



"The Sentry Box" © Carol J Hay

Our Mother's Voice*

1220 Fredericksburg Drive South
Lugoff, South Carolina 29078
September 1, 2023

Empowering voices in long-term care

STATEMENT IN SUPPORT of the INTRODUCTION of THERESA's LAW

To Members of the Michigan State Legislature:

Our Mother's Voice* is a nonprofit organization based in South Carolina which provides information to empower advocates on behalf of people receiving long-term care throughout the country.

We encourage and support state-level legislation to require high quality of care and ensure the safety of consumers in every long-term care setting. With no federal regulations for assisted living and adult foster care long-term-care settings, strong state legislation and regulation are critically important to the health, safety, and well-being of vulnerable adults.

We have heard providers, who call themselves "an industry", complain that providing care for our vulnerable elderly is "burdensome." They argue that they do not need regulation, just money (for which they should not be held accountable). They assert that they can "police" themselves just fine, without oversight.

First, long-term care is NOT an "industry" – it is a profession of caring for human beings. Indeed, this type of ongoing, long-term, 24-hour care supporting the basic needs of life for people who cannot care for themselves IS a "burden". For caring professionals, it is a burden of compassion, freely accepted. Providers who feel this "burden" is oppressive and interferes with their "industry" should go into widget-making, and leave long-term care to those who understand the difference between an "industry" and a "caring profession."

Second, in the history of long-term care, the regulations did not come first. Regulations were born out of the outcry that providers were forcing vulnerable people to live in squalid conditions unfit for any living being. The regulations became more prescriptive over time because providers were not voluntarily providing even minimally adequate quality of care and safety for those they were paid to "serve" – much less treating them with human dignity or respect, and certainly not providing them with a basic quality of life. This necessity for regulatory oversight has not diminished, but has become even more essential as providers have declared themselves an "industry."

We believe the introduction of Theresa's Law into the Michigan state legislature is a positive step toward establishing needed protections and requirements to improve care for Michigan's most vulnerable adult citizens, and we encourage passage of the strongest legislation possible toward that goal.

In Solidarity for Quality Care,
Our Mother's Voice*

Katharine H. Bradley

Katharine H. Bradley, Founder and CEO

Testimony of Justine Bykowski in Support of Theresa's Law HB4841

Adult Foster Care Homes are not medical facilities. Nevertheless, they are a long-term care setting for those with multiple chronic conditions and cognitive issues. Most residents require a combination of medication management, personal care and mobility assistance. Families or elders seeking assisted living are earnest in doing their best to make complex and emotional decisions. They may receive general information from the Area Agency on Aging or the Alzheimer's Association. Typically, they have no substantive guidance and are not prepared for the complexity or the nuances of care policies and practices and are not savvy about LARA's reports of abuse, neglect and other violations or how an Ombudsman may help. An Ombudsman can trouble shoot and act upon violations, but they typically have large caseloads and if abuse or neglect occur, their response may not match the urgency. Ombudsmen provide valuable services, but their intervention is reactive. To protect elders in assisted living more proactive standards have to be in place. For example, when examining LARA's Special Investigation Reports, you learn about a range of problems with medication management, such as running out, pharmacy errors, robbery, wrong resident receiving a medication or dosage, lost medications and staff not trained adequately.

When working with the Michigan Attorney General Consumer Protection Division in 2018 and 2019, the leadership became convinced that those seeking and in residential care settings had legitimate consumer issues regarding deceptive practices, safety, right to information, right to be heard and the right to seek redressal. Awareness of these unknown factors became a part of AG's educational programs. Post pandemic they have not continued.

Collaborating with a geriatric social worker, we examined the most serious and repetitive violations in another type of licensed assisted living care. We surveyed Homes for the Aged between 2017-2020 across Michigan. A report is available. Our findings overlap with the most serious and repetitive problems that occur in AFC homes. Medication management, safety/protection and staff training/shortages were all at the top. Using our findings and experience, we developed an educational program to discuss the parameters of assisted living, where to find HFA regulations and violations and redressal options. People who come to our programs tell stories about abuse, neglect and unskilled caregivers.

Dear Stephannie Young

Thank you for taking time out of your day to hear my voice regarding the much-needed attention to people living in adult foster care homes and the excellent staff who take care of them. A letter of support for HOUSE BILL NO. 4841. A small introduction to myself and why this issue is important to me.

My name is Dakima Jackson a lifelong advocate for people needing help. I began my journey as a home health care aide working in adult foster care homes with people who were born mentally and physically disabled. I recall my training was very insightful and I had learned a lot. However, the training lacked some of the most needed guided resources and tools to effectively do my job. I learned the basics of CPR, medication assistance to provide to the person, grooming, and understanding their rights to not be abused or exploited. I understood those assignments very well. What I had not learned was how to take care of a person who was blind, a person with dementia, and the stages of life when a person ages. I was able to take care of my clients to the best of my ability but without the ongoing training, I was working on limited knowledge and did the best I could. As I continued my journey through my collegiate years, I learned more about the aging process, working with people with disabilities, and health illnesses such as diabetes, heart disease, various types of dementia, hospice care, etc. I am not suggesting direct care workers/home health aides need a college degree, what I am saying they need more education, information, and resources to provide the necessary care to do their jobs with guidance from a licensed nurse.

Moving on I worked in a skilled nursing home where certified nursing assistants received a lot more training although not adequate, I worked with the staff every day and saw how passionate they were about caring for the people with multiple health conditions day in and day out.

As time, moved on some more I worked as a Long-Term Care Ombudsman at the local and state level to help provide guidance and resources and to prevent abuse to an adult and elder abuse by providing advocacy services and resources to people living in adult foster care homes, homes for the aged and nursing homes. Helping people understand their rights as residents.

HOUSE BILL NO. 4841 will help enhance the rights of people receiving services in adult foster care homes by providing the much-needed, education and training to the staff. Abuse is a serious offense and owners of adult foster care homes who decided to operate a business to care for people should understand the people they are caring for and their lives are important. If an owner willfully neglects a resident to the point that it causes their death is egregious and a fine/penalty should be the action to prevent further harm. Having enough staff will help ensure residents have help. And posting the staffing ratio will be a great resource for residents and families. As they will know how much staff help is available.

As it stands today there are no fines/penalties levied against owners of adult foster care homes when State violations are found and cited unlike nursing homes that receive civil money penalties for some State cited violations. Adding monetary penalties will help decrease the lack of motivation from adult foster care home providers to do harm instead I hope this will lead the owners to provide the best care to their residents.

I am writing to you to express my support of HB4841 Theresa's Law.

I learned of this law through a close friend and feel very passionate about it.

As a medical professional myself, I could not imagine being put in a roll of caring for anyone without training, especially the fragile elderly community. People in caregiver rolls need proper education, training and support to provide the best care possible to our elderly and vulnerable populations.

Please consider supporting HB 4841 that will push for more staff education and ensure our elders are cared for in a way they should be.

The facilities that are providing assisted living homes to the elderly and employing caregivers need to transparent with families and empower families to make informed decisions regarding their loved one. We all have a "Theresa" we care about. I hope you will support Theresa's Law and be behind a much needed change in the assisted living industry.

Thank you for your time.

Sincerely,

Gina White