

Charlie & Rachel's Story



Charlie Imthurn was born and raised in Kansas and he dedicated his life to protecting and improving our state. Ten years after his passing, he continues to make his mark by helping the thousands of Kansans who live in assisted living facilities.

Charlie first served as an officer in the U.S. Air Force. After his service to our country he pursued a life-long career in cattle ranching and promoting the livestock and beef industry. He was an active community volunteer, serving on numerous boards including churches, Animal Health, and Soil Conservation. He helped organize the Mill Creek Watershed and Wabaunsee High School Booster Club, and was a member of the local 4-H club.

Unfortunately in 2004, Charlie became one of the 55,000+ Kansans diagnosed with dementia or Alzheimer's. His wife Rachel cared for him at home and he attended adult day care programs for years, but as the disease progressed Rachel could not provide the level of care he needed. In 2006 Rachel made the tough decision to move Charlie to a care facility, but there was only one opening in a facility nearly 40 miles away. After years of commuting to see her husband and his dementia worsening, Rachel knew Charlie needed to be closer to home. In December of 2010, Rachel got Charlie a room at the brand-new, local assisted living facility which offered 4 levels of care, from early stage Alzheimer's to end of life. Rachel believed it was critical that he stay there and never move again, because Alzheimer's patients do not re-locate well – that is, sometimes becoming much more anxious or withdrawn and rapidly decline in health. Rachel believes this cost Charlie his life. He died 9 days after being evicted from the facility.

On October 12, 2011 the assisted living facility told Rachel that she must move Charlie out of the facility within the week as they would no longer provide care to him. Just two weeks prior she had signed a negotiated service agreement which documented some decline in Charlie's health from his admission. As a result, the facility had increased the rate for the higher level of care, which Rachel agreed to pay. Charlie and Rachel were at the mercy of the owners and managers of the fully licensed assisted living facility, had no option but to move, and had no right to a fair hearing to appeal the eviction.

Rachel immediately filed a complaint with the Kansas Department for Aging & Disability Services (KDADS) charging that the facility did not follow state regulation which requires a 30 day notice of discharge, a statement of the reason for the discharge, and a doctor's approval. KDADS conducted an investigation, but issued no plan of correction, and no fines. They told Rachel they had held the facility accountable. When Rachel made an open records request, she confirmed that KDADS had taken no action.

Rachel called countless attorneys seeking help, but says she was turned down because "no laws were broken" and was told they could not make a case. She went to the Attorney General's Consumer Protection Division for help. Rachel testified that the AG's office considered the case for a full year and then dropped it and refused to meet with Rachel until her state senator intervened. From there she was told "There is nothing we can do. We need better laws."

On January 28, 2021, after 10 long years of fighting, Rachel finally was able to tell Charlie's story to the Kansas legislature. Rachel wants to right the wrong committed against Charlie in 2011 when he was evicted from his assisted living facility. Charlie's Bill, introduced by Rep. Highland, is House Bill 2004. If passed, HB 2004 will help to protect other Kansans, just like Charlie, from arbitrary, one-sided evictions from their homes in Home Plus, Assisted Living and Residential Health Care Facilities by giving them the right to appeal.

Last Thursday's hearing is just the first step in getting "Charlie's Bill" passed. Right now the opportunity for the bill to move forward (to be worked and passed favorably out of committee) rests with the Chair of the House Children and Seniors Committee, Rep. Susan Concannon, and members of the Committee.

Join Rachel and KABC in righting the wrong committed against Charlie and ensure this tragic scenario doesn't keep happening to other Kansans who live in assisted living type facilities. Ask the Children and Seniors committee members to support HB 2004.