

March 29, 2021

Chairman Hilderbrand and members of the Senate Public Health and Welfare Committee, I am Scott Brunner, Deputy Secretary for the Kansas Department for Aging and Disability Services. I am providing neutral testimony on SB 303 relating to county homes for the aged and county hospitals.

SB 303 would prohibit county commissioners, boards of trustees or employees from restricting visitors to residents of county homes for the aged or patients in county hospitals. The bill would also permit residents and patients to waive city, state or federal restrictions of visitors that are imposed to control transmission or prevention of an infectious disease.

KDADS is the agency responsible for inspecting and licensing adult care homes through our Survey, Certification and Credentialing Commission. The Commission protects public health in Kansas through the inspection and licensing of adult care homes, as defined by K.S.A. 39-923, including nursing facilities, assisted living facilities, residential care facilities, residential and day support facilities for individuals with developmental disabilities, private and public psychiatric hospitals, psychiatric residential treatment facilities, community mental health centers, and substance use disorder treatment facilities as defined by KSA 39-2002. The Commission develops and enforces regulations and standards for these facilities and field staff document compliance with state regulations and federal certification standards through onsite surveys. The Commission also receives complaints about alleged abuse, neglect and exploitation of seniors and individuals living in facilities licensed by the commission. Those complaints often lead to investigations of alleged abuse, neglect or exploitation and on-site reviews to verify facility compliance with federal and state requirements.

KDADS act on behalf of the Centers for Medicare and Medicaid Services to verify nursing facilities and other adult care homes compliance with conditions of participation in the Medicare and Medicaid programs. For adult care homes that enroll in Medicare or Medicaid, SB 303 could violate those conditions of participation including federal mandates to restrict visitors. Not following the federal requirement for participation risks the loss of payment from Medicare or Medicaid for services provided and regulatory penalties including fines, limitations on new admissions, and termination of provider agreements from CMS or KDADS acting as the State Survey Agency. The federal requirements for those facilities that participate in Medicare and Medicaid are not optional or waivable by the facility or resident. KDADS also does not have the flexibility to not enforce federal requirements for the facility types we regulate.

Thank you for the opportunity to provide this background information about the KDADS role. I am available to answer questions at the appropriate time.