete the application without assistance (and many people do); however, the planning and preparation in advance of completing the application may be complex and applicants may benefit from guidance and analysis from an elder law attorney. The Task Force heard a multitude of examples that even some of the professionals on the committee were not aware could affect someone's eligibility. Additionally, the Task Force heard from a representative from a Medicaid application assistor company who acknowledged and agreed that non-attorney Medicaid application assistors do not have the authority or expertise to provide legal guidance to applicants. The Task Force members discussed the importance of assuring the rights of those seeking application assistance are not violated or undermined. The gap in the system appears to be a misunderstanding of what defines a complex situation that requires more than a simple completion of an application. Seemingly simple fact patterns regarding an individual's financial planning with respect to anticipated long-term care supports may benefit from legal analysis and advice to ensure that the consumer's rights and financial security are best protected.

Not getting proper legal advice can prevent you from receiving benefits that you are otherwise entitled to and may affect the assets you are entitled to. The Medicaid eligibility requirements may raise questions that require legal advice and counsel. Federal law permits you to have a representative assist you in applying for Medicaid assistance. A non-attorney is not subject to state or federal regulation and the consumer protections provided by state and federal law. Some non-attorneys hold themselves out to be "Medicaid Specialists"; even though they cannot provide you legal or financial advice. While non-attorneys may provide limited services such as completing the correct Medicaid application form and assisting you in obtaining personal and financial records, only an attorney can provide advice and knowledge in the following matters that require the knowledge, training and professional judgment of an attorney licensed to practice in Connecticut:

- (1) Assessment of fact and interpretation of federal and state law to determine Medicaid eligibility that protects the interest of the Medicaid applicant and his or her spouse and family.
- (2) Legal review of assets and financial information, as well as the provision of legal advice to a Medicaid applicant and his or her spouse of legal actions that protect their assets and income and allow for the receipt of Medicaid benefits at the earliest allowable date.
- (3) Evaluation and preparation of the legal documents necessary for Medicaid eligibility.
- (4) Petitioning the Probate Court for a spousal support order.
- (5) Advisement on state law concerning the right to be repaid upon the death of the Medicaid applicant or their spouse.

To ensure that consumers' rights are protected, the Task Force suggests, at a minimum and to the extent permitted by federal law, that the following information be highlighted in any materials accompanying the Department of Social Services' application for Long-Term Medical Care or Home Care services or when an organization or facility informs a consumer to services offered by non-attorney "Medicaid application assistors", which the Task Force defines to include any individual or entity, including a private organization, or government agency who provides assistance in the area of LTSS Medicaid applications.

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Please know that you have legal rights that can protect your assets.  
You may wish to seek the advice of an elder law attorney PRIOR to completing this Medicaid application to ensure your finances and rights are protected.

For example, if you are seeking long-term medical care or home care services and you:

- have a spouse;
- own real estate;
- have a child who is disabled; or
- if someone has been living with and caring for you in the last two years.

You may contact the Connecticut National Academy of Elder Law Attorneys for a list of Elder Law Attorneys who can assist you with your Medicaid Application by calling (860) 223-4400. If you have suffered Medicaid ineligibility and/or significant financial loss due to the actions or advice of a non-attorney Medicaid planner, you may file a complaint with the Connecticut Department of Consumer Protection by calling (860) 713-6100.

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**2. The Task Force recommends a Community Ombudsman similar to the Long-Term Care Ombudsman to serve Connecticut residents living in the community and receiving long-term care services and supports.**

The need for an expanded Ombudsman role in Connecticut is long-standing and pre-dates the COVID-19 pandemic. In 2019, the Connecticut General Assembly passed Special Act No. 19-18, An Act Concerning a Community Ombudsman, which highlighted the already clearly emerging need to develop a Community Ombudsman program to investigate complaints concerning care received by recipients of home and community-based services. According to a recommendation of the recently published 2022 Long-Term Supports and Services Report, Connecticut should, "[e]xpand the scope of the Long-Term Care Ombudsman program to provide Ombudsman support to consumers receiving long-term services and supports regardless of setting in order to align the program with Medicaid LTSS rebalancing efforts. Additional appropriations to the Long-Term Care Ombudsman program would be necessary to expand beyond their current jurisdiction."<sup>7</sup> The Senior Fraud Task Force echoes this recommendation and believes it to be vital to help address Quality Assurance and Prevention aspects

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<sup>7</sup> (See, page 27) [https://portal.ct.gov/-/media/OPM/HHS/LTC\\_Planning\\_Committee/2022-LTSS-Plan\\_FINAL\\_Submission.pdf](https://portal.ct.gov/-/media/OPM/HHS/LTC_Planning_Committee/2022-LTSS-Plan_FINAL_Submission.pdf)

to protecting older adults from fraud and financial exploitation. The Community Ombudsman would have the authority to investigate, review and potentially refer for sanction as appropriate any provider including those participating in the Connecticut Home Care Program, as well as any licensed or unlicensed provider of long-term service and supports defined as medical or nonmedical. There are multiple critical elements as to why an expanded Ombudsman program would successfully help long-term services and supports recipients, including the autonomy and independence of the agency, the non-mandated-reporter nature of the agency, and the existing expertise and institutional knowledge that the Ombudsman program's leadership and staff bring to the arena.

**3. The Task Force recommends mandated training for mandated reporters to ensure that the professionals who are out in the community with vulnerable older adults have proper training to spot issues and know what to do when they see them.**

The Task Force heard the success of the training that the Department of Banking provides to the staff of financial institutions. The training that is provided to tellers, bank managers and other professionals who interact with the public has proven successful in educating those professionals on suspicious activity or actions and how to report them. Although financial agents are not mandated reporters, the mandated training has proven to work; it is done because the banks are required by state statute to receive mandated training, and they have a financial incentive to ensure that their employees recognize financial exploitation. Unfortunately, professionals who interact with older adults who are mandated reporters are not mandated to receive training on how to identify financial exploitation and how and where to report. The Task Force believes that this type of education and training is the key to reducing older adult financial exploitation, but the training needs to be mandated by law. The Task Force recommends that the legislature enact mandated training for all mandated reporters who interact with older adults. The Task Force suggests that adequate funding be provided to develop mandatory training be created and be made available to mandated reporters in an easy to access on-line format. Task Force representatives who also sit on the Coalition for Elder Justice in CT Steering Committee, expressed interest in collaborating with Coalition members to develop training programs that suit a variety of disciplines that work with older adults.

**4. The Task Force recommends ensuring staffing for Protective Services for the Elderly on a ratio of 25 cases per employee with dedicated budgetary support to accommodate such staffing ratios.**

The Task Force recognizes that if more professionals are trained to recognize the clues of abuse or financial exploitation fraud and know who to contact, the state's Protective Services for the Elderly Program will be overburdened. This is not a reason to forego this important improvement in the system to reduce older adult abuse and financial exploitation with appropriate budgetary allocations to address the anticipated increase in workload experienced by the Protective Services for the Elderly Program. The Task Force recommends that the legislature consider instituting a targeted staffing ratio for the Protective Services for the Elderly Program to ensure that the caseload is manageable, with dedicated budgetary allocations to support skilled agency staffing to maintain such ratios. According to information provided in a recent state audit conducted on Protective Services' performance, a caseload of 25 cases per Social Worker allows stronger community partnerships, which may allow social

workers or other staff skilled in accounting and financial investigations to better meet the needs of the program.

### **ADDITIONAL RECOMMENDATIONS**

- Increase Accessibility of government forms in multiple languages, including the top five non-English languages in Connecticut, using simple language, concepts and visual learning, which can help older adults and their family members better understand the complex nature of the Medicaid application process.<sup>8</sup>
- Improve “Return to Home” notification for recipients who are institutionalized, to better understand their rights to move into the community.
- Develop a Medicaid Applicants’ Bill of Rights.
- A private Medicaid application assistor shall disclose, in writing, to a Medicaid applicant or to his/her representative, any and all relationships, including but not limited to the ownership and/or affiliations it has with another entity that provides the billing and collections for a long-term care facility or provides a long-term care facility's collection/accounts receivable operations, or any business relations that might be a conflict of interest with the consumer.
- Active recruitment across agencies to better bolster the long-term support services continuum, especially in light of the forthcoming state workforce retirements, which will see many seasoned and experienced workers retire before new replacement staff can learn more about institutional knowledge and allow for a smooth continuity of government.
- Expanded mandated training (not reporting) for various stakeholders, including senior center workers, municipal agents, law enforcement, family members of LTSS recipients, and others to better identify and prevent fraud or financial exploitation, with associated funding support allocated in the state budget for such expanded training.
- Have the Agencies on Aging present the training created by the Coalition for Elder Justice to senior centers using a CHOICES-like model of community education. Create strong pathways to report to the Protective Services for the Elderly Program, Chief State’s Attorney or police as appropriate. The Task Force recommends suitable funding for this training.

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<sup>8</sup> <https://portal.ct.gov/DEMHS/Emergency-Management/Resources-For-Officials/Diverse-Communities-Outreach>.

- Training and watchfulness for signs of elder abuse and financial exploitation by more stakeholders including colleges and universities (inclusive of training for social work, Counseling, Kinesiology, Health Science degrees), Insurance (health & life) companies (training for customer service reps, in-house Medical Directors, nurses, pharmacists, agents), faith-based organizations and lay organizations, which are often staffed by supportive people who come in frequent contact with the elderly, Senior Centers, Elderly Housing Property Management Companies / Property Managers who are required to have a thorough understanding of the finances of a person applying for senior housing subsidy.
- Adding a minimum of continuing education requirements (like the current Veteran and cultural competency requirement for social workers) for certain degree and license holders like nurses, social workers, psychologists etc.
- Develop an outreach project that would have trained facilitators go to senior centers to describe the volunteer opportunity and recruit trainees as volunteer resident advocates.
- Develop uniform standards of background checks for all homecare agency staff and independently hired Personal Care Attendants.
- Develop consumer protection education for the public regarding hiring private caregivers.
- Create and support better collaborations with Boards of Education and students to emphasize various workforce development career paths for students to pursue jobs related to the longevity economy, including direct service home care, nursing/medical schools, law enforcement, state-agency service. These collaborations should focus on civic engagement and social emotional learning lens to highlight the importance of multigenerational approaches to the meaningfulness of the work. This recommendation also comes from the 2022 LTSS Report (*See*, page 29) and is echoed by the Senior Fraud Task Force.
- Development of a Trusted Contact designation for older adults to register when opening bank accounts, similar to those used by financial advisors.
- Provide PSE with the funding and resources necessary to effectively investigate reports of abuse (such as access to forensic accountants, medical experts, etc.) to provide them with the tools to effectively prevent and respond to growing complexity and number of elder abuse reports.

- Encourage elder law attorneys and law schools to offer pro bono services to the community to counsel those in need of long-term care services and supports, in multiple languages.
- Proactively develop 2–3-year post-graduate fellowship opportunities for recent higher education graduates to add capacity to agencies.

### **Activities and Deliberations of the Senior Fraud Task Force**

The Task Force met nine times between October 2021 and February 2022. The Task Force invited experts to present at various Task Force meetings to speak on areas under study. Invited speakers and guests included:

- Judge Beverly Streit-Kefalas, Probate Court Administrator
- Mairead Painter, Connecticut State Long Term Care Ombudsman
- Kathleen Titsworth, Banking Outreach Coordinator, Connecticut Department of Banking
- Melanie R. Lambert, CHOICES State Director, Department of Aging and Disability Services
- Dorian Long, Director, Protective Services for the Elderly, Connecticut Department of Social Services
- Tracy Enns, Inspector, Office of the Chief State’s Attorney
- Peter Hadler, Director of Program Oversight and Grant Administration, Connecticut Department of Social Services
- Kristin R. Dowty, Medical Eligibility Unit Manager, Program Oversight and Grant Administration, Connecticut Department of Social Services
- Sarah Chmielecki, Public Assistance Consultant, Medical Eligibility Unit, Connecticut Department of Social Services
- Carmine Perri, Connecticut Elder Law Attorney
- Amy Todisco, Connecticut Elder Law Attorney
- Ed Lang, Connecticut Elder Law Attorney
- Linnea Levine, Connecticut Elder Law Attorney
- Jerry Rothkoff, New Jersey Elder Law Attorney
- Michael Steinberg, Director of Business Development, Senior Planning Services

The following are meeting highlights:

On October 21, 2021, the Task Force held an organizational meeting that included an overview of the scope of the Task Force and identified the process of the Task Force. The Task Force expressed appreciation to the legislative leadership that has made this work possible, including Sen. Miller, Rep. Phipps (now Rep. Garibay), Sen. Kelly (now Sen. Fazio), Rep. Wilson (Aging Committee) and Sen. Moore, Rep. Abercrombie, Sen. Bertel, Rep. Case (Human Services), whose efforts on innovative pieces of legislation during the 2021 session included; an updated unanimous passage of an updated Residents Bill of Rights, technology of choice, Essential Support Persons & Statewide visitation, Nursing homes & dementia care patients, and age discrimination. We are hoping to continue the positive momentum to work towards protecting older adults and disabled populations as we identify and address various areas of opportunity, to help mitigate older adult fraud, waste and abuse along the long-term support services continuum.

Co-Chair Michael Werner expressed interest in making sure older adults get the best information about the Medicaid application process, whether coming from public or private sources. What is so great about Connecticut is when we take an asset-based approach, looking at systems in place, Connecticut has been a model in a number of different ways in how we work with our aging population, and how our Long-Term Services and Supports (LTSS) are offered. The discussion turned to uncomfortable truths, including that family members, care-workers and providers are often exploiters of older adults, in addition to scams by strangers, which can have a heavy impact on the lives of this vulnerable population. This often leads to uncooperative and fearful victims, as well, sadly, as justice delayed or denied. Other issues that arose include language accessibility for those who do not speak English as their primary language. Co-Chair Joan Wilson highlighted the need to bring forward fraud and exploitation issues for older adults to get what they need without having to go into debt to do it. The discussion included looking at Medicaid planning services as the entry point to investigate fraud, but to also be sure to look at other opportunity of points of fraud along the LTSS continuum. An important distinguishment that was highlighted was that fact that not all Medicaid recipients are able to avail themselves of the same services, leading to a disparate impact based on a recipient's choice about where they receive their services. And for those who choose to age in the community they must now contend with the rules and responsibilities of being a consumer-employer. For example, institutionalized recipients are generally able to access the non-mandated reporter advice of the Long-Term Care Ombudsman, while home-based service recipients are not. This matters because the State of Connecticut, through its Rebalancing initiatives and other programs are working diligently to promote aging well in the community. Currently Connecticut is working towards a goal of having a balance of 25% of QMBs institutionalized and 75% of QMBs in the community. These efforts align with the United States Supreme Court ruling in *Olmstead*, which requires states to eliminate unnecessary segregation of persons with disabilities and allow recipients of long-term care services to age well in the community, in the least restrictive settings of their choice. Further, obtaining proper guidance to access the programs that can financially enable members of our older adult population to remain in the community is critical. A system that provides unreliable resources and little guidance creates situations where older adults who otherwise may be functionally able to remain in the community are forced into institutions simply because they have exhausted their resources. Proper

legal guidance that supports Connecticut residents' ability to retain as much of their assets as possible as they age under the law not only protects older adults and their rights, it ends up saving the State from paying the higher price of institutionalization.

On November 4, 2021, the Task Force reviewed the list of resources compiled by the co-chairs, in conjunction with Marie Grady and clerk Joe Perkus, which included current legislation, articles, cases, and websites for relevant state departments and agencies. Every member was given time to voice topics that they thought deserved consideration by the Task Force. The members also discussed parameters for our research, including the age of the consumer to be included in our research.

On November 18, 2021, the Task Force welcomed Sarah Chmielecki, Michael Steinberg, Carmine Perri and Amy Todisco. Sarah Chmielecki explained to the Task Force her role at the Department of Social Services and provided the members an opportunity to ask questions. Michael Steinberg attended the meeting as a representative of Senior Planning Services. Michael explained to the Task Force that their company completes Medicaid applications for consumers and handles the paperwork. Michael explained that SPS does not serve as the consumers' attorney and cannot provide legal advice so they do not assist with the planning for Medicaid, preparing trusts, deeds or affidavits that may be necessary for the Medicaid application. Task Force Member Matt Barrett stated that his understanding for the rise of Medicaid application assistors is due to delayed application times that led to a lawsuit against the Department of Social Services, which delay times he understands has been improved with the rise of application assistors. Carmine Perri discussed his role as a probate and elder law litigator. His expressed concern for the consumer rights of the residents of Connecticut who are unaware that they have rights when they are rushed to complete a Medicaid application without proper legal guidance. Amy Todisco provided multiple examples of clients who have suffered significant financial losses due to inaccurate advice provided by non-attorney Medicaid application assistors.

On December 2, 2021, the Task Force welcomed back Sarah Chmielecki, as well as Kristin Dowty, Peter Hadler, Ed Lang, Linnea Levine and Jerold Rothkoff. Kristin, Peter and Sarah were in attendance at the meeting to answer questions about DSS's process and procedures with respect to Medicaid applications. Ed Lang and Linnea Levine, who are both Connecticut elder law attorneys with decades of service, presented more cases where consumers have been detrimentally affected financially by inaccurate information provided by people who assist consumers with Medicaid applications.

On December 16, 2021, the Task Force welcomed Melanie Lambert, Choices State Director for the Department of Aging and Disability Services, and Judge Beverly Streit-Kefalas, Probate Court Administrator. Melanie Lambert explained the ways that the State is currently enabling outreach for older adults, including ways to assist consumers who do not speak English as their primary language. She also discussed what the CHOICES workers currently do when they see issues of fraud and how they handle issues when a consumer has a question that they determine requires legal assistance. Judge Streit-Kefalas presented a slide show on the probate court and conservatorship system. She shared statistics from the FBI crime complaint center and recommended that we focus on prevention through continued collaboration with the diverse group of professionals involved with older adults, including state, local and private entities. She also suggested that training is key and making reporting easy to understand and access is critical.

On January 6, 2022, the Task Force welcomed Mairead Painter, CT State Long-Term Care Ombudsman, and Kathleen Titsworth, Banking Outreach Coordinator, CT Department of Banking. Mairead explained the importance older adults and individuals seeking long-term services and supports having access to unbiased information that provides them with the ability to keep themselves safe or have individuals in their lives who could help them with protections, so that they may receive their LTSS in the setting of their choice. This access should be whether the individual is within a long-term care setting or a less restrictive environment. The Ombudsman also explained how her office has intervened, prevented harm and collaborated with organizations like Protective Services for the Elderly and the Office of the Chief State's Attorney in addressing fraud and exploitation. Kathleen discussed the Department of Banking collaborating with banks and credit unions to identify potential fraud and exploitation among their members. Her agency focuses on education for organizations. Since 2016, the Department of Banking has been using a training program called Senior\$afe, to help prevent financial exploitation before assets are depleted. The training identifies "red flags" of certain behavioral activities, and it helps encourage frontline workers to be vigilant in looking for fraud. She expressed the benefits of expanding training requirement for those who commonly interface with older adults to help guard against fraud and abuse, including law enforcement and pharmacists.

On January 20, 2022, the Task Force welcomed Dorian Long, Protective Services for the Elderly, and Tracy Enns, Inspector at the Office of the Chief State's Attorney. Dorian gave a presentation on the role of Protective Services for the Elderly, which has a mandate to investigate allegations of maltreatment of persons aged 60 and older. PSE investigates physical abuse, emotional abuse, sexual abuse, neglect/self-neglect, abandonment and financial exploitation. Exploitation can occur through the mail, on the phone, (telemarketing scams), computer and in-person. Perpetrators of in-person exploitation and maltreatment that PSE encounter include family members, friends, neighbors and caregivers, POA/Conservators and many other trusted individuals. Tracy discussed the Medicaid Fraud Control Unit and its plans to expand fraud, abuse and neglect investigations to outside of the nursing home and hospital atmosphere, in collaboration with the Department of Public Health. The Inspector highlighted the importance of licensure for Medicaid providers and the fraud associated with individuals pretending to be providers, causing theft. When developing Medicaid delivery services, it will be important to be mindful of avenues of theft that may exist in the system, including whether individuals may be listed as both a provider and a recipient. Paper copies of Explanations of Benefits (EOBs) are valuable for older adults to receive to be aware of charges that may falsely be attributed to them but may not always be available. It will be important to keep messaging simple for older adults and others to be able to know about available resources to help them be able to report crimes. To effectively address fraud investigations, in addition to utilizing forensic accountants, it is important to have enough staff investigators, a nurse to speak to and cooperation between all the related agencies. Education for the community should be available beyond an online-only presence. In consideration of upcoming State's Attorney Office retirements, it would be good to hire new staff to pass on institutional knowledge and training before those retiring individuals depart the agency.