

If you have loved ones in an Assisted Living facility, you need to know that they have no legal protection. Assisted Living residents are being evicted without cause at an alarming rate, and there is nothing they can do about it. They have no recourse. The facility can appeal infractions, but the residents cannot. Involuntary Discharge is the primary complaint received by the Long Term Care Ombudsman. Here is what happened to us several years ago:

My husband Charlie was in Assisted Living because he had Alzheimer's Disease and needed more care than I could give him. The facility offered 4 levels of care, from early stage Alzheimer's to end of life. There is no cure for Alzheimer's. It was critical that he stay there and never move again, because Alzheimer's patients do not re-locate well. It is called Transfer Trauma, and it cost Charlie his life. He died 9 days after being evicted.

Charlie received excellent care at first. Then one day he and 5 other residents were suddenly evicted, in violation of our contracts, our service agreements, and every Regulation on Involuntary Discharge. The facility simply quit providing care, fired nurses and got rid of the residents most in need of care. No 30-day notice, no doctor's approval, no cause for discharge.

I immediately reported this to the Kansas Department for Aging and Disability Services. KDADS conducted an investigation, but issued no plan of correction, and no fines. They told me they had held the facility accountable, but when I asked what they had done, they hung up on me. Open Records confirmed that they had done nothing.

I called countless attorneys seeking help. They turned me down, saying no laws were broken so they could not make a case. I went to the Attorney General's Consumer Protection Division for help. They considered my case for a full year and then dropped it and refused to meet with me until my state senator intervened. Then I was told, "We can't help you. There is nothing we can do. We need better laws."

HB 2004 is the long overdue law that gives Assisted Living residents the right to file an appeal and have a hearing when they are victims of unwarranted eviction. Nursing Home residents already have that right, because of federal guidelines. But most care homes in Kansas are not Nursing Homes; they are Assisted Living facilities under State Regulations only, not federal, and the state does not allow Assisted Living residents to appeal Involuntary Discharge.

HB 2004 gives this Legislature the opportunity to protect Assisted Living residents from the physical, financial and emotional trauma that we experienced. You can stop this unconscionable abuse of our loved ones.

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