

David Goodson
Assistant Director
Arkansas Division of Aging & Adult Services
Testimony for AoA OAA Reauthorization
February 18, 2010
Dallas, Texas

My name is David Goodson. I am the Assistant Director of the Arkansas Division of Aging and Adult Services and have responsibility over the Older Americans Act Unit within that Division, which functions as the State Unit on Aging (SUA).

Greetings from Arkansas Governor Mike Beebe, the Director of the Arkansas Department of Human Services, John Selig, and my boss, Krista Hughes, the Director of the Division of Aging and Adult Services for the Arkansas Department of Human Services.

These comments are my own personal comments, and have not been approved by any of those individuals I just mentioned.

One of the challenges I see is that we don't know when or even if the Elder Justice Act will be passed. I would therefore recommend consideration be given to incorporating some of the basic, overarching principles within that proposed Act into the reauthorization of the Older Americans Act.

I would recommend that each state be required to provide some type of Public Guardianship program. Many states have already implemented model programs which address this need. I see this function as a critical need as our society becomes more mobile, family units shrink in size and become more diverse in their makeup.

Individuals who lack legal capacity and have no one to act on their behalf need someone to provide for their protection. Scam artists will continue to target these individuals because they have assets. Data proves when these individuals lose their assets by fraud, the government has to step in and assume responsibility. The old adage "An ounce of prevention is worth a pound of cure" is alive and well in this particular dynamic. The dollars we save today can be used for other needs tomorrow.

Should we consider changing the age at which citizens become eligible to participate in Older Americans Act programs based upon the longer life expectancy all Americans now enjoy? Would that result in freeing up our limited resources to address greater needs in the rapidly expanding 80+ population?

Another challenge which I see on the horizon is how providers will continue to deliver services to those traditional clients who have now been receiving OAA services for 20 years or longer, and at the same time address the needs of my generation, who today have no interest in going to the Senior Center to eat lunch or to participate in socialization activities.

Rural issues are also a challenge. The dynamic we see in Arkansas is that working aged people move to areas where jobs are available, leaving an aging population in need of services with no work force available to address those needs.

Long Term Care Ombudsman Recommendations:

Since the Long Term Care (LTC) arena has expanded from the traditional 24 hour skilled nursing home (SNF) setting into assisted living facilities (ALF's), adult care homes and home and community based care, it is recommended Section 102(32)(D) be amended to add "...any assisted living facility or any other adult care home."

Section 712(a)(3)(D) be amended to read as follows: "...ensure that the residents have regular, timely, **private and unimpeded** access to the services provided through the Office..."and that Section (a)(5)(B) Duties read: "An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency...(ii) ensure that residents in the service area of the entity have regular, timely, **private and unimpeded** access to the representative of the program..."

Section 712(b)(1) be amended to read: – "The State shall ensure that representatives of the Office shall have ... (B)(i) appropriate access to review **all records** concerning the residents.....(currently reads– medical and social)"

Section 712(b)(3) be amended to read: "For purposes of the Health Insurance Portability and Accountability Act of 1996, Pub, L, No. 104-191, the Ombudsman and representatives shall be considered a "**health oversight agency.**" Making this change would allow release of a resident's clinical records to the Ombudsman or representative, with or without authorization of the resident or the resident's legal representative.

Submitted by:

David R. Goodson
Assistant Director
Division of Aging and Adult Services
Arkansas Department of Human Services
PO Box 1437, Slot S-530
Little Rock, AR 72203-1437
Phone: (501) 683-2634
Fax: (501) 682-8155
E-Mail: david.goodson@arkansas.gov