

Proponent Testimony on House Bill 2004
House Committee on Children and Seniors

Submitted by:

Dustin Baker, MSN, APRN, FNP-C, NE
407 S. Sycamore Street
Ottawa, KS 66067
dustinbaker1@att.net
Phone: 785-418-6053

January 28, 2021

Madam Chairwomen and members of the House Committee on Children and Seniors, thank you for allowing me the opportunity to offer proponent testimony on behalf of HB 2004 – creating the right to appeal an involuntary discharge or transfer from an adult residential care facility.

My name is Dustin Baker, and I live in Ottawa, Kansas. I am an Advanced Practice Registered Nurse, Family Nurse Practitioner, and Nurse Educator. With other 20 years of healthcare experience to include skilled and assisted living homes. But most importantly, I am the grandson and power of attorney of Larry Barrett. He is a resident in a long-term care facility who was involuntarily discharged while in the hospital for a medical condition.

On October 5, 2020, my grandfather was sent by his long-term care facility, Richmond Healthcare and Rehabilitation to Freedom Behavioral Health for dementia-related communication difficulties that resulted in him becoming aggressive both verbally and physically. He was subsequently transferred to The University of Kansas Health Systems – St. Francis campus due to a medical emergency caused by a low heart rate on October 15, 2020.

On October 16, 2020, they determined that he was medically stable for discharge to his long-term care facility. However, the facility declined to accept him back. After more than a week of trying to work with the facility and after his bed hold ran out, I received a call from the nursing home administrator. He had called to inform me that they could not accept Larry back. He would be issuing a notice of discharge per guidance from the Kansas Department of Aging and Disability (KDADS). When asked where Larry was going to go, I received no response from the administrator. I had to remind the facility of their state and federal regulatory obligations cited in statute 42 U.S.C Part 483.15 about an appropriate transfer or discharge. The director responded with “we can assist” with placement. I immediately reached out to our local state ombudsman representative.

The next day I received the notice of Immediate or Less Than 30 Day Notice of Transfer or Discharge from the facility discharging my grandfather to the care of Freedom Behavioral Hospital while he was still in St. Francis Hospital. On October 30, 2020, I filed an appeal with the Kansas Offices of Administrative Hearing. A complaint was also

filed with KDADS Compliant Hotline that the discharge did not meet the state and federal minimum regulatory requirements for an involuntary discharge of a resident from a long-term care facility. A revised discharged letter was received seven days later from the long-term care facility that still did not meet regulatory requirements. An additional complaint was filed with KDADS on November 6, 2020.

A preliminary hearing was held on December 11, 2020, to discuss the formal process. It was not until January 11, 2020, that a formal hearing could take place. However, subsequently, three days before the hearing, Richmond agreed to allow Larry to return to his home.

Finally, after more than three months of being in a hospital, subjected to a hospital-acquired infection resulting in sepsis, Larry was able to return to his home after the facility decided the day before the administrative hearing to allow him back. If it had not been for the state and federal regulatory requirement, allowing him the right to appeal his discharge, who knows where he may be living today. He might have ended up like other residents, disconnected from his family, friends, and the staff who cares for him. Or perhaps, one of the many horror stories that I have heard, living on the streets homeless or worse dead.

As a nurse, provider, and family member, I strongly urge you to support House Bill 2004. Our vulnerable residents in our adult care facilities need the same protections that were afforded to my grandfather. No resident or family member deserves to suffer the negative emotional and physical effects that an involuntary discharge causes.

Once again, thank you for allowing me the opportunity to share a glimpse into my family's story. If I can offer any additional insight or answer questions, do not hesitate to reach out.

Thank you,

Dustin Baker

Dustin Baker, MSN, APRN, FNP-C, NE