

Statement of Norma Robertson-Dabrowski

June 24, 2014

Good morning Chairman Harkin, Ranking Member Alexander, and members of the HELP Committee. It's an honor to be here talking to you this morning. I thank you for the opportunity to speak to you and share my personal testimony. My name is Norma Robertson-Dabrowski and I am the Administrator of the Nursing Home Transition (NHT) program at Liberty Resources, Inc. (LRI), the Center of Independent Living in Philadelphia, PA. In 1982, I was in a car accident which caused my quadriplegia. For a year after the accident, I lived at home with my mother, who later needed to have surgery and was unable to care for me at home. When my mother asked my Doctor for assistance, I was referred to a nursing home, where I lived for seven years. The loss of mobility made me quite angry and depressed. My family remained very supportive of me, yet I still didn't want any part of living in a nursing home. I had great difficulty adjusting to my new physical limitations as well as the institutional structure. In 1990, I was introduced to a Support Coordinator from LRI who informed me that because I received my disability before the age of 22, under the 1987 Omnibus Budget Reconciliation Act (OBRA 1987), I could choose to transition from the nursing home to the community. LRI helped me transition from the nursing home in 1991. In 1996, I was hired to work at LRI as a Support Coordinator. Over the years, I have been promoted to several different positions. Today, I am the NHT Administrator who assists nursing home consumers just like myself transition to the community, where proudly I am a wife, home-owner, and gainfully employed.

I am a living example of true community integration. When I transitioned out of the nursing home in the early 1990's there was no Olmstead decision. LRI Staff went into nursing homes to visit Consumers who acquired their disability before the age of 22. Under OBRA 1987, Consumers were able to receive services that would assist them with transitioning to the community instead of expensive and isolating nursing homes. Some Consumers wanted to transition and others chose not to transition at that time. Staff had to go back and visit the consumers every year. Many Consumers change their minds and decided to transition to the community. Unfortunately, OBRA 1987 did not cover persons who may have acquired their

disability after the age of 22. Persons who may have had a stroke, amputees, or traumatic brain injury were not covered under OBRA 1987.

With the Olmstead decision of 1999 things are much different. With the Minimum Data System(MDS), if individuals indicate in the first 30 days of nursing home placement that they would like to move back home or transition to the community, their names are entered on the Front Door Information System List (FDIS). A NHT Agency visits the individual and asks them if they would like to transition to the community. If the individual chooses to transition, there are NHT Funds to assist with the security deposit, moving expense, set-up fees, furniture, etc. Unfortunately, there are no funds to help a person obtain the necessary documentation to fill out housing applications. The individual needs 3 pieces of ID: picture (non driver's license), birth certificate and social security card. If a person has a home prior to being admitted to a nursing home, there are no funds to hold the apartment or pay rent.

Prior to the Olmstead decision, nursing home consumers who did not meet the waiver requirements such as income limit had no other choice but to stay in a nursing home. Under the Olmstead decision, an individual can file a complaint with the Office of Civil Rights and even file class action suits so they can transition from the nursing home. Since the Olmstead decision, the number of NHT referrals has increased. Prior to the Olmstead decision, NHT Agencies would have to advocate with Consumers against their families and the nursing home staff for consumer's choice to transition. Since the Olmstead decision, families are choosing to have their loved ones live at home with the services and supports they need to live independent and productive lives in their communities instead of placing them in nursing homes under the false pretense that they will receive 24 hour care.

Conclusion

Olmstead was a landmark Supreme Court decision, but we need more. We need to end the detrimental and costly "institutional bias" and mandate the freedom of Seniors and people with disabilities to choose to receive community based services. Costly nursing home placement should be a choice of last resort rather than an automatic placement.