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Written Testimony – AOA Reauthorization Input Event/Listening Forum

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Thank you for providing me with the opportunity to speak on behalf of Long Term Care Facility residents. My name is Karen Stenson. I am the Executive Director and Program Manager for Long Term Care Ombudsman Services of San Luis Obispo County. I have worked in that capacity for the past 11 years.

My request is for changes to the Older American's Act in regards to section, 712 (d) (2) State Long Term Care Ombudsman Services, DISCLOSURE section - to allow Long Term Care Ombudsman to be able to take action on behalf of incompetent and unrepresented residents.

Currently, the Older American's Act requires Ombudsman to obtain the consent of the resident or his/her responsibility party prior to taking action on behalf of the resident. We fully support this requirement and would **vehemently** oppose any actions to make a change to this requirement FOR COMPETENT RESIDENTS or THOSE WHO HAVE A LEGAL REPRESENTATIVE. Unfortunately, not all of our facility residents have this ability or are fortunate enough to have someone to represent them.

Each day, Ombudsman in San Luis Obispo County and throughout the nation encounter care facility residents who are not competent to make their own decisions and do not have a legal representative to speak for them. Many of these residents do not have even one person – friend or family member to be their non-legal representative – they are truly alone in this world. It is inconceivable to me that in 2010, the Older American's Act continues to assume that all Older American's have the ability to make their own decisions or have someone who can make those decisions for them. This "wrong assumption" has and continues to place these most vulnerable care facility residents at risk for abuse and neglect.

How does the Older American's Act promote abuse and neglect of these residents? The Act does this by continuing to hinder the ability of the Ombudsman program to act on behalf of them. Section 712 (d)(2) requires Ombudsmen to obtain the consent of the resident prior to taking any action on his/her behalf. When the resident is not able to give consent, our hands are tied for both the small things, like finding the resident with water out of reach to the larger and worse – the incomprehensible things like finding a resident lying in a urine soaked bed or showing signs of abuse.

The Older American's Act is a great tool to help older adults. But there must be some changes. It is very very wrong to tie the hands of the care facility advocates, the Long Term Care Ombudsman Program, for the incompetent and unrepresented care facility residents. Please amend the Older American's Act to allow the Long Term Care Ombudsmen throughout this nation to advocate for care facility residents who are incompetent and alone.

Thank you for your time and your efforts for Older Americans.