

April 4, 1997

The Honorable Joyce A. Thomas
Commissioner
Connecticut Department of Social Services
25 Sigourney Street
Hartford, CT 06106-5033

Dear Commissioner Thomas:

I am writing to you as Connecticut's Commissioner of Social Services because of your responsibility for Older Americans Act (OAA) supported programs in the Department of Social Services.

As you know, over the past several months I have received correspondence written to me expressing concerns related to the Connecticut State Long-Term Care Ombudsman Program. And, as you also know, I directed both my Deputy Assistant Secretary, Bill Benson, and our AoA Regional Administrator, Tom Hooker, to look into the concerns expressed and to report back to me with their findings and conclusions.

I am about to leave my position as Acting Assistant Secretary for Aging and believe that it is important that I respond to those who have written to me in my capacity here at AoA. My intent is do that through this letter. I am writing to you not only because of the position you hold but also because of the interest you have directly expressed regarding the issues raised about the Ombudsman Program and because of the time and courtesy you have give to both Mr. Benson and Mr. Hooker in their visits with you.

There are several matters that I wish to address in this letter.

I anticipate additional comments will be provided to you when the report from the regional office is completed.

The OAA provides considerable detail regarding the operation of statewide long-term care ombudsman programs (LTCOP). These provisions have been enacted into statute and refined over several OAA reauthorizations and reflect Congressional responses to issues raised by ombudsmen, the aging network and others with an interest in the LTCOP. In sum, the OAA anticipates a LTCOP in each state that is able to fully and effectively represent the needs and interests of residents of long-term care facilities, on both an individual and collective basis.

The central issue that has been raised with AoA regarding Connecticut's LTCOP and the one discussed with you and with

others in Connecticut has been in regard to the ability of the program to fully and freely represent the interests of long-term care facility residents. A key issue within this is related to the most suitable organizational location of the LTCOP within the state. I am aware that several options have been or are being considered for the Connecticut LTCOP including maintaining it within DSS.

As you know, the program is organizationally placed in a variety of settings in states throughout the nation. No one setting is necessarily inherently preferable to another. What is most important is that the LTCOP be located organizationally where it is most fully and effectively able to respond to the complaints, individually and collectively, made on behalf of facility residents and to otherwise represent the interests of such residents in the manner delineated in the ombudsman provisions of the OAA. In AoA's view, the organizational location that is the most free of conflicts of interest, potential conflicts of interest, and conflicts with the mission and operations of other programs organizationally co-located is the one that will enable the program to best serve the mission and requirements of the OAA.

I recognize the difficulties presented in having regional state-employed ombudsmen located in regional DSS offices and in having direct reporting relationships to others than the State Long-Term Care Ombudsman. Mr. Benson reported to me that you made it clear that the regional ombudsmen report directly to the State Ombudsman for all program and policy matters except for certain administrative matters. I am very appreciative of your commitment to that relationship between the State and regional ombudsmen. I do note, however, that even the ability to assign ministerial duties can have programmatic implications, as has been well stated in the recent opinion of the Connecticut Attorney General.

I am also pleased by Mr. Benson's report that you so strongly expressed your commitment to an LTCOP that is able to freely communicate about issues and problems of long-term care facility residents in Connecticut, as provided for in the OAA.

I trust that, based on your commitment to a strong and effective LTCOP program, the Connecticut program will be situated where it is most able to fully carry out its mission.

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As previously indicated in this letter, I am responding to those who have communicated with my office, including members of the Connecticut legislature, through copy of this letter.

I appreciate the time and courtesy you have extended to my representatives, who have relayed to me the substance of their conversations with you. I very much hope that a constructive and lasting solution will emerge from the difficult issues you are grappling with.

Sincerely,

(S)

Robyn I. Stone
Acting Assistant Secretary for Aging

cc:

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