



Kansas Hospital
ASSOCIATION

To: House Committee on Judiciary

From: Audrey Dunkel, Vice President of Government Relations

Date: February 3, 2020

Re: House Bill 2126

Thank you for the opportunity to provide testimony in support of HB 2126 on behalf of our 122 community hospital members. It may seem unusual for the hospital association to speak to a bill addressing nursing facilities; however, this bill impacts a quarter of our members who operate both the hospital and the nursing facility in their community. All are non-profit or governmental facilities dedicated to providing care from the cradle to the grave in rural communities across Kansas.

As you can imagine, this disparate treatment regarding liability is a concern for our members. They struggle with the idea that even though they provide the same standard of infection prevention in their nursing facility as in their hospital, they have not been given the same protection under the law during the pandemic. It has forced many of them to place more strict infection control measures, like limiting visitors for residents, out of concern for the limited protection from liability they received under 2020 HB 2016.

We have attached a letter from one of these hospitals, Mitchell County Hospital Health Systems. We asked their CEO to share how this disparate treatment of nursing facilities has affected their facility, but more importantly, how it has affected their residents as they struggle with the limitations this policy has forced on them.

Thank you for the opportunity to share our members' perspective.



To: House Committee on Judiciary
From: Jeremy Armstrong, CEO
Date: February 2, 2021
Re: Liability Protection Related to COVID-19

Mitchell County Hospital Health Systems (MCHHS) appreciates the opportunity to share some comments about how exempting nursing homes from full liability protection related to COVID-19 has impacted our operation and those we serve.

MCHHS is a comprehensive health care system in Beloit, Kansas that includes a 40 bed long term care unit. There have been many challenges faced by our nursing home since it was established in January, 1971. However, nothing compares to the challenges we have faced, and continue to face, during the COVID-19 pandemic.

Challenges with this pandemic include, inadequate access to PPE, staffing shortages due to COVID-19 exposures, and required policy and procedure changes to keep our residents safe. Despite the significance of those just listed, the biggest challenge for our nursing home has been the restrictions placed on our residents social interaction and visitation. Our residents cherish their visits from family and friends and having to restrict that access has been heartbreaking. Even more heartbreaking is the mental and physical effects of these restrictions. We conduct weekly meetings to review and update the health and wellbeing of each of our residents. There has been a quantifiable decline in many of our residents' mental and physical wellbeing, which we believe is due to these restrictions.

Nursing homes being exempted from full liability protections related to COVID-19 has played a significant role in delaying family visitations. One of the unintended consequences of this liability exemption is the negative impact it has on our willingness to reopen our facility to visitors. There are significant risks associated with reopening our doors to the public. Despite our efforts to screen everyone, there are many documented cases of visitors being the source of transmission for COVID-19 within nursing homes across the country. When we have meetings about whether to relax our visitation policy those risks and the potential liability is forefront in our discussion. I can say unequivocally that Kansas' liability exemption has been the deciding factor to shut down our visitation earlier and delay our reopening on more than one occasion.

MCHHS would appreciate your attention and support for any bills that would extend the same full liability protections related to COVID-19 that are currently available for ALL other health care entities in the State of Kansas.

