

Kansas Advocates for Better Care

2020 Aging Adults Public Policy Priorities

Legislation introduced in KS 2019 and pending action in 2020

1. **Electronic Monitoring HB 2229.** Introduced by KABC in 2019 to undo language included in the 2018 law which prevents the use of a recording which has been edited/alterd (advertently or inadvertently) for the pursuit of elder justice in ANY administrative, civil, or criminal action.

2. **Background Checks & Provisional Employment for long-term care workers HB 2343.** Introduced by KABC in 2019 to remove language included in a 2018 law which allowed a LTC provider to hire a person and let them work for up to 60 days without a cleared background check. The provisional employee could have full access to frail elders and other vulnerable persons as well as to their belongings creating tremendous risk for elders. The 2018 law also protects the employer from any financial liability should a “provisional employee” harm an elder; does not require the employer to notify the elder about any provisional worker or identify any workers in a facility who are working without a cleared background check. A *glaring* loophole in a law to protect vulnerable elders.

3. **Written Informed Consent for Anti-Psychotic Medications HB 2344.** Introduced by KABC in 2019 as a means to certify protection of an elder’s right to be fully informed and are able to exercise their right to choose to use or refuse any medical care or treatment recommended by a prescriber. Anti-psychotic drugs are not approved for use with elders or to treat dementia. In fact these drugs double an elder’s risk of death within 12 weeks of use, increase their risk for stroke, falls, confusion, and serious infection. In many cases the drugs are used to illegally chemically restrain an older adult. The bill applies to residents in adult care homes.

4. **KABC opposes HB 2404 Senior Task Force.** The long-term care industry introduced this bill to look at nursing homes – likely reimbursement, but the task force is overwhelmingly made up of facility providers. KABC is advocating for parity of representation between providers and consumers, and equal representation of home-based care providers along with facility providers. Older adults want to live and age at home, as the task force is defined in the legislation introduced it will maintain the status quo of access to facilities but not grow the network of home based care services needed so older Kansans can remain at home.

New Legislation for 2020

Charlie’s Bill. Would provide the right to appeal for elders living in Kansas licensed assisted living and home plus facilities. When an assisted facility issues a notice of “involuntary transfer or discharge” essentially tell the resident to leave the premises, he/she has 30 days to find a

safe placement. They have no right to appeal the facility's decision. This fails to adequately protect older adults who are physically or cognitively challenged and may result in the person being turned out without a safe place to go and no one to advocate for them. Adults living in nursing homes have a right to appeal protected by federal and state requirements, renters in the community have the right to challenge an eviction – but those in assisted living settings have no rights or protections in this area.

“Quality” Improvement Provider Assessment also called the nursing home bed tax – no bill number yet. Passed initially in 2010, this law sunsets/end in 2020 without renewal. The current tax on every KS nursing home bed is over \$4,000 each year. The money is supposed to be used to maintain or improve quality care – instead the 35% federal Medicaid match the tax generates for Kansas goes to nursing homes without any measurable outcomes for resident quality. KABC supports attachment of specific quality improvements for residents in exchange for the millions of taxpayer dollars Kansas receives – and proposes safe nurse staffing levels, reduction of anti-psychotic drug use, and/or fall prevention and intervention. Any one of these or all would greatly improve life for older Kansans in every nursing home.

KABC supports: Supported Decision Making Act HB 2034. Affirms the right of an adult with cognitive limitations to act for her/himself and designate trusted decision makers to assist. Legislation provides a legal framework to support independence for persons with disability, dementia, head injury, etc.

KABC continues to work with the Kansas Attorney General's Advisory Committee and other partners to develop laws that prevent and address elder abuse.

KABC supports full funding for health safety enforcement of adult care facilities including funding to fill all inspector positions at KDADS and all Adult Protective Services at DCF.

KABC supports funding to achieve the recommended 17 long-term care ombudsmen authorized by the federal and state governments to advocate for/with nursing home and assisted facility residents when they are harmed or their rights are denied. KS currently has 8.

FEDERAL LEGISLATION:

Staffing: Congresswoman Jan Schakowsky (D-IL) and Senator Richard Blumenthal (D-CT) introduced H.R. 5216 and S.2943, the Quality Care for Nursing Home Residents Act of 2019. This legislation would address the concern faced by far too many residents every day –the lack of adequate numbers of nursing staff to care for them. The bill would require nursing homes to provide at least 4.1 hours of direct care nursing time per resident day (hours per resident day – hprd). Studies show that 4.1 hours per resident day of care is the minimum staffing necessary to prevent common quality problems. In the bill, the 4.1 hours are broken down by type of nursing personnel and shift, and are also expressed in terms of a ratio.