



Dignity Votes 2022

A Dignity Alliance Massachusetts Initiative

Through the Dignity Votes 2022 initiative, Dignity Alliance Massachusetts has invited candidates for legislative office to respond to a set of questions drafted specifically for the office. Dignity Alliance Massachusetts is a state-wide coalition of aging and disability service and advocacy organizations and supporters dedicated to the systemic transformation of long-term services, support, and care to ensure the dignity of older adults, people with disabilities, and caregivers.

Candidate Response – Patricia D. Jehlen (D) Candidate for State Senate (Incumbent) (Second Middlesex)

Question 1. Most Massachusetts residents know someone who has needed long-term services or care due to issues related to aging or disabilities or experienced it themselves.

Has anyone close to you needed nursing home care, congregate living arrangements, or home and community-based services, such as personal care assistants (PCAs)? What implications for public policy and regulatory enforcement do you draw from this experience?

Response to Q1: Yes. My father was in assisted living for several years. It was good for socialization and for keeping eyes on him, but the staff never really knew much about him as an individual. They decided he needed to go to a nursing home or have a full-time aide so he wouldn't fall. Daddy and I disagreed, but they said they would evict him.

One implication I drew was that residents and families should be allowed to decide what level of risk vs autonomy/privacy they choose. I also became more convinced of the need for smaller, more family-like communities.

Question 2. One of the most important bills considered by the 192nd General Court, but not enacted, is House No. 4780 An Act relative to Nursing Home Quality and Accountability.

Given the pervasively occurring provision of substandard care and staffing shortages, not to mention the tragic impact of Covid-19 on nursing home residents and staff, would you support transformational reform of nursing homes along the lines of H. 4780 when a version is filed for consideration in the next legislative session? If yes, will you consider being a co-sponsor in the next legislative session?

Response to Q2: As co-chair of the Elder Affairs Committee, I recommended and voted for a favorable report, and would sponsor this or a similar bill next session.

Question 3. During the 2021-2022 session, the Legislature authorized the issuance of a bond in the amount of \$200 million to undertake the construction of “small house” homes for veterans in local communities throughout the Commonwealth (see <https://www.cfm.va.gov/til/Prototype/CLCPrototype.pdf> for a detailed description).

Will you encourage the Administration to implement this project within the next year and support additional funding to help the program operate and expand?

Response to Question 3: 100%. See question 1. I was actively engaged during the conversation about the Holyoke Soldiers Home, advocating for the money to be spent on many "small houses." Then we also worked to add money for small houses in other parts of the state.

Question 4. Most Massachusetts residents would prefer to "age in place" – in their homes or in their community.

Will you support increased funding for housing vouchers, home modification for greater accessibility, increased support for home care and technology, and similar initiatives to help older adults and people with disabilities remain independent and safe in their own homes rather than face placements in nursing homes?

Response to Question 4: Yes.

Question 5. Massachusetts requires nursing home staff to be up to date on all Covid-19 vaccines and boosters, yet not all nursing homes have achieved full compliance.

Will you support efforts to achieve full compliance by staff and encourage residents to receive all recommended vaccinations and boosters?

Response to Question 5: Yes. It's shocking to learn that there are homes not in full compliance after the disasters of 2022. Staff were probably the source of new infections, which then spread.

Question 6. The ownership of nursing homes is increasingly under the control of out-of-state, investor groups. The organizational structure has been segmented into many components, often under common ownership, e.g., a real estate entity, management company, therapy services, and more. This makes it difficult to determine who is controlling major staffing, operational, and business decisions and who has responsibility and accountability. Consequently, it is critical to analyze how MassHealth funds are being used. Periodic, independent, comprehensive, and transparent public audits are necessary to assess how nursing homes operate and public funding is spent.

Will you advocate that the state auditor undertakes this type of audit as a priority?

Response to Question 6. Yes. I've long worked for increasing transparency in nursing facility spending, and a "medical loss ratio" requiring a percentage to be spent on patient care.

Question 7. Hundreds of millions of dollars of state and federal funds have been provided to Massachusetts nursing homes during the pandemic. There has been little to no analysis and accountability of the use of these funds. It is important to know if these expenditures were effective in order to direct future allocation decisions. It is equally essential to provide public assurance that the funding is used as intended.

Will you call for a comprehensive public audit of the use of pandemic-related spending as an early priority?

Response to Question 7. Yes.

Question 8. Nursing home residents often have their human rights limited and are not treated with respect and dignity. In fact, residential clients of the Department of Mental Health and the Department of Disability Services have more rights than residents in conventional nursing homes.

Will you support efforts, such as allowing nursing home residents to file suit under the consumer protection laws, to restore human rights to such residents?

Response to Question 8. Probably. I would like to know more about this.

Question 9. The safety, well-being, and rights of persons with disabilities and older adults living in public as well as subsidized housing have had little or no protection. Issues include but are not limited to failure to protect victims from bullying and mobbing; failure to grant reasonable accommodations to disabled persons; and evictions leading to homelessness and emotional and physical trauma. Accountability is lacking.

Will you support legislation to strengthen laws and their enforcement to assure the safety and rights of people in these situations?

Response to Question 9. Yes,

Question 10. About one of four nursing home residents in Massachusetts is administered anti-psychotic medications, one of the highest nursing home anti-psychotic usage rates in the country. Massachusetts requires informed written consent of a patient or a patient's representative's representative prior to the administration of anti-psychotics and other psychotropics to nursing home residents. Additionally, about 10% of Massachusetts nursing home residents have a diagnosis of schizophrenia, many of recent determination. This is a rate ten times greater than that of the general population.

What can be done to reduce the usage of anti-psychotic medications as well as ensure meaningful compliance with existing requirements?

Response to Question 10. This is a very concerning issue! Arlene Germain and many others have testified and written about this problem. I sponsored the bill on informed consent and clearly there is a lot more to be done. It's discouraging when existing law and regulation aren't followed. I would like to work with Dignity Alliance and others to review the 2018 Anti-Psychotic Medication Reduction Task Force report as well. If we achieved many of the quality measures recommended in the Nursing Facilities Task Force report, that would also potentially contribute to a reduction in usage of antipsychotics due to more staffing, better trained staff, better quality measures and reimbursement incentives.

Question 11. *Is there anything you would like to add?*

Response to Question 11. I'm grateful the Dignity Alliance is bringing together many advocacy groups and individuals and making it more likely we'll finally address some long-standing issues for older people. It's so important to have your leadership!

Brief profile of Patricia Jehlen:

Patricia Jehlen is a former VISTA volunteer and high school social studies teacher. She is a graduate of Swarthmore College and received an MA in teaching from Harvard University. She has also completed Master's course work in history at UMass Boston. She has served as Somerville School Committee member and a State Representative. She was elected as a State Senator in 2005. Senator Jehlen serves as Senate

Chair of the Joint Committee on Labor and Workforce Development, Senate Chair of the Joint Committee on Elder Affairs, and as Vice Chair of the Joint Committee on Marijuana Policy.

www.patjehlen.org and www.electpatjehlen.org

[Dignity Alliance Massachusetts](http://www.dignityalliancema.org) is a state-wide, grass-roots coalition of aging and disability service and advocacy organizations and supporters dedicated to systemic transformation to ensure the dignity of older adults, people with disabilities, and caregivers. We are committed to advancing new ways of providing long-term services, support, living options, and care while respecting choice and self-determination. Dignity Alliance works through education, legislation, regulatory reform, and legal strategies to realize this vision throughout the Commonwealth.