

epk SB446

SENATE PUBLIC HEALTH, WELFARE & SAFETY	
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Wednesday, February 16, 2005

Senate Committee on Public Health, Welfare and Safety

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to submit my testimony to you today. My name is Pat Carrick. I support Senate Bill #446 and I am grateful to Senator Schmidt for her sponsorship of this bill. I also appreciate Kathy Doughty of the Montana Nurses Association for bringing this testimony to today's hearing in my absence.

I am the daughter of a nursing home resident.

When my mother first suffered her debilitating stroke where she was living near Boston, adding further injury to the ongoing insult of her already advanced Alzheimer's Dementia, my brothers and I were told she had only hours, possibly days to live. When days became weeks, my brothers in the east consented to bring my mother here to Montana where I felt I could visit her and be present for her more easily. As a nurse practitioner I am, after all, acquainted with the intricacies of our local health care system, I am acquainted with our medical providers, I understand medicines and procedures. And I live an easy 10 minutes from the nursing home - no traffic, no freeway, my daughter is grown up and needs my love but not much of my time. Although I did not welcome my mother's illness, I certainly welcomed the opportunity to be of service to her.

Now, 6 years later, I am no less welcoming of the opportunity to be of service to my mother. But I do have a more realistic idea of what it means to try to be an advocate for a vulnerable, ill loved one. The process is merciless, unrelenting, challenging, rewarding, distracting, frustrating, hilarious, exhausting and elating. Since my mother's needs are complete - that is, she must depend on us- on the nursing home where she lives and on me - for everything, we must tend to all of the details of supporting her life processes. In this, certainly the greater burden falls to her 24-hour care provider, the nursing home. But I too have a responsibility - to see that she is properly cared for, to tend to the details that are unique to her, for no one else here but me remembers who she was or what her preferences might be.

In such a context care-givers as much as those cared for may at times feel isolated and lonely. And in such a context, what a gift to find others struggling with similar challenges, both emotional and practical! In many cases it is initially for this sense of shared purpose, for camaraderie and support, that friends and family members of nursing home residents seek one another out and find strength, humor, and mutual recognition together. Family council members also sometimes find a shared voice with which to express concerns about care. And optimally family councils find shared energy and enthusiasm with which to collaborate with nursing homes in the process of improving care.

The spirit of federal regulatory requirements supports all of these activities of family councils in nursing homes. However, experience has demonstrated that the federal requirements related to nursing homes, while providing broad guidelines, are not specific enough to clarify many issues that tend to arise. We believe additional clarifications provided by State legislation could help to facilitate improved relationships. We do not contend that family councils should be *required* in nursing homes, nor do we presume that a nursing home must accede to all group recommendations. Nothing in our bill proposal suggests either of these.

There are those who would argue that the State survey and complaint investigation processes should suffice to enforce federal regulation. We are well aware of the State survey process for nursing homes. Partly because the federal guidelines are broad and non-specific as related to family councils in nursing homes, it has been difficult to address problems related to family councils through that process. It has also happened that complaints to the State certification bureau have resulted in retribution at the local level, an outcome we believe to be utterly unacceptable.

These are demanding and changing times in the delivery of nursing home care in our country. We have vouchsafed responsibility for the care of our beloved, infirm friends and relatives to others, often to huge corporations and companies whose allegiances and stockholders are sometimes far from our Montana soils. Several states have already approved legislation very similar to that which you are considering today, while many other states will see legislation in the next 2 to 5 years. It is crucial that we in Montana take this opportunity to establish mechanisms by which our own voices may be heard when we speak to the important issues related to the care and well-being of our most vulnerable, dependent elders.

I urge you to support SB446 today.

Respectfully submitted,

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