

Senior Care Task Force Meeting September 9, 2021

I am Rachel Imthurn, private citizen, speaking on behalf of our seniors and HB2004

You need to know that:

The majority of Kansans living in adult care homes have no legal rights, no legal protection. My husband Charlie died 10 years ago next month, because the state refused to do its job. His Assisted Living facility just decided one day to disregard all state Regulations, to disregard our contracts & service agreements, to place profit over people by illegally evicting its residents most in need of care – the Alz residents in their Memory Care unit who had been guaranteed full care for the rest of their lives. Why do it? To cut their payroll and get by with fewer nurses. Totally illegal–Charlie didn't survive the move – State? Did nothing about it. Nothing.

Care homes have explicit regulations on admission and discharge. By law, regulations have to be enforced just like statutes, but they are not – and nobody cares.

Care homes are licensed to provide specific services, but if they choose not to provide those services – nobody cares.

Nursing homes have made improvements because of federal law – but please understand – the majority of care homes in Kansas are not nursing homes, they are Assisted Living type facilities, under state regulation only- NOT federal. And the state says that if you are mistreated in an Assisted Living facility, you are not allowed to file an appeal. Nursing home residents can do that, but not Assisted Living residents. In fact, if you are illegally evicted from an Assisted Living facility, there is not one thing you can do about it. Nothing! Believe me, I tried! You are prohibited from seeking justice.

Care Home owners have learned that they can ignore regulations - discharge residents without cause - put human life at risk, and get by with it. They can literally cause death, and never be held accountable.

That's why HB 2004 was written. It does two things:

- 1) It converts current Regulations into law – so that hopefully they will be enforced
- 2) It gives Assisted Living residents the same right that nursing home residents have – the right to file an appeal and have a hearing if they are illegally discharged.

It's the same recommendation you will find in the 2020 Alzheimer's Disease Plan that was presented to you this morning.

I pray that you never have to endure the trauma of losing a loved one because the state failed to do its job. Unwarranted eviction remains the #1 complaint received by the Long Term Care Ombudsman, year after year after year, because the state refuses to act.

It is way past time step up and end this travesty.

Thank you.