



September 20, 2020

Chairman Patton and members of the Special Committee on the Kansas Emergency Management Act, thank you for the opportunity to testify today and raise concerns of importance to older Kansans who have been hard hit by COVID 19.

When I first ask Chair Patton to testify at the last meeting of the committee, Kansas had not yet reported COVID 19 cluster outbreaks by location. Two weeks ago KDHE for the first time publicly released location specific data, and then suspended reporting the following week. From the time the pandemic hit in February until June 4th there was no federal or state requirement for public health reporting which identified nursing facilities or other adult care homes, or any entity, with COVID 19 cases. On June 4th the federal government required that nursing homes provide it with COVID outbreak information. Later in June, the Center for Medicare & Medicaid Services (CMS) began publishing information that identified nursing homes with active COVID 19 clusters on a national website.

For four months, older adults needing long-term care placements were forced to rely on news media reports which were alarming but not comprehensive to identify nursing homes or other locations with COVID outbreaks. Families were plagued by concerns about where there were outbreaks in the facilities loved ones resided. KABC took countless calls from hospital staff, family members and older adults trying to find out if there was an outbreak in a facility which they were considering for short term rehab after a hospital stay or because a placement for an elder with advanced dementia was being sought. From the beginning of the pandemic, KABC asked Kansas to make location specific outbreak information public in response to elder and family concerns.

We were tremendously relieved when the State began reporting active cluster outbreaks in Kansas by entity location on September 9. This was a welcome and much-needed addition to the information available on the State's website devoted to information about the corona virus. (www.coronavirus.kdheks.gov). Included in that listing were long term care facilities, health care-related entities and group living facilities.

We appreciated the State taking this important step and releasing this critical information. With the suspension of reporting last week, KABC and the older adults affected, along with their families are concerned that there may be some inclination to limit the information that is made publicly available. We understand and appreciate the State's diligence to assure the data is correct and timely, but disagree with the arguments made by the Kansas Chamber of Commerce and others who oppose the release of outbreak locations, and have questioned the public's need for this critical information.

Contrary to public statements, the overwhelming majority of states do make this information available. Until Sept. 9, Kansas was an outlier, one of only nine states that did not make statewide public reporting for COVID-19 data in congregate care settings such as nursing homes, assisted facilities, group homes, adult day centers and health care settings. Having access to information

such as the release of active cluster outbreaks at all entities across the state, allows all Kansans and especially older Kansans to have the knowledge they need to make informed health choices.

For older adults and other adults living in a group setting this information is especially critical. According to the Kaiser Family Foundation, less than 1% of the people in the United States live in congregate settings, but are nearly half of the fatalities from COVID-19. Without trustworthy, timely, publicly available COVID 19 information, Kansas denies them the ability to make an informed decision in weighing their health risks associated with group living arrangements and unnecessarily raises the risk these citizens are exposed to in such settings.

Making decisions during a time of crisis is extremely difficult. For those living in congregate settings or who must consider moving to a group setting, the decision has the potential for life or death consequences. Many current residents are considering returning to the community to reduce their exposure to the disease and diminish the isolation that is imposed on them by the facility. For that reason, the newly reported information is key to making such informed choices.

We learned early in the pandemic that older adults are particularly susceptible to the virus and are at a higher risk of more severe complications and death. To underscore the life-and-death importance for older Kansans of publicly available, accessible and timely information, I point to the on-going data being compiled by Ross Boelling, a member of the Silver Haired Legislature. Since May, using the data KDHE publicly reports (non location specific), Ross has tracked and reported weekly the toll that COVID-19 has taken on older Kansans.

In September, Kansas Seniors 65+ are dying at over twice the rate they were in August. More than SEVEN Seniors are dying each day; 126 have died as of Sept. 18 versus 73 for ALL of August. Kansas Seniors 65+:

- are only 10.7% of all Kansas COVID-19 Cases
- BUT Seniors represent 44.4% of Kansas COVID-19 HOSPITALIZATIONS
- AND Seniors are 79.9% of Kansas COVID-19 DEATHS.

IF you are 65+ and get COVID-19...

- You have a 21.2% chance of being HOSPITALIZED.
- IF you are Hospitalized, you have a 40.1% chance of DYING.

As of Sept. 18, Kansas had 596 COVID-19 reported deaths. Kansas Seniors 65+ are 476 (79.9%) of those deaths. Of the 44 deaths reported as of Sept. 18, 36 of those persons were aged 65-74; 43 aged 75-84 and 47 aged 85+. It is evident that this virus is NOT affecting only the oldest of older adults. *See report attached.*

As we continue to fight the coronavirus, we ask the State to release timely, accurate, transparent information about COVID 19 outbreaks by entity location. Anything less raises further the already high risk of serious illness and death from COVID 19 for older adults and Kansans with chronic health conditions and deprives them of information that they could use to make informed decisions about their safety and well-being to avoid needless harm.

Mitzi E. McFatrach, Executive Director, on behalf of Members and Board of Directors
Kansas Advocates for Better Care. A statewide, non-profit organization dedicated to improving long-term care for older Kansans at-home and in adult care facilities since 1975.