

Advocacy in Action ~ March, 2020

February 27, 2020

As the 2020 legislature hits the half-way mark, much of the work related to health care and social services is caught in a stalemate between the House and the Senate. After the House defeated legislation to put to a public vote a constitutional amendment giving the legislature the authority to legally ban abortions, Senate President Susan Wagle said the Senate would not consider Medicaid expansion until the constitutional amendment measure was passed by the House. To limit the opportunities for procedural work-arounds, she sent back to committee more than a dozen bills that could be used as vehicles for amending in expansion language. After several weeks, it appears the stalemate will continue into the second half of the session.

This legislative half-way point is known as "turn-around." After Thursday, Feb. 27, a bill must have touched one of seven "exempt" committees (deadline rules don't apply to these committees) or pass out of its house of origin to remain alive for the rest of the session. This process of sending bills to an exempt committee and back again to its working committee is known as "blessing" a bill because it keeps it alive and viable for the remainder of the session. If a bill is not "blessed" it is dead for the remainder of the session. No Senate bills were "blessed" even further limiting legislation that can continue.

Since 2020 is the second year of the Kansas legislative biennium process, bills that aren't passed this year will not be carried over to next year, although it can be introduced as a new bill and will receive a new number. The legislature takes a brief break from Feb. 27 until reconvening Wednesday, March 4.

KABC has been laying groundwork on a number of issues despite the obstacles presented by the legislative stand-off. We are working with legislators to advance legislation ranging from strengthening safety standards and training for nursing home staff who care for persons with dementia to protecting the legal and civil rights of older adults.

The following is a list of bills and status of the legislation that KABC has been involved with during the 2020 session.

Dementia Report – KABC joined the Alzheimer's Association and other advocates in supporting recommendations outlined in the [2020 Kansas Alzheimer's Disease Plan](#). The plan was developed by Gov. Kelly's Kansas Alzheimer's Disease Task Force.

Among the task force's recommendations was to expand eligibility to services under the Senior Care Act to persons under the age of 60 who are diagnosed with early onset dementia. In testimony before legislative budget committees, KABC asked for increased funding for the Senior Care Act to serve Kansans under age 60 and with dementia who desperately need services such as attendant care, respite care, homemaker, chore services, and adult day care.

The Senior Care Act (SCA) program was established by the Kansas Legislature to assist older Kansans who have functional limitations in self-care and independent living, but who are able to reside at home if some services are provided. To be eligible for the program, a Kansan must be 60 years old or older. Additional funding and broader age eligibility guidelines could reduce the cost of Kansans for institutional long-term care and delay Medicaid spend down.

The task force also recommended the creation of a two-year state Alzheimer's Disease Advisory Council ([HB 2347](#)), with the option to renew the council twice. KABC supports the creation of this advisory council but the bill was never heard by the House Children & Seniors Committee.

KABC asked for the introduction of a bill that would require 12 hours of dementia training for licensed professionals and direct care employees of adult care homes ([SB 450](#)). The requirement would apply to employees who are licensed by the State Board of Healing Arts, the Board Nursing or the Behavioral Sciences Regulatory Board. The bill also requires any new employee to successfully complete four hours of dementia care training within the first 30 days of employment. The bill was not heard in the Senate Committee on Public Health and Welfare.

In 2019, KABC introduced a bill to delete language that limits the ability of residents and their families to hold abusers accountable for harming residents in nursing facilities. [HB 2229](#) would delete the prohibition on the use electronic monitoring recordings in civil, criminal or administrative proceedings if certain conditions were not met. The current law, passed in 2018, created a higher bar under the Kansas Rules of Evidence than those made in other public or private settings.

The bill carried over into 2020 and was heard in the House Committee on Children & Seniors. It was supported by the Office of the Attorney General, AARP, the Alzheimer's Association, the Disability Rights Center of Kansas and the Long Term Care Ombudsman. The two nursing home associations opposed the bill. The committee chair asked that the bill be sent to the House Judiciary Committee because of the legal issues in the bill. It was blessed so after turn-around the House Judiciary Committee can take up work on the bill.

KABC asked for introduction of a Senate companion bill to [HB 2229](#). As a result the same bill, [SB 311](#) was introduced as a Senate bill. The SB 311 bill was not heard by the Senate Judiciary Committee and so the bill has died.

KABC also worked with legislators to draft legislation establishing the right to appeal an involuntary discharge from an assisted living facility ([SB 451](#)). This bill would correct a gap in the consumer rights of residents. The bill was referred to the Senate Public Health & Welfare Committee but not heard. It died at turn-around.

KABC asked the Senate Ways & Means Committee to retain oversight of the nursing homes quality care assessment ([SB 409](#)) also known as the bed tax. Since 2011, nursing homes have been assessed a bed tax by the State which allows them to draw down additional federal matching funds. The original legislation called for the assessment to periodically sunset requiring legislative oversight. This year was the five-year sunset (expiration) and the nursing home industry asked that the sunset provision be removed and to make the assessment permanent.

KABC Executive Director Mitzi McFatrach asked the committee to consider the recommendation of the Quality Care Improvement Panel to extend the sunset to 2025 and to assign the 35% enriched match money to fund one or more measurable, improvement outcomes to improve resident care.

The committee amended the bill to add a 10-year sunset and passed it on to the full Senate. It remains alive.

Another carry-over bill was [HB 2343](#), also introduced by KABC in 2019. This bill would prohibit nursing homes from employing direct care staff provisionally for 60 days while waiting for the employee's background check to clear. This puts nursing home residents at risk without notification that they are being cared for by a person who has not had a cleared background check. When the House Committee on Children & Seniors did not hear the bill, KABC asked for introduction of the same bill in the Senate, [SB 313](#). It was not heard by the Senate Judiciary Committee. Both bills are dead.