

September 23, 2021

Chair Hilderbrand, Vice-Chair Landwehr and Members of the Committee,

My name is Margaret Farley. Thank you for the opportunity to testify on behalf of the Board of Directors and Members of Kansas Advocates for Better Care.

At the outset, KABC wishes to thank Kansas legislators for the 2021 increase in the protected income level. It is a boost to many older and disabled adults who want to stay in home and community-based settings and still have enough money for necessities.

KABC also wants the Committee and all Kansans to remember the older and disabled adults who tragically died and suffered and continue to suffer from the collision of COVID-19 and long-standing substandard nursing home care, semi-private rooms, under-staffing, undertrained staff, poor infection control, and poor management, etc. KABC is concerned for the health, safety and welfare of residents since the nursing home industry came to the 2021 legislature armed not with solutions to benefit older adults in facilities, but rather with work around ideas for the benefit of their corporate owners and operators, management companies, etc. and armed with finger-pointing at last year's legislators who were criticized for guarding the interests of injured residents. In the end, the industry got almost everything it asked for during the 2021 legislative session.

We recognize the workforce shortage is a serious issue. There is no doubt that nursing home nurses, especially CNA's have been overworked and underpaid for too long. They are at the front line of hands on resident care and they know the needs and wants of residents the best. Temporary nurse aides were instrumental during the early days of the pandemic but their training is minimal and relying on on-the-job training is not advisable, especially in strained circumstances. Moving forward, aide training across all settings in long term care should be consistent and reflect the high touch needs of residents who need a higher level of care.

These are high turnover positions. Just a few years ago when KABC sought a minimum of 4.13 hours of care per resident day, the industry asserted they were already staffing at that level and did not need a statutory standard. Today, we need more well-trained aides, but they need better training and benefits and a career path if they choose a profession in nursing. The use of temporary nurse aides places all of the burden of poor training on the residents who are receiving the care. Poor training causes resident injuries. KABC continues to advocate for a minimum HPRD to meet the special needs of residents.

The pandemic taught our state and nation that there are serious risks to living in congregate settings such as nursing homes. There is growth in home and community-based services and state licensed only facilities such as assisted living type facilities, facilities are fighting equality of rights between assisted living facilities and nursing facilities. Some CCRC's are closing the nursing facility on campus and converting to Home Plus licensure. Home Plus care is licensed and regulated largely by the State and is less regulated than a nursing facility. For example, the level of care is determined by the training of the nurse in charge. home plus facilities can operate almost like mini-nursing facilities without regulations. Part of the growth of home plus is the

long-term care industry's aversion to regulations. Home Plus is a neat way to practice like an NF while without the same scrutiny of regulations and surveys which protect the health, safety, rights, and welfare of residents.

The assisted living and nursing facility industry owners and operators, for profit or not, are fighting hard to block a key right that nursing home residents have, to appeal wrongful evictions through an independent hearing process. Persons living in assisted living facilities don't have that right. We urge your support next session of HB 2004 restoring equality of appeal rights of residents in nursing facilities and ALFs, and strengthening of regulations to protect residents. Additionally, KABC finds the present 24-month survey interval for ALF type facilities puts residents at risk.

Thank you for the opportunity to appear before you today and thank you for your support of older Kansans wherever they choose to live.

Margaret A. Farley, Executive Director - On behalf of Board of Directors and Members KABC is a statewide not-for-profit organization whose mission is to improve the quality of long-term care for elders in nursing and assisted facilities and in-home. KABC is not a provider of government funded services. For over 45 years KABC's role has been as a resource and advocate for older adults and families and as a resource to policy makers on aging and quality care issues. KABC provides consumer education information and tracks and reports on quality care performance issues.

Kansas Advocates for Better Care www.kabc.org info@kabc.org 1-800-525-1782