



To: Representative Bob Bethell, Chair, and Members,
House Aging and Long-Term Care Committee
From: Debra Zehr, President/CEO
Date: February 2, 2012

Improvements Needed in Adult Protective Services

Thank you, Chairman Bethell and Members of the Committee. I am Debra Zehr, President/CEO for LeadingAge Kansas, formerly known as KAHSA. Our 160 members include not-for-profit nursing homes, retirement communities, hospital long-term care units, assisted living and residential health care residences, homes plus, low income housing, licensed home health agencies and other community based service programs. Together they serve over 20,000 older citizens throughout Kansas.

On behalf of our members and the people they serve, I wish to express sincere appreciation to you, Chairman Bethell, and the Committee, for putting the issue of deficiencies in the adult protective services system on the front burner.

Most services provided by LeadingAge Kansas members are delivered to very frail older people who reside in adult care homes. Thus, we are most acutely aware of fiduciary abuse being committed against adult care home residents by family members and others who reside in the community. Every member, like the conferees on Tuesday, can recount heartbreaking stories of fiduciary abuse committed by family members.

Our members are obligated by law and professional standards to act as advocates for their residents, and to report these incidents to APS. They experience significant frustration at what appears to be a lack of responsiveness and effectiveness from the adult protective services system.

We see just a tip of the iceberg in how reports are being handled. If cases of fiduciary abuse against persons who live in adult care homes are so poorly handled, then it begs the question: How much less responsive and effective is the system for community-dwelling victims when most of them do not have an advocate like the gentleman on Tuesday calling APS every single day?

What is wrong with the adult protective services system? We do not get to "look behind the curtain" to see what systemic issues and deficient practices consistently lead to the lack of responsiveness and effectiveness that victims experience and advocates see. Is it poor investigation processes or training, lack of accountability by case workers or their supervisors, an

unreasonable threshold for substantiation of an allegation? It's time to get to the bottom of this, and to fix it.

LeadingAge Kansas Recommendations

1. In the aging services field, when deficient practices and inadequate systems are identified, providers are required to submit what is called a comprehensive "Plan of Correction" by a certain date. You, as a Committee, could require that APS officials submit a plan of correction to you that would include:
 - A statement of problems or deficient practices in the program
 - Measures that the program will put in place to correct those problems
 - A timeline for implementation
 - How the program will monitor its performance to make sure that solutions are sustained
2. Ask APS officials to submit to the Committee recommendations for statutory or regulatory changes that they believe will facilitate increased responsiveness and effectiveness of the program.
3. In addition, we would be in favor of a Legislative Post Audit that would investigate the program, identify deficiencies and serve as an lever to help drive improvements.

Again, thank you for your attention to this important matter. I would be pleased to answer questions.