



January 28, 2021

Chair Concannon and members of the House Committee on Children and Seniors:

Thank you for the opportunity to testify in support of HB 2004/Kansans' Right to Administrative Appeal of ALF Evictions; or what we call "Charlie's Bill," in honor of Rachel Imthurn's late husband. Because of Mrs. Imthurn's steadfast commitment to righting a wrong for future families, we are here today to talk about HB 2004.

We also express our sincere gratitude to Mrs. Imthurn's legislator, Rep. Highland, for introducing HB 2004.

A little history is needed to illustrate the reason to support HB 2004. The passage of the 1987 Nursing Home Reform Act, for the first time, gave nursing home residents the right to appeal an involuntary eviction. Before 1987, residents only had contract rights written by the owners granting them the right to reside on the owner's property. Starting at that same time, nursing homes wanting to participate in Medicare and Medicaid were required to meet new conditions of participation, which included new rights for residents which could be enforced by the government paying for their care. The right to appeal an involuntary eviction was one of those protections.

Kansas assisted living facilities are a popular option for older adults needing some assistance with their daily needs. Their residential supports and services aren't directly covered by Medicare or Medicaid so they are generally only bound to licensing requirements set by the State of Kansas. For these reasons, many of the resident protections provided to nursing home residents aren't available to those who live in assisted living facilities.

There is no provision for an independent court/entity to review an eviction notice for residents in an assisted living, residential health care, or home plus facility. This is true even though Kansas regulations on involuntary transfer and discharge for ALL adult care homes in Kansas are otherwise the same. K.A.R. 26-39-102. The eviction notice/"involuntary transfer or discharge" leaves them with 30 days to try to find a safe, appropriate place to live and receive needed care. This means that frail elders and those with advancing dementia in ALFs 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 homeowners. Only assisted care residents have no appeal rights in this area. This isn't fair.

Rachel Imthurn learned this the hard way when her husband was suddenly evicted. For the past 10 years she has selflessly fought to make sure that what happened to her husband doesn't happen to anyone else.

We urge you to make sure that people living in assisted living facilities have the same rights as nursing facility residents do in eviction situations. Please support HB 2004 / Charlie's Bill.

Margaret 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 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.