

Kansas Advocates for Better Care

2021 Public Policy Priorities for Aging Kansans

Priority Legislation

1. Charlie's Bill. Will ensure elders may ask the state administrative hearings court to review a 30 day notice of eviction from an assisted living or home place facility. Elders living in their own home or apartment or a nursing facility may appeal to a court when evicted. There is not provision to provide for an independent court/entity to review an eviction notice for residents in an assisted living, residential health care, or home plus facility. The eviction notice/"involuntary transfer or discharge" leaves them with 30 days to find a safe, appropriate place to live and receive needed care. This means that frail elders and those with advancing dementia have no protection from a wrongful discharge and no independent court they can appeal to. 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, as do home owners. Only older adults living in assisted care settings have no rights or protections in this area. *This bill was introduced in 2020 but was not heard before the legislature's early adjournment.*

2. Electronic Monitoring/Recording. KABC asked for this bill which would repeal a section of the law passed in 2018 which reduces the protection the bill offers to older adults and places an unfair burden on frail elders by requiring that an electronic recording made in their private room in an adult care facility must meet a stricter standard of evidence to use in any court proceeding than for other settings, such as a hospital room or another business. This stricter standard of evidence is required for any court hearing whether criminal, civil or administrative and creates a barrier to justice for victims, even those severely abused or killed. This stricter standard of evidence was ill-advised and hastily introduced by the long-term care facility industry lobbyists. The stricter standards are regarding editing or alteration of the recording, whether done intentionally or accidentally or to protect the person's modesty in a court hearing. The second stricter requirement is that any recording must have a date and time stamp on it. Courts have clear guidelines already for how to evaluate the reliability of a recording when introduced into evidence. This portion of the law does not protect the older adult victim which was the intent of the 2018 legislation. *This bill had a hearing in 2020, but the legislature adjourned prior to a re-hearing when the bill was transferred from Children & Seniors to House Judiciary Committee.*

3. KABC opposes HB 2404 Senior Task Force. The long-term care industry introduced this bill to look at nursing homes especially increased fees/reimbursement for facilities. The task force is overwhelmingly made up of facility providers. KABC is advocating for equal 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. *In 2020 the bill was On House floor for vote but not brought “above the line.” We’ve asked for amending language to add parity for consumer representatives and for home and community based service providers with facility providers.*

5. 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. *Passed by House in 2019, in Senate for action Federal and State Affairs awaiting action.*

Background Checks & Provisional Employment for long-term care workers HB 2343 and SB 313. Introduced by KABC in 2019 to remove language included in a 2018 law which allowed a LTC/long-term care 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. No action on this legislation to date.*

State Funding for Aging Services – KABC supports adequate funding for programs that support older Kansans in all settings, including LTC (long-term care) ombudsman and survey oversight. KABC will support agency budget requests and additional funding needed to assure quality care.

Multi-Disciplinary Teams for Elder and Dependent Adult Abuse – supports creating statutory authority for MDTs throughout Kansas to better address abuse/neglect and victim support and justice.

COVID response, oversight, and transparency – KABC supports funding and legislation that remediate the negative impacts on elders due to COVID pandemic. KABC will support KAN coalition-led efforts that improve the quality of care for long-term care/LTC consumers.

Long-Term Care Workforce - KABC supports efforts that address COVID Temporary Nurse Aide requirements and training (oppose institutionalizing those), and that improve the amount and expertise of workforce for long term care consumers, and that support family/friend caregivers in providing care to elder LTC consumers.

KanCare Reform – KABC supports efforts that address KanCare/KS Medicaid program reform including independent, legally-based ombuds, greater funding for and access to home based care through HCBS-frail elderly waiver, telehealth access for elders continue reimbursements post-COVID, increase access to physical and mental health services.