

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on March 22, 2006, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Michael Corrigan, Revisor of Statutes Office
J. G. Scott, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Debra Hollon, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Judy Bromich, Chief of Staff
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Steve Weatherford, President, Kansas Development Finance Authority
Rodney Geisler, Kansas Department of Health and Environment
Eric Rucker, Senior Deputy Attorney General
Michael Donnelly, Director of Policy and Research, Disability Rights Center of Kansas
Lynn Kohr
Nancy Jensen
Kerri Bacon, Kansas Commission on Disability Concerns
Jerry Sloan, Office of Judicial Administration
John Badger, Chief Counsel, Kansas Department of Social and Rehabilitation Services (written)
Kathy Ostrowski, State Legislative Director, Kansans for Life (written)

Others attending:

See attached list.

Chairman Umbarger turned the Committee's attention to discussion of:

SB 588--Establishing the Kansas technical college and vocational education school commission

Senator Emler moved, with a second by Senator Taddiken, to amend SB 588 to change the membership of the commission to include the president of a technical college. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Schodorf, to amend SB 588 to provide that consideration in selection of members of the commission be given toward individuals in the business community and instructional staff, and that staffing of the commission would include Legislative Administrative Services and others as directed by the Legislative Coordinating Council. Motion carried on a voice vote.

Senator Morris moved, with a second by Senator Betts, to amend SB 588 to include adding the President of the Kansas Board of Regents as an ex officio, non voting member of the commission. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Kelly, to recommend SB 588 favorable for passage as amended. Motion carried on a roll call vote.

The Chairman opened the public hearing on:

HB 2949--Purposes for disbursements from the public water supply loan fund
HB 2956--Allocations from Kansas water pollution control revolving fund

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 22, 2006, in Room 123-S of the Capitol.

Staff briefed the Committee on the bills.

The Chairman welcomed the following conferees:

Steve Weatherford, President, Kansas Development Finance Authority, testified in support of **HB 2949** and **HB 2956** (Attachment 1). Mr. Weatherford explained that the Kansas Development Finance Authority and the Kansas Department of Health and Environment believe that the inclusion of cross-collateralization capabilities is an important step in the evolution of the Kansas State Revolving Fund (SRF) Programs. He noted that it is becoming increasingly important for the managers of these programs to identify new financial techniques to add value to these programs, as Congress and the Administration reduce the amount of federal dollars allocated to the SRF programs. In closing, Mr. Weatherford explained that bonds issued on behalf of the SRF programs are never obligations of the State, and are solely obligations of the municipal borrowers of the programs.

Rodney Geisler, Division of Environment/Bureau of Water, Kansas Department of Health and Environment, spoke in support of **HB 2949** and **HB 2956** (Attachment 2). Mr. Geisler explained that passage of both bills allows the assets of one loan fund to be used as a source of security to assure repayment of revenue bonds issued by the Kansas Development Finance Authority on behalf of the other loan fund. He noted that this concept, cross collateralization, provides an additional guarantee to bond holders that their investments will be returned as promised, and they anticipate reduced borrowing costs as a result.

There being no further conferees to appear before the Committee, the Chairman closed the public hearing on **HB 2949** and **HB 2956**.

Senator Barone moved, with a second by Senator Emler, to amend the provisions of **HB 2956** into **HB 2949** and recommend **HB 2949** favorable for passage as amended. Motion carried on a roll call vote.

Chairman Umbarger opened the public hearing on:

SB 239--Docket fees for the protection and advocacy for Kansans with disabilities fund

Staff briefed the Committee on the bill.

The Chairman welcomed the following conferees in support of the bill:

Eric Rucker, Senior Deputy Attorney General, (Attachment 3). Mr. Rucker explained that **SB 239** would provide the Attorney General greater access to pertinent records maintained by other state agencies dealing with allegations of abuse. He noted that it would likely increase the efficiency of investigators.

Michael Donnelly, Director of Policy and Research, Disability Rights Center of Kansas (Attachment 4). Mr. Donnelly explained that the bill would close the glaring gaps in the current protection system for Kansans with disabilities. His written testimony details closing these gaps and opens opportunities for justice. In closing, Mr. Donnelly noted that by passing **SB 239**, the Legislature would provide real and effective protections for Kansans with disabilities and ensure more certain and swift justice in the future.

Lynn (Attachment 5). Lynn, a Kaufman House Survivor, explained her experiences as a resident of the Kaufman houses from the years 1985 to 1986. She noted that she wanted to save future people from having to endure what she endured and what her friends endured.

Nancy (Attachment 6). Nancy, explained her experiences as a resident of the Kaufman house from March 1986 to March 1987. She noted that the memories of that house of horrors still haunt her today.

Kerri Bacon, Kansas Commission on Disability Concerns (Attachment 7). Ms. Bacon explained that the bill would establish funding for investigation, advocacy, legal representation, and criminal prosecution to protect the rights of persons with disabilities and encourages support for the bill.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 22, 2006, in Room 123-S of the Capitol.

Jerry Sloan, Office of Judicial Administration, asked that his testimony be ignored in that it referred to the original **SB 239** before the substitute bill was described (Attachment 8).

John Badger, Chief Counsel, Kansas Department of Social and Rehabilitation Services, submitted written testimony on **SB 239** (Attachment 9).

Kathy Ostrowski, State Legislative Director, Kansans for Life, submitted written testimony on **SB 239** (Attachment 10).

There being no further conferees to appear before the Committee, the Chairman closed the public hearing on **SB 239**.

Senator McGinn moved, with a second by Senator Betts, to amend some of the provisions of **SB 239** into **HB 2105**. Motion carried on a voice vote.

Senator McGinn moved, with a second by Senator Betts, to recommend Senate Substitute for **HB 2105** favorable for passage.

The meeting adjourned at 12:10 p.m. The next meeting was scheduled for March 23, 2006.

SENATE WAYS AND MEANS GUEST LIST

Date March 22, 2006

NAME	REPRESENTING
Cheri Sweetser	IOB
Julia Thomas	IOB
Clint Blas	Sen Taddick - Shadow
Janter Lynn	ISA
David & Monica	Washburn University
Kip Peterson	ICBOR
JACK WILLIAMS JJ	KNFA
MARK DEBETI	KNFA
Jerry Sloan	Judicial Branch
Jeon Krahn	Ks G-ship Prog
John Balger	SRS
Kevin Bacon	KCDC
Al [unclear]	BKIC
Shannon Jones	SILCK
Sandy Barnett	KCSOV
Karl Muedener	KDHE
Red Quelin	KDHE
Mary Ellen Corde	WATC
Ken Seiber	Henn Law Firm
DAN GOODMAN	SRS

**SENATE WAYS & MEANS
COMMITTEE
KDFA Testimony on HB 2949 & HB 2956
March 22, 2006**

Mr. Chairman, Committee Members, thank you very much for the opportunity to discuss proposed amendments to the Water State Revolving Loan Fund Statutes as reflected in House Bills No. 2949 and 2956.

I am Steve Weatherford, President of Kansas Development Finance Authority, and am here today on behalf of KDFA and KDHE requesting legislative consideration of amendments to K.S.A. 65-163e of the Public Water Supply Revolving Loan Fund act, as proposed in HB No. 2949, and an amendment to the correlating statute K.S.A. 65-3322, of the Kansas Water Pollution Control Revolving Fund act, as proposed in HB No. 2956, to allow for the cross-collateralization of certain funds of the Kansas Water Pollution Control Revolving Fund and the Kansas Water Supply Revolving Loan Fund. We draw your attention to the fact that HB No. 2949 and HB No. 2956 are companion bills and each must be passed in order to implement the proposed cross-collateralization strategy.

KDHE and KDFA administer the State Revolving Fund water programs to provide below market rate loans to municipalities and political subdivisions across the state to facilitate necessary improvements to water infrastructure systems.

Congress and the EPA have established authorization for cross collateralization between the water infrastructure programs so that states may combine the assets of state revolving funds as security for bond issues to enhance the lending capacity of one or both SRFs.

Cross-collateralization permits leveraged State Revolving Loan Funds to enhance lending capacity per federal grant and state match dollar, by helping to achieve better programmatic ratings, through diversification of the loan pools and reserve funds. The reserves of each SRF program, in effect serves as credit enhancement for the other program, increasing the strength and borrowing capacity of each program. The enhanced stability of each program results in lowered costs of borrowing for both programs.

At least 17 other states that operate similar water infrastructure state revolving loan fund programs have already implemented cross-collateralization structures to strengthen their programs. Surrounding states which permit cross-collateralization include Colorado, Illinois, Iowa and South Dakota, Indiana and Michigan, Minnesota and Ohio.

KDFA and KDHE believe that the inclusion of cross-collateralization capabilities is an important step in the evolution of the Kansas SRF Programs. It is becoming increasingly important for the managers of these programs to identify new financial techniques to add value to these programs, as Congress and the Administration reduce the amount of federal dollars allocated to the SRF programs.

Bonds issued on behalf of the SRF programs are never obligations of the State, and are solely obligations of the municipal borrowers of the Programs. KDFA and KDHE at this time, request legislative consideration of the amendments as proposed in House Bills Nos. 2949 and 2956 to K.S.A. 65-163e and K.S.A. 65-3322, respectively, to permit use of this important financial mechanism.

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03-22-06
Attachment*



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony to
SENATE WAYS AND MEANS COMMITTEE
On House Bills 2949 and 2956
Presented by Rodney Geisler
March 22, 2006

Chairperson Umbarger and Committee Members, KDHE is pleased to appear in support of House Bills 2949 and 2956. KDHE and KDFEA administer two revolving loan programs, known popularly as the Kansas Public Water Supply Loan Fund and the Kansas Water Pollution Control Loan Fund, to provide below market interest rate loans to Kansas municipalities for construction of water and wastewater infrastructure.

Passage of both bills allows the assets of one Loan Fund to be used as a source of security to assure repayment of revenue bonds issued by the Kansas Development Finance Authority on behalf of the other Loan Fund. This concept, cross collateralization, provides an additional guarantee to bondholders that their investments will be returned as promised, and we anticipate reduced borrowing costs as a result.

Your favorable consideration of these bills is requested.

MEMORANDUM

To: Chairman Umbarger
Members of the Ways and Means Committee
From: Eric K. Rucker, Senior Deputy Attorney General
Date: March 22, 2006
Re: Written Testimony/Senate Ways and Means Committee/Substitute for
Senate Bill 239

The Kaufman Case has spurred a great deal of debate regarding how the State of Kansas could improve sharing of information between agencies regarding the investigation and prosecution of those who would abuse citizens with disabilities.

Substitute for Senate Bill 239 would provide the Attorney General greater access to pertinent records maintained by other state agencies dealing with allegations of abuse. This heightened transparency would likely increase the efficiency of investigators seeking to uncover information of criminal activity against those with disabilities.



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Testimony to the
Senate Committee on Ways and Means
Testimony in Support of SB 239 (Abuse, Neglect & Exploitation Unit)

March 22, 2006

Chairman Umbarger and the honorable members of the Committee, my name is Michael Donnelly. I am the Director of Policy & Outreach for the Disability Rights Center of Kansas. The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As the state designated protection and advocacy system for Kansans with disabilities our task is to advocate for the legal and civil rights of persons with disabilities as promised by federal, state and local laws, including representing persons with disabilities who experience abuse, neglect or exploitation and are seeking civil remedies as a result.

Attorney General Phill Kline and DRC proposed SB 239 in the wake of the arrest and indictment of Arlan and Linda Kaufman for horrific abuse, neglect and exploitation of Kansans with mental illness that were in their care. Specifically, Attorney General Kline and DRC proposed SB 239 to address the lack of a dedicated and focused state effort to bring justice on behalf of not only the Kaufmans' victims, but all other Kansans with disabilities who are abused, neglected or exploited. SB 239 replicates the victim-focused way in which DRC and the Attorney General got into the Kaufman house and helped obtain the first taste of sweet justice for the victims, builds on that success and institutionalizes that victim-focused model into the way that protective services are provided. Currently the State of Kansas does not focus on nor target resources to hold accountable the perpetrators of abuse, neglect and exploitation of persons with disabilities. SB 239 would rebalance and refocus the system to obtain justice for victims with disabilities, including seniors with disabilities, through criminal or civil prosecution. SB 239 is not a line item Appropriations Act. SB 239 is enabling legislation that establishes the mechanism by which a Unit that focuses on criminal and

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Attachment 4

civil prosecution of the perpetrators of abuse, neglect or exploitation will be established. The enabling legislation and mechanism in SB 239 is identical to the way that the Legislature created the access to justice program, which provides legal services to poor Kansans through Kansas Legal Services, as well as legally based domestic violence advocacy programs through domestic violence shelters, etc. The Unit, like these and other state initiatives, is subject to future appropriations and future Legislator's hands are not tied by SB 239.

When enacted, SB 239 will close the glaring gaps in the current protection system for Kansans with disabilities. As was pointed out vividly before this Committee last Wednesday, these gaps helped enable the Kaufmans to get away with their abuse and run house of horrors for over 20 years. Additionally, these gaps are still in existence today and they put the over 300,000 Kansans with disabilities at risk of abuse, neglect and exploitation. These gaps include:

- Inability to Investigate - The inability of state-run protective services to conduct effective investigation when you have hostile or uncooperative guardians, or when the victim is coerced or under the control of their abuser.
- No Effective Coordination - The state does not have an effective coordination mechanism for the different protective systems to obtain justice for the victims of abuse, neglect or exploitation.
- No Dedicated Resources to Obtain Justice - Kansas does not direct any state funding specifically for criminal and civil prosecution of perpetrators of abuse, neglect or exploitation against Kansans with disabilities (other than very minor niche funding in the Attorney General's office). Over half of the States provide resources to their state-designated protection and advocacy systems. Kansas is in the minority and does not.
- Turning the Key the Whole way to Open the Door of Justice for Victims – The Unit will provide turn-key services that refocuses efforts on getting justice for victims with disabilities who are abused, neglected or exploited. The current protective services can only “turn the key” part of the way. The Unit will provide focus on the needs of victims and fill the missing gaps that prevent them from obtaining justice (effective investigations in the hard to get into abusive situations, criminal & civil prosecution, etc.), all without creating a new agency.

Kansas has the same basic protective services model which focuses on bureaucratic responses as when Kansans with disabilities were housed in a handful of large institutions. Kansans with disabilities are now served in group homes and community settings in all 105 Kansas Counties. SB 239 offers the 2006 Kansas Legislature the opportunity to bring its protection system for citizens with disabilities up to date and viable for the 21st century.

Historical Background

Arlan and Linda Kaufman began operating their Kaufman Treatment Center group homes full time in 1985. Mr. Kaufman was a licensed Ph.D. social worker and his wife was a registered nurse. Mr. Kaufman had practiced and taught social work for years in Newton.

According to evidence presented at trial, the Kaufman's began abusing the residents of their group homes from the beginning. As time went on the abuses worsened and became more bizarre. The kinds of abuses presented at trial included sexual abuse, medical neglect, financial exploitation, forced labor, slavery, and a myriad of other federal charges. At the end of a five week trial the jury found Mr. and Mrs. Kaufman guilty of 32 and 31 counts respectively.

Beginning February 2004 a six (6) month process of investigation, fact gathering and collaboration brought down the Kaufman houses and their rein of terror. Frustrated by the 20 year lack of progress of the state's primary protection agencies Attorney General Kline reported the abuses occurring at the Kaufman Treatment Center to DRC. Under its authority in 42 U.S.C. 10805 DRC began its investigation of the activities taking place at the Kaufman's group homes.

By May 2004 DRC had collected the facts necessary to use its federal authority to access the group homes themselves and the residents living there. Barbara T. asked to be represented by DRC and was removed from the home and placed in a safe and less restrictive setting the following day by DRC. Having learned that Barbara's guardian was Mr. Kaufman himself, DRC filed for emergency change in guardianship on that same day.

After taking a new look at the Kaufman case at the urging of Attorney General Kline the U.S. Department of Justice decided to pursue federal charges against the Kaufmans. This decision was made in large part because they now had access to a victim and willing witness. By coordinating their efforts, DRC, the Attorney General's office and the U.S. Attorney were able to construct the case against the Kaufmans. On Oct 26, 2004 the FBI, local law enforcement, Department of Justice officials and the U.S. Attorney's office raided the multiple properties held by the Kaufmans collecting even more evidence of the crimes they had committed against the residents of their homes, and against taxpayers. DRC was on site during the raid to protect the rights of the group home residents and to ensure that they were placed in the appropriate service systems to meet both their needs and their preferences.

As you know Arlan and Linda Kaufman were indicted shortly after the raid and just about a year later convicted. In January 2006, the Kaufman's received their prison sentences. The Kaufman's houses of horror have been closed since Oct 26, 2004.

DRC and the staff of the Kansas Attorney general were integral partners in bringing the Kaufmans to justice. Throughout the investigation and trial, DRC and attorney General Kline's staff worked closely to ensure that justice was brought to the victims. Shortly after the Kaufman houses were closed and the residents taken to safety DRC and the Attorney General began exploring the flaws in the current protection system and to design a new system of protection that protects the interests of the victims of abuse, neglect and exploitation with an eye toward criminal and civil justice. SB 239 is the result of that work and would replicate systemically the success achieved in the 6 months spent investigating and preparing to prosecute the Kaufmans.

SB 239 Closes Gaps and Opens Opportunities for Justice

As stated above, SB 239 is enabling legislation that establishes the mechanism by which a unit that focuses on criminal and civil prosecution of the perpetrators of abuse, neglect or exploitation will be established. This legislation empowers the state to close the gaps in the protection system that have been identified as a result of the Kaufman case. This legislation shifts the focus from the serving the bureaucracy through "complete the checkbox forms" investigations and referrals to a system that seeks swift and real justice for victims of abuse, neglect and exploitation.

Learning from the Kaufman Tragedy - Closing the Gaps:

- 1. Inability to Investigate - The inability of state-run protective services to conduct effective investigation when you have hostile or uncooperative guardians, or when the victim is coerced or under the control of their abuser.*

SB 239 brings the federal investigative powers of the protection and advocacy system (DRC) to bear in investigations that are blocked by guardians or other abusers that lawfully impede the other state protective services, e.g., SRS Adult Protective Services (See chart outlining differences between SRS and DRC investigative powers). The Unit empowered by SB 239 has the powers and resources to fully investigate and prosecute perpetrators regardless of guardians who do not cooperate and other situations that currently impede investigations.

- 2. No Effective Coordination - The state does not have an effective coordination mechanism for the different protective systems to obtain justice for the victims of abuse, neglect or exploitation.*

SB 239 provides the mechanism to bring together all state protective services for people with disabilities together in a singular effort to both protect people with disabilities and to prosecute their abusers. As the leader of the Unit and the Chief Law Enforcement Officer, the Attorney General will have the ability to bring together the various protective services (e.g., DRC, SRS, KDOA, and KDHE) as well as the KBI, law enforcement, local prosecutors, etc., to ensure effective investigations, effective referrals to law enforcement, effective criminal prosecution, effective civil prosecution and effective efforts to protect the victims of abuse neglect and exploitation. The Attorney General and DRC have already had successful meetings with the different players in the protective services, and have received commitments that they will all participate in this effort and fully collaborate. By bringing all of the protective systems together, the Attorney general can facilitate access to local law enforcement and prosecutors in order to move more cases toward real justice for victims. The protective system partners will also have a ready civil prosecution team with the highest-level of access authority to conduct effective investigations in DRC that can enhance investigations and represent victims of abuse to pursue civil remedies on behalf of victims. SB 239 does not create a new state agency. It does create the mechanism and focus to coordinate and collaborate for the state's interest in protecting Kansas' most vulnerable citizens.

- 3. No Dedicated Resources to Obtain Justice - Kansas does not direct any state funding specifically for criminal and civil prosecution of perpetrators of abuse, neglect or exploitation against Kansans with disabilities (other than very minor niche funding in the Attorney General's office).*

SB 239 is enabling legislation that establishes the mechanism by which a Unit that focuses on criminal and civil prosecution of the perpetrators of abuse, neglect or exploitation will be established. Over half of the States provide resources to their state-designated protection and advocacy systems. Kansas is in the minority and does not. Without a legislative commitment that brings focus to the issue of abuse, neglect and exploitation of Kansans with disabilities the current antiquated, patchwork quilt style of protective services system will continue to breed and enable new perpetrators of horrific acts like Arlan and Linda Kaufman. The current only serves to abandon the very citizens the state is supposed to protect.

- 4. Turning the Key the Whole way to Open the Door of Justice for Victims – The Unit will provide turn-key services that refocuses efforts on getting justice for victims with disabilities who are abused, neglected or exploited.*

The combination of focus, coordination, and improved investigatory abilities will result in swift and effective justice for victims of abuse, neglect and exploitation. By establishing and empowering the Abuse, Neglect and Exploitation Unit then victims will bring to bear the resources of entire protection system to find them safety and real justice. A focused, coordinated and improved system can assure that no stone is left unturned in seeking justice for the victims. The prior briefing received by the Committee showed how the current system can only “turn the key” part of the way, and it cannot get justice for victims with disabilities (inability to conduct effective investigations, focus, etc.). This new way of doing business ensures that each victim has the ability to turn the key to the door to justice the whole way and opening the doors to freedom, safety and life without the fear and pain of abuse, neglect or exploitation.

Conclusion

As the attached case examples show, the opportunity for horrible abuses against Kansans with disabilities did not end when the Kaufman house was shut down.

SB 239 legislation brings focus, coordination, resources and the ability for the state to turn the key completely and open the door to justice for those who experience abuse, neglect or exploitation. It is important to note that the above gaps in the system that perpetuated the Kaufman’s house of horrors and continue to put Kansans with disabilities at risk were identified over the past year by discussions with the key agencies involved in delivering protective services. SB 239 replicates the successful model of cooperation and collaboration exhibited in the six (6) months that finally brought the Kaufman house down and provides the enabling legislation and mechanism to help prevent future tragedies.

By passing SB 239, the Legislature will provide real and effective protections for Kansans with disabilities and ensure more certain and swift justice in the future. Passing SB 239 cannot take back the 20+ years of problems at the Kaufman house and it cannot give back the victims those lost years or make them whole. However, passing SB 239 will allow the Kansas Legislature to write the final chapter of this tragedy with a new and promising ending ... one that learns from past mistakes, fixes the gaps in the system and refocuses the future protective services efforts to serve the needs of the victims and not just the needs of the bureaucracy.

Case Examples of Abuse, Neglect and Exploitation

At last weeks briefing, members of the House Federal and State Affairs Committee requested information on some other cases involving facilities or homes that have had significant reports of abuse, neglect or exploitation. The protective services agencies receive more than 10,000 reports of abuse, neglect or exploitation annually. Below are several examples of cases DRC has investigated, or is actively investigating. These are just a few of the examples that DRC is familiar with ... and this is without an Abuse, Neglect and Exploitation Unit and without HB 2306 being passed into law.

Kansas Nursing Facility – 30 year history of resident preying on and raping others:

Please note that this particular facility has had significant deficiencies reported over the years with many, many findings of abuse and neglect. This facility continues to be licensed by the state after years of problems and even after the horrific and atrocious abuse and neglect detailed in this summary. That is because the current system focuses on responses that serve the bureaucracy, like licensure, citations, corrective plans of action, etc. That system does not focus on obtaining justice for the individuals who have been wronged.

A nursing facility failed to protect its residents from being anally raped by another resident even though staff at the facility knew that the male resident who was the perpetrator had a 30+ year history of being a sexual predator against other men who have cognitive impairment. The evidences shows that the perpetrator resident was having forced and unconsensual sodomy of several residents of the facility over a period of time. The facilities own records and files on the perpetrator show a well documented 30 year history of inappropriate sexual behavior and forced anal rape of low functioning male peers. In short, this perpetrator had a 30 year history of preying on low functioning men, of controlling them, and of raping them. The facility knew this, it was clearly spelled out in his records, yet the facility recruited this individual from Larned State Hospital and according to state licensing inspectors, the facility did not take steps to protect the other residents from this known sexual predator.

These are some additional examples of multiple violations listed in multiple survey reports completed by state licensing officials on this same facility. All of these deficiency citations are considered violations of residents' rights to proper care and treatment and to be free from abuse, neglect and exploitation. This is a text book example of how the current system focuses on the bureaucratic response and not the needs of the victims to obtain justice. This facility is still open today. And even if it were closed down, how would that action get justice for the low functioning adults who were not protected from being rapped by a known sexual predator.

11/8/04 Survey:

- *Staff did not ensure privacy for opening mail, residents required to open mail in front of staff*
- *Privacy Curtains missing*
- *No private place to make phone calls*
- *Resident eloped to graveyard, not investigated or reported*
- *Incident of one resident hitting another (abuse) not investigated or reported*
- *Resident's personal possessions were taken by staff, the room had no running water and the bathroom and closet were locked*
- *RAPS generic and not done by licensed staff*
- *Residents did not have annually required MDS surveys*
- *Resident with MR not given required specialized services, including toileting*

2/13/04 Survey

- *Failure to report and investigate abuse*
- *Room did not have personal belongings, bathroom locked with clothing, etc. inside, and resident was had to urinate in their room*
- *Care plan for a resident did not say how often to toilet resident, since bathroom locked*
- *Care plan for a resident did not address problems with falls, weakness, balance, even after the person fell or obtained injuries multiple times*
- *Failed to follow doctor order to seek urgent care X-ray for fractured hand*

2/22/05 Survey

- *Resident was diagnosed with colon cancer. Doctor ordered treatment, but facility failed to contact guardian to arrange for treatment. Social worker said guardian was out of the country, however the guardian was not. Records were apparently forged to cover up these mistakes. Life saving treatment was delayed for months.*
- *Resident's bed placed in hallway with no curtain or privacy*
- *Staff, directed by administrator, kept resident out of his room while they cleaned it and threw away his personal property and possessions*
- *Misappropriation of resident's property not investigated or reported*
- *Administrator told resident he would be thrown out because the resident reported a sexual assault. Administrator told the resident that he could call a taxi and go to the rescue mission to live. Resident looked for a phone to call taxi.*
- *Administrator did not want a resident screened into a hospital from the facility, called screener and told screener not to discharge resident, even though this*

violated the persons legal rights and further violated the requirement of discharge planning.

- Administrator tried to have resident's home pass revoked to keep him in facility.

Eastern Kansas ICF/MR:

DRC reviews the surveys conducted for every Intermediate Care Facility for persons with Mental Retardation (ICF/MR). The surveys are conducted by the Kansas Department on Aging to determine whether the ICFs/MR are in compliance with the conditions of participation for Medicare and Medicaid. Recently DRC reviewed a survey that reported serious abuse and neglect of at least four individuals in an eight (8) bed ICF/MR. This example represents the results of only one survey. Without violating confidences, here are some examples of wrongs that have been done to these individuals with developmental disabilities.

J.P. is a person with mental retardation. He is also quadriplegic, nonverbal, and uses a feeding tube. J.P. was left uncovered for hours in a very cold room and was infected with pinworms due to maggots in his feeding tube while under the care of the ICF/MR. A.C. is a person with mental retardation and other disabilities that prohibit her from moving herself independently. She was left unattended in the shower for over an hour with the water hitting her in the face. D.H. is another person with mental retardation. D.H. was restrained between his mattress and his fitted sheet by ICF/MR staff (sheet was basically used as a way to "tie" the person to the bed and immobilize the resident). D.P. was put to bed in soiled clothes and dirty shoes. In another incident, the ICF/MR failed to follow up on recommendations by D.P.'s dentist. When the dentist found 10-15 cavities, he recommended a follow-up surgery. The ICF/MR did not return D.P. to the dentist for almost a year. As a result of the failure of the provider to address this dental care need, D.P. refused to eat and drink, leading to dehydration and lithium toxicity.

Suspicious Deaths in Facilities:

Southeast Kansas Nursing Facility - DRC reviews annual survey reports conducted by the state licensure agencies on a variety of Kansas nursing facilities. In a review of a facility located in southeast Kansas, DRC discovered a probable incident of neglect in which the facility had a resident to lay on the floor for three days during the "down" part of her bipolar cycle. The resident was not provided with adequate water, food or health attention and she went to the hospital with kidney failure and sepsis. She died. DRC immediately asked the facility for the identity and contact information for the resident or her guardian, asserting our federal access authority. The facility denied access for several months. DRC was forced to file against the facility in federal court to enforce

our federal access authority. DRC was successful in gaining access to the facility, records and staff of the facility in order to conduct its investigation.

Group Home - DP was a man with schizophrenia. He was discharged from a local hospital mental health treatment program in an unstable mental condition. A local mental health center placed him in a group home. DP was having seizures. House log notes showed that staff were supposed to call 911 and obtain medical intervention if he had another seizure. DP had numerous seizures over the course of many days with no medical intervention by staff. On February 9, 2005 DP was found dead in his room.

Western Kansas Nursing Facility – The victims was a long-time resident of a state mental health hospital. DRC was initially contacted by his guardian who requested assistance with adequate discharge planning. Appropriate discharge to an NF was obtained. While at the state hospital, the state hospital staff SRS attorney represented the guardian and filed for authority for a Do Not Resuscitate order (DNR). The district court granted the DNR. This DNR was granted under the current flawed law on withhold/withdraw of medical care (HB 2849 and HB 2884 attempt to fix this flaw). The person transferred to a NF in western Kansas. There were many instances of choking documented in his records. Nonetheless, he was denied medical treatment, choked and died. DRC is investigating this incident and the potential abuse and neglect that occurred, as well as what role the DNR may have played in the persons death.

The above examples are only the tip of a very large iceberg that lies under the surface of the cursory reviews the state currently conducts of places that people with disabilities are served in Kansas. These are not the only examples. They do however clearly illustrate the current bias in the system that focuses on the needs of the bureaucracy (licensure, policy manuals, corrective plans of actions, paper work, etc.) and not the needs of the victims to receive justice. All the above facilities are still open and their licenses have not been pulled.

SENATE BILL No. 239

AMENDMENT OPTION to do FULL PROGRAM, PHASED IN, WITHOUT EXCESS DOCKET FEES

By Committee on Ways and Means

9. AN ACT concerning protection and advocacy for Kansans with disabilities;
10. fund established; crediting certain moneys thereto; administration
11. and uses thereof; amending K.S.A. 2004 Supp. 20-367 and repealing
12. the existing section.
13. *Be it enacted by the Legislature of the State of Kansas:*
14. New Section 1. (a) There is hereby established in the state treasury
15. the protection and advocacy for Kansans with disabilities fund. This fund
16. is created for the purpose of coordinating the efforts of the attorney general
17. and the protection and advocacy system for Kansans under an Abuse and
18. Exploitation Unit to advocate and prosecute the criminal and civil wrongs
19. involving the rights of persons with disabilities, including their right to be
20. free from abuse, neglect and exploitation. The moneys credited to the
21. fund pursuant to K.S.A. 20-367, and amendments thereto, shall be used
22. solely for the purpose of ~~making grants for~~ operating expenses ~~to programs~~
23. for the Abuse and Neglect Unit, which protects the rights of persons with
24. disabilities through civil and criminal investigation, advocacy, legal
25. representation and criminal prosecution. Of the moneys credited to the
26. protection and advocacy for Kansans with disabilities fund pursuant to
27. ~~K.S.A. 20-367, and amendments thereto~~, 65% shall be designated to the
28. protection and advocacy system for Kansas for investigation,
29. protection, advocacy and legal representation relating to violations
30. of the civil and legal rights of Kansans with disabilities, including specifically their
31. right to be free from abuse, neglect and exploitation. The remaining 35%
32. of the moneys credited to the protection and advocacy for Kansans with
33. disabilities fund pursuant to ~~K.S.A. 20-367, and amendments thereto~~,
34. ~~65%~~ shall be designated to the attorney general for the investigation and
35. criminal prosecution of crimes relating to the abuse, neglect and exploitation
36. of Kansans with disabilities.
37. (b) All expenditures from the protection and advocacy for Kansans
38. with disabilities fund shall be made in accordance with appropriation acts
39. upon warrants of the director of accounts and reports. Annually, the Abuse
40. and Neglect Unit of the Kansas Attorney General and the state protection
41. and advocacy system shall issue a report to the Kansas Legislature
42. summarizing the services provided to people with disabilities with protection
43. and advocacy for Kansans with disabilities fund dollars and summarizing the
44. programs efforts. ~~issued pursuant to vouchers approved by the chief justice~~
45. ~~of the supreme court or by a person or persons designated by the chief justice.~~
46. (c) The chief justice may apply for, receive and accept money from
47. any source for the purposes for which money in the protection and ad

1. ~~vocacy for Kansans with disabilities fund may be expended. Upon receipt~~
2. ~~of each such remittance, the chief justice shall remit the entire amount~~
3. ~~to the state treasurer in accordance with the provisions of K.S.A. 75-4215,~~
4. ~~and amendments thereto. Upon receipt of each such remittance, the state~~
5. ~~treasurer shall deposit the entire amount in the state treasury to the credit~~
6. ~~of the protection and advocacy for Kansans with disabilities fund, except~~
7. ~~that any moneys received from the federal government shall be credited~~
8. ~~to a separate special revenue fund established for such purpose.~~
9. ~~Sec. 2. K.S.A. 2004 Supp. 20-367 is hereby amended to read as follows:~~
10. ~~20-367. Of the remittance of the balance of docket fees received by~~
11. ~~the state treasurer from clerks of the district court pursuant to subsection~~
12. ~~(f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall~~
13. ~~deposit and credit to the access to justice fund, a sum equal to 5.90% of~~
14. ~~the remittances of docket fees; to the protection and advocacy for Kansans~~
15. ~~with disabilities fund created by section 1 and amendments thereto,~~
16. ~~a sum equal to 5.90% of the remittances of docket fees; to the juvenile~~
17. ~~detention facilities fund, a sum equal to 3.27% of the remittances of~~
18. ~~docket fees; to the judicial branch education fund, the state treasurer~~
19. ~~shall deposit and credit a sum equal to 2.52% of the remittances of docket~~
20. ~~fees; to the crime victims assistance fund, the state treasurer shall deposit~~
21. ~~and credit a sum equal to .67% of the remittances of the docket fees; to~~
22. ~~the protection from abuse fund, the state treasurer shall deposit and~~
23. ~~credit a sum equal to 3.22% of the remittances of the docket fees; to the~~
24. ~~judiciary technology fund, the state treasurer shall deposit and credit a~~
25. ~~sum equal to 5.10% of the remittances of docket fees; to the dispute~~
26. ~~resolution fund, the state treasurer shall deposit and credit a sum equal~~
27. ~~to .41% of the remittances of docket fees; to the Kansas juvenile delinquency~~
28. ~~prevention trust fund, the state treasurer shall deposit and credit~~
29. ~~a sum equal to 1.49% of the remittances of docket fees; to the permanent~~
30. ~~families account in the family and children investment fund, the state~~
31. ~~treasurer shall deposit and credit a sum equal to .25% of the remittances~~
32. ~~of docket fees; to the trauma fund, a sum equal to 1.77% of the remittance~~
33. ~~of docket fees; to the judicial council fund, a sum equal to 1.33% of the~~
34. ~~remittance of docket fees; and to the judicial branch nonjudicial salary~~
35. ~~initiative fund, the state treasurer shall deposit and credit a sum equal to~~
36. ~~21.41% of the remittance of docket fees. The balance remaining of the~~
37. ~~remittances of docket fees shall be deposited and credited to the state~~
38. ~~general fund.~~
39. (c) The Abuse, Neglect and Exploitation Unit, hereafter referred to as "the
40. Unit," shall consist of a collaborative partnership of the Kansas Attorney
41. General's office and the officially designated protection and advocacy
42. system for Kansas. For purposes of this section, the Kansas Attorney
43. General's office and the officially designated protection and advocacy
44. system for Kansas shall have free exchange of information between and

1. among them except as otherwise prohibited by federal or state law. The
2. information obtained and the investigations conducted by the Unit shall
3. be confidential as required by state or federal law. The Unit shall have
4. access to all records of reports, investigation documents and written
5. reports of findings related to abuse, neglect or exploitation of persons
6. with disabilities received or generated by the Kansas Department of
7. Social and Rehabilitation Services, Kansas Department on Aging, Kansas
8. Department of Health and Environment and the State Long-Term Care
9. Ombudsman. Except for reports alleging only self-neglect, the respon-
10. sible state agency receiving reports of abuse neglect or exploitation shall
11. within XXX days forward to the Unit:
12. (i) each report of abuse, neglect or exploitation at the time it is received
13. and upon completion, the investigative reports and/or the written report
14. of findings; and
15. (ii) all incident reports of abuse, neglect or exploitation, incident investi-
16. gation reports and any other reports generated as a result of reports of abuse,
17. neglect or exploitation of persons with disabilities; and,
18. (iii) all licensing surveys, facility surveys, and other reports or surveys
19. required by federal law, rules and regulations, or state law, rules or regula-
20. tions; and,
21. (iv) each report of an investigation in which the state agency was denied
22. the opportunity / ability to conduct and / or complete a full investigation
23. of abuse, neglect or exploitation.
24. (d) On July 1, 2006, \$350,000 shall be transferred from the State
25. General Fund by the director of accounts and reports to the protection
26. and advocacy for Kansans with disabilities fund.
27. (e) On July 1, 2007, \$700,000 shall be transferred from the State
28. General Fund by the director of accounts and reports to the protection
29. and advocacy for Kansans with disabilities fund.
30. (f) On July 1, 2008, and on every July 1 thereafter, \$1,200,000 shall
31. be transferred from the State General Fund by the director of accounts
32. and reports to the protection and advocacy for Kansans with disabilities fund.
33. ~~Sec. 3, K.S.A. 2004 Supp. 20-367 is hereby repealed.~~
34. Sec. 2 4. This act shall take effect and be in force from and after its
35. publication in the statute book.

Lynn, Kaufman House Survivor
Senate Ways and Means Committee in Support of SB 239
March 22, 2006

Mr. Chairman and members of the Committee my name is Lynn and I was a resident at one of the Kaufman houses from 1985 to 1986. I'm here today to tell you my story and ask you to pass SB 239, with the record/report sharing amendment, and to take action because of my experience. But more importantly I'm here today to talk for my friends who were not as lucky as me and cannot be here because they were abused by the Kaufmans, some for more than 20 years.

I spent nearly half of my time the Kaufman group home in the locked seclusion room. I was required to stay in seclusion for up to a week at a time. I was naked and forced to sleep on the floor with only a piece of carpet for a blanket. All of the windows in the room were boarded up so I could not see out, and no else could see into the room. I was forced to use a wastebasket for a bathroom. I was terrified there would be a fire and no one would let me out of that room. The Kaufman house was truly a house of horrors.

Like the other residents I was under the total control of the Kaufmans. They made me believe that I was a danger to myself and that's why I was required to be naked and stay in the seclusion room. Now I know that he kept me locked in there for other reasons too. He threatened me that if I didn't comply with his demands that he would send me to a state hospital or nursing facility. I didn't now that I would have been treated better at those places.

My parents paid the Kaufmans \$1,000 a month for me to live there. The Kaufmans also took my disability checks. Mr. Kaufman convinced my parents that he had to keep me naked in order to keep me safe. He kept telling them that he was the therapist and was doing what was best for me. He justified it by manipulating the truth. Neither my parents no I knew any better. He fooled us all.

I came here today to make sure you knew the whole truth about what happened to me and the others who lived at the Kaufman houses. I can speak for myself but many of the others can't. Their lives have been shattered and they may never recover from what the Kaufmans did to them. Even after all of the years I've been out of that horrible place, I struggle. You are our last hope for justice.

I'm here today to ask you to make sure that neither I, nor anyone else is ever subject to this kind of abuse again. The way to do that is to pass SB 239 and establish a Unit that will finally focus on the needs of people with disabilities who are victims of abuse, neglect and exploitation. The way to do that is to require record and report sharing with that Unit and to provide the first and only dedicated State funding to get victims justice.

Several legislators have offered apologies to me and Nancy as we have been meeting with them and fighting to get the Unit passed. No offense, but I don't want your apologies. Your apologies won't prevent this from happening again. What I want and what people with disabilities need is passage of SB 239, with both record/report sharing and sufficient funding. That will prevent future Kaufman houses and save future people from having to endure what I endured and what my friends endured.

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Nancy, Kaufman House Survivor
Testimony to the Senate Ways and Means Committee
Support of SB 239 and the Abuse, Neglect and Exploitation Unit
March 22, 2006

Mr. Chairman and members of the Committee my name is Nancy and I was a resident at the Kaufman house from March 1986 to March 1987. Although my body left the Kaufman house in March 1987, the memories of that house of horrors still haunts me today.

For over 20 years now I was either a resident of that terrible place or my calls to the State telling them of the horrific things happening at the Kaufman house went unheard or unnoticed. My experiences prove the need for the Abuse and Neglect Unit contained in SB 239. It is nearly impossible to summarize 20 years of pain, anguish and failures by the State ... I timed myself and this testimony is 8 minutes long. Here is my best effort based on the public record and my own experiences:

- March 1986 – March 1987 – I was a resident of the Kaufman house. I was forced to live in terrible conditions and was abuse and neglected. I was forced to be naked with nothing to cover myself up with in a locked seclusion room for up to 3 weeks at a time. The locked seclusion room had no furniture and the windows were boarded up. The terrible and bizarre things that you read about in the paper – how people with mental illness were directed and forced to do terrible sex acts to themselves and to each other under the label of “therapy” all while Mr. Kaufman video taped it for his sick, twisted pleasure – this all started to happen when I lived there ... the only difference was that he didn’t videotape it when I was at Kaufman house.
- July 1988 – I reported to SRS the terrible things that happened at the Kaufman house. I told SRS about the abuse and how a resident even died at the Kaufman house. I was the first of four former residents who reported the abuse to SRS. In spite of these first-hand accounts and evidence from former residents, SRS was not able to shut down the Kaufman house or get anyone out of that terrible place.
- From 1984 to 2004 over 10 reports were made to SRS and the State over a 20 year period of the horrific abuse that was happening at the Kaufman house. In spite of this evidence, SRS did not get any of the residents out of the Kaufman house.
- February 2004 – the Kansas Attorney General was frustrated with the State agency’s lack of effort, and so he contacted the Disability Rights Center of Kansas (DRC). DRC has special powers to get into places like the Kaufman house. DRC starts an investigation into the Kaufman house and gathers facts.
- May 2004 – DRC completes its investigation. DRC uses its special powers to get into the Kaufman house and talk to the residents without Mr. Kaufman being able to stop them. One of the residents, my friend Barb, tells DRC that she wants out of the Kaufman house. DRC attorneys immediately begin representing her and they immediately went to court to get her out of the Kaufman house. DRC gets Barb out that same day, and she finally escapes from that terrible place. The federal government has their first witness free from the Kaufman’s influence.
- May 2004 to October 2004 – DRC works with the Kansas Attorney General and federal authorities on the Kaufman case. Federal prosecutors begin building their case against the Kaufmans.

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- October 2004 to January 2006 – The Kaufman house is raided. Arlan and Linda Kaufman are arrested. DRC accompanies the FBI and DOJ in their raid and arrest of the Kaufmans. DRC attorneys are appointed by the court to provide support to the victims to ensure that their rights are protected and proper services and supports are provided (housing, mental health care, etc.). The Kaufmans are convicted and sentenced on charges ranging from involuntary slavery/servitude of persons with mental illness, to defrauding taxpayers and billing Medicare for so-called “therapy,” mail fraud, conspiracy, etc.
- March 22, 2006 – Senate Ways and Means hears SB 239, a bill that will prevent terrible places like the Kaufman house from ever happening again.

This timeline and my own experience proves four things:

1. That the Disability Rights Center got done in 6 months what State agencies like SRS could not get done in over 20 years.
2. That the State and SRS are not equipped to serve the needs of the victims and to get justice for them. SRS and the other agencies serve the needs of the bureaucracy and the needs of the State (licensure, regulations, etc.). A citation on a licensure report does not get justice for a victim of abuse and neglect. Only DRC has the special power under federal law to get into places like Kaufman house. The problem is they don’t have the state funding to do it. Over half the states provide funding to their versions of DRC ... Kansas does not. That must change.
3. This complete lack of focus on the needs of the victims is why we absolutely need SB 239 and this Abuse, Neglect and Exploitation Unit. The State currently provides no funding to go after the bad guys like the Kaufmans, and no state funding to get justice for victims. If State would have had this Unit back in 1988 when I told SRS, the Kaufman house would have been shut down quickly and Kaufman would have been stopped. DRC’s actions that shut down the Kaufman house in just six months prove that.
4. That every report of abuse and neglect against people with disabilities that SRS and other State agency’s get must be forwarded to the Unit so that they can look at it through the victim’s eyes and get justice for the victims. If the over ten reports of abuse at the Kaufman house, including my own report, would have been forwarded to a Unit that had the state funding to get justice for victims, Kaufman house would have been shut down years ago.

You can’t give me back the last 20 years of my life. You can’t give the other victims of the Kaufman’s abuse the over 25 years of their lives back. What you can do is pass SB 239, establish the Unit, make the other State Agencies share records/reports, and provide funding to prevent future Kaufman houses. I went to all the right State agencies and all the right places in the 1980s and reported the abuse at the Kaufman house. Nothing happened. Today I am before this Committee because you are the only ones that can do something about this. Arlan and Linda Kaufman have been sentenced to prison but that alone doesn’t give me justice. I will not know justice, or closure, until I see the Unit passed into law, with record sharing and funding to get justice for future victims ... to make sure that this never happens to anyone again.

Time is extremely short. I don’t get all this Legislative deadline stuff, but I know you have to get this bill passed by the full Senate no later than Friday, which is why you need to work the bill today and pass it out with the record and report sharing. Please do the right thing.



Kansas Commission on Disability Concerns

Testimony to the Senate Ways & Means Committee
SB 239; AN ACT concerning protection and advocacy for Kansans with disabilities;
fund established; crediting certain moneys thereto; administration and uses thereof.

March 22, 2006

Chairperson Umbarger and members of the committee, I am Kerrie Bacon, Legislative Liaison for the Kansas Commission on Disability Concerns (KCDC). We are charged with providing information to the Governor, the Legislature, and to State agencies about issues of concern to Kansans with disabilities (K.S.A. 74-6706).

The Kansas Commission on Disability Concerns urges you to support SB 239. This bill establishes funding for investigation, advocacy, legal representation, and criminal prosecution to protect the rights of persons with disabilities. We would also support an amendment that would allow access to necessary reports in order to respond thoroughly and quickly to alleged allegations of criminal or civil wrong doing involving the rights of people with disabilities.

The commission is supportive of this bill and encourages you to recommend it favorably for passage to the full Senate.

Thank you for your time.

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State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th

Topeka, Kansas 66612-1507

(785) 296-2256

Testimony before Senate Ways and Means Committee
On Senate Bill No. 239

Jerry Sloan

March 22, 2006

I appear today on SB 239 concerning the creation of the Protection and Advocacy for Kansans with Disabilities Fund. Grants would be made from this fund for operating expenses to programs which protect the rights of persons with disabilities through civil and criminal investigation, advocacy, legal representation, and criminal prosecution. All expenditures from this fund would require prior approval from the Chief Justice of the Supreme Court.

While I take no position on the general concept of the bill, I do oppose the Judicial Branch's involvement in the grant process. We believe it would be more appropriate for some other entity to be responsible for making grants since many of the disputes, either criminal or civil, will end up in the court system for resolution.

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Kansas Department of

Social and Rehabilitation Services

Gary Daniels, Secretary
For additional information contact:

Senate Ways and Means Committee
March 22, 2006

SB 239- Protection and Advocacy Fund

John Badger, Chief Counsel
296-3967

Public and Governmental Services Division
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**Kansas Department of Social and Rehabilitation Services
Gary Daniels, Secretary**

Senate Ways and Means Committee
March 22, 2006

SB 239- Protection and Advocacy Fund

Chairman Umbarger and members of the committee, thank you for the opportunity to provide input on SB 239. This bill creates funding for use in advocating and prosecuting criminal and civil actions against those who abuse or neglect persons with disabilities. The funding would be used to enhance the efforts of the Attorney General's office and the protection and advocacy system for disabled Kansans, primarily administered through the Disability Rights Center (DRC).

SRS provides adult protective services to help safeguard the well being and general welfare of adults (age 18 and older) in need of protection from abuse, neglect, exploitation or fiduciary abuse. SRS social workers investigate reports and provide protective services to adults, including elderly and disabled adults, who reside in the community and in facilities licensed/certified by SRS.

Over 5,000 instances of abuse, neglect, exploitation and fiduciary abuse were investigated in FY 2005. Nearly 1,200 of these cases were confirmed; 75 percent of these were confirmed for self-neglect. Less than 10 percent of investigated cases are referred to law enforcement. An equal proportion of investigations involve individuals over and under the age of 60. The Department works with numerous partners including law enforcement, local attorneys, prosecuting attorneys, Area Agencies on Aging, Community Mental Health Centers, local medical providers, and community organizations and advocates to investigate and offer protective services .

We support the concept proposed in this legislation and view it as an enhancement to the current system to protect vulnerable adults. Development of a system that offers a strong link to civil and criminal prosecution of cases confirmed of abuse, neglect, or exploitation provides an additional resource to staff.

SRS has developed a collaborative relationship with both the DRC and the Attorney General's office as we work towards the common goal of improving the safety of vulnerable adults in Kansas. If this bill is enacted, a more formalized documentation of the partnership will be needed to further define roles and prevent duplication of effort.

Thank you for the opportunity to support this bill.



1-800-928-LIFE (5433) www.kfl.org

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Wichita, KS 67214
(316) 687-5433

Legislative Office
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Topeka, KS 66612
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K.C. Regional Office
7808 Foster
Overland Park, KS 66204
(913) 642-5433

PROPONENT, SB 239

Written Testimony submitted March 22, 2006

Senate Committee on Ways and Means
Chairman Dwayne Umbarger

Kansans for Life, an affiliate of the National Right to Life Committee, supports SB 239, a bill enabling funding of advocacy and protection of the disabled in Kansas.

The Kaufman house is a shameful chapter in Kansas history which has not yet been corrected. Guardians with conflicts of interests not only can make life a living hell for their wards, they are allowed under Kansas law to end the life of disabled wards who need any (broadly defined) artificial medical assistance.

For several years, Kansans for Life has testified to the Kansas House that due process ought to be obtained before life-saving medical treatment is ordered terminated for the disabled. We have testified this session in support of several bills addressing such protection of the disabled: HB 2849, HB 2884, and SB 240.

Today, because citizens with disabilities are located in residential situations in all 105 Kansas counties, the reporting, investigating and litigating of individual cases is more daunting than in the days when the disability community was housed in a half dozen state institutions. We are convinced Kansas needs an effective statewide program of investigation and prosecution of those who abuse and exploit citizens with disabilities.

To that end, we support funding a protection and advocacy system that partners the Kansas Attorney General's office and the Disability Rights Council. We urge this committee to pass SB 239 out of committee.

Thank you.
Kathy Ostrowski,
State Legislative Director,
Kansans for Life



Kansas Affiliate of the National Right to Life Committee

With over 50 chapters across the state of Kansas

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