

Committee on Judiciary
Wednesday, February 3, 2021

Testimony given by:
Kris Erickson, CEO
Bethany Home Association of Lindsborg, KS dba Bethany+Village

Chairman Patton and Members of the Committee:

I am writing on behalf of Bethany+Village, a 111 year old mission of care in Lindsborg, KS. Specifically, I am writing on behalf of the residents we serve and the hundreds of health care heroes we employ. I have been a licensed adult care home administrator for over 19 years, and this has been the hardest year I have ever faced. I know it has also been the hardest year our residents, families, and caregivers have ever faced, and I remain incredibly proud of their resilience, dedication, and continued perseverance through a tragedy that has deeply affected us all.

I thank you for your careful consideration of House Bill 2126 and the opportunity to correct the unjust nursing home carve out of COVID-19 liability protections. As you are all aware, this pandemic could not be controlled by all the resources that are available to our great nation, yet senior care providers were expected to do what our entire nation could not. Senior care providers were expected to provide more days of care with fewer resources than that provided to hospital and other clinical settings, yet senior care alone was left exposed to predatory litigation. The plain and simple truth is that the legislation we hope to correct today was drafted with the sole intent to allow legal profiteering during a time of national tragedy.

Even before this pandemic, senior care providers have been required to have a dedicated Infection Control Nurse to monitor for illness outbreaks. Senior care providers also receive annual inspections to verify that all standards of practice are strictly followed. Since the pandemic arrived, Bethany Village has received seven inspections by licensed and trained Surveyors from the Kansas Department of Aging and Disability services. These inspections focused on our infection prevention efforts related to the pandemic. Opponents to this bill will claim that “nursing homes need to be held accountable,” but I tell you today that we are held accountable! The inspections we receive can carry enormous fines, denial of payments for services, and restrictions on admitting new residents. Penalties can even lead to “receivership” where the property becomes operated directly under guidance by the state. I am proud to say that our staff’s efforts were recognized, and we have received no citations for deficient practices related to Infection Control since this pandemic began. We know our residents, we care for our families, and we love what we do. I know we are not alone in this and I applaud the efforts of KDADS as they also worked to ensure proper precautions were in place throughout our state.

By supporting House Bill 2126, you have the opportunity to acknowledge the valiant efforts of senior care workers throughout this pandemic. You also have the opportunity to acknowledge the effectiveness of the Kansas Department of Aging and Disability Services in their ability to recognize and correct insufficient practices. By the same token, failing to support House Bill 2126, you leave the doors open

to predatory litigation that has the potential to irreparably damage a vital support system within our state. Litigation for a pandemic serves no purpose other than to line the pockets of a few while pulling vital resources away from thousands of seniors and those who serve them. Litigation has the potential to incur expenses so great that nursing providers have no choice but to close their doors. Rural homes are particularly vulnerable to financial strain and failing to support this bill could result in large regions of our state left completely without senior care services.

For over ten months now, I have witnessed great acts of heroism from senior care workers. When much of our nation locked down, senior care workers persevered. When the public argued over wearing masks, our staff had already worn them for months and had the lines embedded on their faces to prove it. When others complained about working from home, our senior care workers wore multiple layers of protective equipment to safely serve those in our care. While some complained about not getting haircuts, senior care workers held the hands of elders as they drew their final breath. We wept as we watched families hold hands to windows while visiting through barriers, celebrated as regional infection rates dropped, and prayed through every joy and heartache that this pandemic brought us. The one thing we never did was quit. We remained out of love for those we serve. Love for those we serve kept us moving forward through the darkest of days.

Today, you have the opportunity to recognize senior care providers for these efforts. You have the opportunity to champion our cause, to protect our seniors, and to recognize senior care workers as being worthy and deserving of the same respect and protections offered to every other healthcare worker who has battled through this pandemic. I ask you to support HB 2126 out of respect for the dedication of our healthcare providers, and to preserve our state's ability to continue care for our elders.

I thank you for your time, your consideration, and for your service to all Kansans.

Sincerely,



Kris Erickson, CEO

Bethany+Village, Lindsborg, KS