

MINUTES OF THE HOUSE AGING AND LONG TERM CARE COMMITTEE

The meeting was called to order by Chairman Bob Bethell at 3:30 p.m. on March 10, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Sydney Carlin- excused

Committee staff present:

Doug Taylor, Office of the Revisor of Statutes
Terri Weber, Kansas Legislative Research
Kelly Navinsky-Wenzl, Kansas Legislative Research
Judith Holliday, Committee Assistant

Conferees appearing before the Committee:

Joann Corpstein, Chief Legal Counsel, Kansas Department on Aging
Marla Rhoden, Director, Health Occupation Credentialing, Kansas Department of Health and Environment
Debra Zehr, President, Kansas Association of Homes and Services for the Aging (KAHSA)
Irv Hoffman, President, Silver-Haired Legislature
Dave Schroeder, Special Agent, Kansas Bureau of Investigation

Written testimony only:

Cindy Luxem, Chief Operating Officer, Kansas Health Care Association
Kent Cornish, President/General Manager, Kansas Association of Broadcasters
Terri Griffiths, Vice President, Patient Services/Chief Nursing Officer, Anthony Medical Center

Others attending:

See attached list.

Hearing on HB 2323 - Adult care homes, home health agencies; employees; criminal history information.

Chairman Bethell opened the hearing on **HB 2323** and asked Staff to explain the provisions of the bill. The bill covers the types of crimes and exceptions, adds the word "theft," and removes "felony conviction" from the language. It requires the Kansas Bureau of Investigation to report when background checks are required. One provision prohibits persons from operating a nursing facility if they know an offender is employed at that facility.

Joann Corpstein, Chief Legal Counsel, Kansas Department on Aging (KDOA), testified as a proponent of **HB 2323**. (Attachment 1) Ms. Corpstein explained that felony theft had been added to the list of crimes that have a five-year ban. This means that if a non-licensed person applies for a position at an adult care home or health agency and that person has a felony conviction, a minimum of five-years must have passed since the imposed sentence has been completed.

Ms. Corpstein testified that prosecution of abuse, neglect and exploitation of adult care home residents are part of the regulatory responsibilities of KDOA. She stated that KDOA supports the amendments that would allow operators of adult care or home health agencies to request background checks on licensed registered staff and volunteers. This changes the current statute wherein only non-licensed staff is required to have background checks.

Marla Rhoden, Director, Health Occupation Credentialing, Kansas Department Health and Environment (KDHE), testified as a proponent of **HB 2323**. (Attachment 2) Ms. Rhoden told the Committee that the Governor's Council on Abuse, Neglect and Exploitation added theft to the list of prohibiting convictions in its final report in 2007. The Kansas Department on Aging was the agency identified to implement this recommendation, and the Kansas Department of Health and Environment would administer the criminal record check program. Ms. Rhoden stated that passage of this bill would result in 150 additional notices of prohibition for individuals seeking employment in adult care homes or home health agencies.

CONTINUATION SHEET

Minutes of the House Aging and Long Term Care Committee at 3:30 p.m. on March 10, 2009, in Room 711 of the Docking State Office Building.

Ms. Rhoden testified that language added to the bill would allow adult care homes and home health agencies to submit criminal record check requests. The on-line option is available now which would automatically forward the names to the KBI for the criminal history check and would make the process more efficient.

Debra Zehr, President, Kansas Association of Homes and Services for the Aging (KAHSA), testified as a proponent of **HB 2323**. (Attachment 3) Ms. Zehr testified that **HB 2323** is an improvement in the existing criminal records check statute, and although criminal record checks are not foolproof, if done in conjunction with careful interviewing and supervision they can reduce the risk of harm to residents of care facilities.

Written testimony as proponents of **HB 2323** was submitted by Cindy Luxem, Chief Operating Officer, Kansas Health Care Association (Attachment 4); and Terri Griffiths, Vice President, Patient Services/Chief Nursing Officer, Anthony Medical Center. (Attachment 5)

The Chairman closed the hearing on **HB 2323** and told the Committee they would be working the bill at Thursday's meeting.

Hearing on SB 148 - Kansas silver alert plan.

Chairman Bethell opened the hearing on **SB 148**. He asked Staff to explain the provisions of the bill.

Irv Hoffman, President, Silver-Haired Legislature, testified as a proponent of **SB 148**. (Attachment 6) Mr. Hoffman told the Committee that the elderly make up the fastest-growing segment of the U.S. population, and the number of Americans living with Alzheimer's and other cognitive impairment is expected to triple by 2050. He stated that about 60 percent of these patients wander away from home or care facilities, with about half of those who are not found within 24 hours suffering serious injury or even death.

Eleven states have implemented Silver Alert programs modeled after the Amber Alert programs now used in all fifty states. The Amber Alert is designed to alert the public, law enforcement, and radio and television stations of a child abduction, which is a felony offense. The Silver Alert programs are targeted for adults with Alzheimer's disease or other forms of dementia.

Mr. Hoffman explained that only law enforcement can activate a Silver Alert. Local law enforcement will take a report, issue a Silver Alert if the criteria are met, and notify whether the person is driving a vehicle. According to the Alzheimer's Association, most of the persons who go missing are found within a quarter-mile of their place of residence or last location seen.

When a Silver Alert is given, the public can play an important role by making note of the description of the person and any other information provided, and if they see the person they should immediately call 911. Media outlets have the option on whether to broadcast Silver Alert information.

Dave Schroeder, Special Agent, Kansas Bureau of Investigation (KBI), testified as neutral on **SB 148**. (Attachment 7) Mr. Schroeder stated that the bill as written is too broad and does not have language to prevent the Alert from being overused. In response to the question of funding, Mr. Schroeder replied that the KBI is a part of the Attorney General's office and that costs are absorbed by that office.

Written testimony as neutral on **SB 148** was submitted by Kent Cornish, President/General Manager, Kansas Association of Broadcasters. (Attachment 8)

Chairman Bethell closed the hearing on **SB 148**.

The minutes of the March 5 meeting were brought before the Committee for approval. **Representative Fortado made a motion, seconded by Representative Phelps, to approve the minutes as written. The motion carried.**

The meeting was adjourned at 4:10 p.m. The next meeting is scheduled for March 12, 2009.

HOUSE AGING AND LONG TERM CARE COMMITTEE

DATE: 3/0/09

NAME	REPRESENTING
Jim Snyder	SAC
Terri Griffiths	self
Irv Hoffmann	KSHL
Marty Kennedy	KDOA
Maureen Rhoden	KDHE
Kelly Jones	Alzheimers Assoc.
DAVE SCHROEDER	KBI
KEITH PANGBORN	KEARNEY & ASSOC.
Susan Andrews	KDOA
Lovene Bethell	BOGS
Joann Crispin	KDOA
Barb Coxart	KDOA
C Russell	KSAG
K Elson	KSAG
Deborah Merrill	KHPA
Nick Jordan	Capitol Strategies
Debra Zehr	KATTA

PLEASE USE BLACK INK

House Committee on Aging and Long-Term Care
March 10, 2009

House Bill 2323
By Joann E. Corpstein, Chief Counsel
Kansas Department on Aging

Chairman Bethell and members of the Committee, I am Joann Corpstein, Chief Counsel for the Kansas Department on Aging. The KDOA thanks you for this opportunity to express our support HB 2323. HB 2323 proposes to amend the adult care home and home health agency background check statutes by adding felony theft to the list of crimes that have a five-year ban. This means if a non-licensed person applies for a position with an adult care home or home health agency and has a felony theft conviction; a minimum of five years must have passed since the imposed sentence has been completed. Currently, the list of prohibitive and 5-year ban crimes consists of crimes against persons.

Theft is the most prevalent finding on background checks of applicants seeking to work in adult care homes and home health agencies. As part of our regulatory responsibilities, KDOA is responsible for prosecuting abuse, neglect and exploitation of adult care home residents by non-licensed staff. Unfortunately, we do see theft of residents' possessions by non-licensed staff. Adding felony theft to the five-year ban would reduce the number on individuals who have such a conviction from working in an adult care home or home health agency for a minimum of five years since completion of their sentence.

The Governor's Council on Abuse, Neglect and Exploitation also recommended adding theft to the list of prohibitive crimes.

We also support the amendments that would allow adult care homes and home health agency operators the discretion to request background checks on licensed and registered staff and volunteers. Under the current statutes, only non-licensed staff is required to have background checks. This option will allow adult care home and home health agency management additional information when making hiring decisions.

The Kansas Department on Aging respectfully requests the committee act favorably on House Bill 2323. I'll be happy to answer any questions the committee may have.



*Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary*

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

**Adult Care Homes and Home Health Agencies
Criminal Record Check Program**

House Bill 2323

**Presented to the
House Committee on Aging and Long Term Care**

**By
Marla Rhoden
Director, Health Occupation Credentialing
Department of Health and Environment**

March 10, 2009

Chairman Bethell and members of the committee, my name is Marla Rhoden and I am the Director of Health Occupation Credentialing for the Department of Health and Environment. Thank you for the opportunity to appear before the House Committee on Aging and Long Term Care in support of House Bill 2323, which would add felony theft as one of the criminal convictions which prohibits an individual from being employed by an adult care home or home health agency. Felony theft is added to the list of convictions in which the prohibition does not apply if five or more years have elapsed since the applicant satisfied the sentence imposed.

Adding theft to the list of prohibiting convictions is a recommendation of the Governor's Council on Abuse, Neglect and Exploitation, which issued its final report in 2007. The Kansas Department on Aging was the agency identified to implement this recommendation. The Kansas Department of Health and Environment administers the criminal record check program.

Passage of this bill would result in approximately 150 additional notices of prohibition for individuals seeking employment in adult care homes or home health agencies.

Additionally, at the request of the Department of Health and Environment, language was added to the bill which would allow adult care homes and home health agencies to submit criminal record check requests for licensed staff as well as volunteers, while retaining the current exemption from requiring them to do so. There are occasions when facilities include the names of licensed staff when submitting criminal record check

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HOUSE AGING & LONG TERM CARE
DATE: 3/10/09
ATTACHMENT: 2



To: Chairman Bob Bethell, and Members,
House Aging and Long Term Care Committee
From: Debra Zehr, President
Date: Thursday, March 10, 2009

TESTIMONY IN SUPPORT OF HOUSE BILL 2323

Thank you, Chairman Bethell and Members of the Committee. I am Debra Zehr, President of the Kansas Association of Homes and Services for the Aging (KAHSA). We represent 160 not-for-profit nursing homes, retirement communities, hospital long-term care units, assisted living residences, low income housing and community-based service programs that serve more than 20,000 older Kansans every day.

KAHSAS stands in support of House Bill 2323, which constitutes an important improvement in the existing adult care home and home health criminal records check statute. The bill would add conviction of felony theft to the list of convictions that prohibit individuals from employment by adult care homes and home health agencies. According to the Kansas Department of Health and Environment, theft is one of the most prevalent convictions of prospective adult care home and home health employees. We believe that prohibiting felony theft will strengthen the ability of employers to reduce the risk of employing persons who may mean to their residents or clients harm.

The bill would also allow, but not require, adult care homes and home health agencies to submit criminal records check requests for licensed staff and volunteers through the Kansas Department of Health and Environment to the Kansas Bureau of Investigation. This will provide an additional screening tool for employers to use to reduce the risk that persons who routinely come into close contact with residents or clients have not been convicted of crimes against persons or felony theft.

Criminal records checks are not foolproof. However, done in conjunction with careful interviewing and appropriate supervision, criminal records checks help reduce risk to adult care home residents and home health clients.

Thank you for your favorable consideration of House Bill 2323. I may be reached at phone 785-233-0758 ext 111 or by email at dzehr@kahsa.org.

HOUSE AGING & LONG TERM CARE
DATE: 3/10/09
ATTACHMENT: 3



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khca@khca.org E-mail
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kcal ahca

March 10, 2009

Proponent Testimony for HB 2323
Aging and Long Term Care

Mr. Chairman and Committee Members:

On behalf of the Kansas Health Care Association and Kansas Center for Assisted Living membership and residents, I appreciate the opportunity to provide favorable testimony for HB 2323.

We commend the Kansas Department on Aging (KDOA) for putting forth an idea which would allow operators to better protect the security of their residents, belongings, and residents belongings. We would also like to commend the Kansas Department on Health and Environment (KDHE) for acknowledging the requests of providers who wish to do background checks through their department.

Both of the proposed changes to KSA 39-970 are supported by our membership and residents. They will allow our providers to not only respond more quickly to changes in staffing requirements, but also insure that the employees and volunteers that are being hired are of the stature to provide the highest quality care to America's greatest generation.

Thank you for the opportunity to offer support.

Cindy Luxem
CEO, Kansas Health Care Association/Kansas Center for Assisted Living.

HOUSE AGING & LONG TERM CARE
DATE: 3/10/09
ATTACHMENT: 4



Anthony Medical Center

Primary Care Clinic • Outpatient Specialty Clinic • Hardtner Family Physicians • Wellness Center • Home Comfort

1101 East Spring Street • Anthony, Kansas 67003 • (620) 842-5111 • (620) 842-5144

Aging and Long Term Care Committee

Bob Bethell, Chair

Don Hill, Vice-Chair

Sydney Carlin, Member

Owen Donohoe, Member

Geraldine Flaharty, Member

Dolores Furtado, Member

Deena L. Horst, Member

Don V. Myers, Member

Connie O'Brien, Member

Eber Phelps, Member

Scott Schwab, Member

Jerry D. Williams, *R.M. Member

Ron Worley, Member

March 10, 2009

Written Testimony re: HB 2323

Mr. Chair and members of the committee, my name is Terri Griffiths and through this written testimony am representing myself. I reside in Winfield (Cowley County) and work in Anthony (Harper County). I support House Bill 2323 because it provides employers of adult care homes and home health agencies an appropriate and thorough avenue for obtaining background information as a part of their employment process, which in turn protects the individuals in their care. The bill is careful to not attempt to supersede the licensing authority of such agencies as the Kansas State Board of Nursing and the Kansas Board of Healing Arts.

As the vice president of patient services and chief nursing officer at Anthony Medical Center, I have personally faced the difficulties brought by the current shortage of nurses and other health care providers. As a former emergency room nurse, I cared for an elderly woman who was raped at the nursing home where she lived. Consequently, I clearly understand the importance of hiring a qualified workforce while at the same time providing a safe patient care environment.

Thank you for your hard work at protecting those who cannot protect themselves. It is my hope that this bill passes through committee and as a result is voted into law.

Sincerely,

Terri Griffiths

Cell (620) 229-3239

HOUSE AGING & LONG TERM CARE

DATE: 3/10/09

ATTACHMENT: 5

Mission Statement

Anthony Medical Center is dedicated to providing excellence in care to all persons as they strive for individual well-being. We are further committed in our efforts to promote, preserve and restore wellness to the community through a

SB 148 Silver Alert Plan

Testimony by Irv Hoffmann

President Kansas Silver Haired Legislature

With the elderly making up the fastest-growing segment of the U.S. population, police and caregivers will have to spend ever-increasing time and money in coming years to keep tabs on older Americans with Alzheimer's disease, lawmakers and advocates for the elderly warn.

The number of Americans living with Alzheimer's is expected to triple by 2050 — to more than 16 million. About 60 percent of such patients wander away from their homes or care facilities at some point, according to the Alzheimer's Association; about half of those who are not found within 24 hours suffer serious injury or even death.

11 states have implemented Silver Alert Programs. These include California, Colorado, Georgia, Illinois, Kentucky, Louisiana, Michigan, North Carolina, Ohio, Texas, and Virginia.

To help protect an increasing number of citizens with cognitive impairments who are lost, several states have initiated "Silver Alert" programs. Silver Alert programs are modeled after the Amber Alert programs now present in all 50 states. The Amber Alert programs can quickly distribute information about missing persons to law enforcement, radio, and television stations. It is designed to alert the public and law enforcement agencies so that citizens can be on the look out for missing adults. Silver Alert programs are targeted for adults with Alzheimer's disease or other forms of dementia.

Colorado

In February 2007, Colorado's governor signed the Silver Alert program into law, creating an alert program for senior citizens and people with developmental disabilities. Colorado's program requires that the caretakers provide evidence to law enforcement officials of the impaired mental condition. Once the information is verified, the information is sent out to designated media outlets in Colorado including radio stations, television stations, and other media outlets that will issue the alert at designated intervals.

Georgia

Georgia's Silver Alert Program is called "Maddie's Call." The program is for Older Persons with Alzheimer's disease and/or dementia. Maddie's call was established by the Georgia General Assembly in 2006 and provides an emergency missing alert for disabled or elderly persons. Georgia law defines "disabled adults" as individuals who are developmentally impaired or who suffer from dementia or some other cognitive impairment. The Georgia Bureau of Investigations runs the program and several criteria are in place for activation of the call including:

1. A local law enforcement agency believes a disabled person is missing and is in immediate danger of serious bodily injury or death.
2. Through its own investigation, the law enforcement agency verifies the disappearance and eliminates alternative explanations for the disabled person's disappearance.
3. Sufficient information is available to disseminate to the public that could assist in locating the disabled person.
4. The missing disabled person is entered into the National Crime Information Center (NCIC) database.
5. The law enforcement agency must issue a statewide broadcast to law enforcement/911 centers and contact local media regarding the missing person.

Missouri

Missouri has an Endangered Persons Advisory that is similar to the Amber Alert system. The Endangered Persons Advisory is used to develop and coordinate the efforts of law enforcement and the media in order to increase public participation in safely recovering endangered missing person by increased communication and effective resources sharing. The Advisory is used when a person is missing under unexplained circumstances (not just suspicious) and is an at-risk adult or the circumstances fail to meet the criteria for an Amber Alert for a missing child.

Information is disseminated to law enforcement agencies, broadcasters, and the public using the same methods as the Amber Alert with the exception of electronic signs, communication capabilities of private entities, and a portal that allows law enforcement to directly issue and update Alerts to any subscribing individual or agency. The Endangered Person Advisory Program is initiated solely by Missouri law enforcement agencies using the following criteria:

1. Is the person missing under unexplained, involuntary, or suspicious circumstances?
2. Is the person believed to be in danger because of age, health, mental or physical disability, environment or weather conditions?
3. Is the person in the company of a potentially dangerous person or some other factor that might put the person in peril?
4. Is there information that could assist the public in the safe recovery of the person?

Missouri's Endangered Person Advisory is a cooperative effort between the Missouri Department of Public Safety, the Missouri State Highway Patrol, the Missouri Department of Health and Senior Services, the Missouri Police Chiefs Association,

the Missouri Sheriffs Association, and the Missouri Broadcasters Association. Missouri reported that there are no costs associated with the program.

North Carolina - 143B-499.8. North Carolina Silver Alert System established.

North Carolina has a Silver Alert program that was established by the General Assembly to locate individuals suffering from dementia or other cognitive impairments. The North Carolina Silver Alert program is operated through the North Carolina Center for Missing Persons with voluntary participation by radio and television broadcasters and the North Carolina Department of Transportation. The North Carolina model is designed to protect the rights of the missing individual by not releasing specific health information about the missing person that may subject the individual to potential harm, abuse, or exploitations.

The criteria for the North Carolina Silver Alert program are as follows:

1. The person is 18 years or older.
2. The person is believed to be suffering from dementia or other cognitive impairment.
3. The person is believed to be missing-regardless of circumstance
4. A legal custodian of the missing person has submitted a missing person's report to the local law enforcement agency where the person went missing.
5. Law enforcement reports the incident to the NC Center for Missing Persons.

Oklahoma

The Oklahoma House of Representatives passed a resolution calling for a Silver Alert system in 2006 to find missing seniors. As a resolution, the Silver Alert program is not required by law, according to the Department of Public Safety that is responsible for implementing the program. The alert system is issued for patients with Alzheimer's Disease, dementia or other health issues. The key difference in the Amber Alert system and the Silver Alert program in Oklahoma is that the Silver Alert program does not interrupt broadcast programming like the Amber Alert program.

The Oklahoma Department of Public Safety reports that so far the system does not seem to be overused. This was a concern about the program before its implementation. About 10 seniors have been found since that time.

Texas

The Texas Silver Alert is integrated with the Texas AMBER Alert system to make up the Texas AMBER/Silver Alert Network. The program is administered through the Texas Department of Public safety, and is funded through the Office of the Governor, Criminal Justice Division. The Silver Alert system implemented September 1, 2007 is the result of state legislation that Governor Perry signed on May 14, 2007.

The Texas system requires the following:

1. The person must be a senior age 65 or older,
2. The person must have Texas as their primary residence,
3. The person must have a written diagnosis from a medical or mental health professional stating the senior has an impaired mental condition. The disappearance

- must pose a credible threat to the senior's health and safety,
4. The report must be filed within 72 hours of the disappearance, and
 5. There must be sufficient information to disseminate to the public that could assist in locating the missing senior.

Since inception of the Program on September 1, 2007, there have been 31 activations of the Texas Silver Alert Network.

Virginia

Virginia has a Senior Alert Program that is administered through the Virginia State Police. No funding was offered by the state, but the police department offered to absorb the costs of administering the program.

The program is new, so it is too early to report if they have had success stories or if residents are utilizing the service. This was bi-partisan legislation developed by Virginia's Alzheimer's Association chapters and Virginia's Office of the Attorney General.

Issues and Concerns

National Association of State Units on Aging

Several concerns were raised by the state unit directors who completed the survey. The top concern raised by the states was that the alerts would be overused. One state reported that the police in their state "feel as though the families and caregivers repeatedly allow individuals to wander because they know that law enforcement officials will find them." Former New York State Governor Pataki vetoed their silver alert system

with a veto message that indicated that the silver alert system would weaken the Amber Alert system by making the alerts "too common".

Another concern expressed by states was that the cost of the programs would be high. Of the states responding to the survey, however, most of the states indicated that the costs associated with the program were minimal. West Virginia is considering legislation and is anticipating that the initial costs of a Silver Alert Program in West Virginia would be used to establish a photo center at senior centers, and enter the data into a database. Ongoing costs would cover the expense of entering new photos into the database, which could also be done at minimal cost. Protecting the rights of the missing seniors was also a concern raised by several states that fear that the individual's privacy will be violated. The states with Silver Alert systems in place indicated that they had tight controls in place to guard against further exploitation but it was something that needed to be monitored.

Recommendations

The local law enforcement agency is responsible for contacting their local and regional media outlets. The dynamic message signs will be activated regionally or statewide when criteria are met.

What are the criteria?

1. The missing person must be 60 years or older and there must be a clear indication that the individual has an irreversible deterioration of intellectual faculties (i.e., dementia). This must be verified by law enforcement

or;

under extraordinary circumstances when a person age 18 to 59 has irreversible deterioration of intellectual faculties and law enforcement has determined the missing person lacks the capacity to consent, and that the use of dynamic message signs may be the only possible way to rescue the missing person;

2. The law enforcement agency's investigation must conclude that the disappearance poses a credible threat to the person's welfare and safety;

3. If a vehicle is involved and the statewide messaging system is requested, there must be a description of the vehicle, and a tag number to display on the Kansas Department of Transportation dynamic message signs; and

o Local law enforcement must verify vehicle and tag information;

o The law enforcement agency must have entered the missing person into the Information Center and issued a statewide Alert to other law enforcement/911 centers;

4. Local law enforcement has already activated a local or regional Alert by contacting media outlets in theirs and/or surrounding jurisdictions.

How does the Silver Alert get activated?

If you have a loved one missing you should contact your local law enforcement agency immediately. Only a law enforcement agency may activate a Silver Alert. Local law enforcement will take a report, issue a Silver Alert if the criteria are met and in turn, will notify the if the person is driving a vehicle. (Copy of North Carolina Report form is in your packet)

How long does a Silver Alert stay activated?

The Local Law Enforcement Agency will determine the status of the Alert. If road signs are used, they will remain activated for a maximum of 6 hours unless the missing elderly person is rescued, or unless DOT is otherwise instructed.

What is the role of the public during a Silver Alert?

The public can play an important role in the rescue of missing elderly persons with a cognitive impairment. According to the Alzheimer's Association, 95% of persons who go missing in these situations are found within a quarter mile from their place of residence or last location seen. When they hear about a Silver Alert in their area, they should actively make note of the description of the person and any additional information provided. If the public encounters or believes they see the vehicle or the missing person they should immediately call 911 to respond. They should make note of the person's whereabouts, and if applicable, the vehicle tag, direction of travel and location observation (highway/street, city and county).

What is the role of the media?

Media outlets have the option on whether or not to broadcast Silver Alert information. Large audiences can be reached through the media, thereby enhancing

everyone's efforts in safely recovering a cognitively impaired missing person.

Does a caretaker, physician, or psychologist first have to verify or attest that the person has a cognitive impairment?

The reporting party must articulate to the local law enforcement taking the report the fact that the missing person has a diagnosed cognitive impairment. The local law enforcement agency will determine whether the criteria are met.

What are the "extraordinary circumstances" for persons under the age of 60?

Law enforcement has various search and tracking tools to find missing persons. To maintain integrity of the system and not dilute its effectiveness, the road signs will be used primarily for persons with irreversible deterioration of intellectual faculties 60 years and older. However, road signs may be used in rare instances when that is the only viable method to locate a missing person under the age of 60 who otherwise meet criteria.

How does one file a missing person report?

Contact the local law enforcement agency of jurisdiction where the missing person was last seen.

Do you use the EAS, as you do with AMBER Alerts?

No, the EAS is restricted to child abductions, and is not used for any other cases involving missing children. However, just like with Missing Child Alerts, television and radio stations will be notified and the information can be broadcasted to the viewing or listening public.

We have coordinated the Silver Alert proposal with the Kansas Alzheimers Association, Kansas AG Office, Kansas Broadcasters Association, Kansas Bureau of Investigation, JOCO Sheriff's Office, Lenexa Police Department, and several care facilities.

NORTH CAROLINA SILVER ALERT INFORMATION FORM

(Please complete this form and Contact the NC Center for Missing Persons for further instruction at 1(800) 522-5437.)

Reporting Law Enforcement agency: _____

Investigating Detective: _____ Supervisor: _____

Telephone Number: _____ Fax Number: _____

Pager Number: _____ Cellular Number: _____

Date of Notification: _____ Time of Notification: _____

Date of Incident: _____ Time of Incident: _____

Location of Incident: _____

Location Last Seen: _____

(If different from location of Incident)

Direction of Travel:

Possible Destination:

Vehicle Description:

(Make, Model, Year, Color, License Plate Number and State of Issue)

How many individuals are missing _____? For more than one missing person, use additional page(s)

Name: _____
(Last) (First) (Middle) (Nickname)

Gender: _____ DOB: _____ Age: _____ Race: _____ Height: _____ Weight: _____

Hair Color: _____ Hair Length: _____ Eyes: _____

Other Distinguishing Physical Characteristics:

Give clothing description:

(Type, Color, Sleeve Length, Pullover, Buttoned, etc.)

Pants or skirt:

Shoes/socks: _____

Outerwear: _____

In possession of:

(Credit Cards, Cash, Pet, etc.)

Other: _____

Circumstances of Missing Person:

Specific health information about the missing person, beyond the fact that the missing person is believed to be suffering from dementia or some other cognitive impairment, is not made public.

11/28/2007



Kansas Bureau of Investigation

Robert E. Blecha
Director

Stephen N. Six
Attorney General

Aging and Long Term Care Committee

Testimony regarding SB 148 Silver Alert Plan

David J. Schroeder
Special Agent in Charge
Kansas Bureau of Investigation
March 10, 2009

Chairman Bethell and Members of the Committee,

I appear today on behalf of the KBI to speak regarding SB 148 which addresses the establishment of a Silver Alert Plan in Kansas.

I serve as the law enforcement coordinator for the statewide Kansas AMBER Plan and I am an active member of Attorney General Steve Six's AMBER Alert Task Force. Our task force is comprised of representatives from state and local law enforcement, Department of Transportation, media representatives and other dedicated stakeholders.

The mission of the Kansas AMBER Plan is to quickly broadcast emergency information to the public that assists law enforcement in the safe recovery of an abducted child.

The KBI and local law enforcement strive for the safe recovery of all missing persons. As written, the KBI stands neutral on SB 148.

Thank you for your attention and time. I would be happy to try and answer any questions.



2709 SW 29th Street Topeka, KS 66614
785-235-1307 www.kab.net

Testimony on SB 148
Tuesday, March 10, 2009
House Aging and Long Term Care Committee

Good Afternoon Mr. Chairman and members of the Committee. I am Kent Cornish, President/Executive Director of the Kansas Association of Broadcasters, representing nearly 300 radio and television stations across the state.

As written, SB 148 states that news media may promptly broadcast information on a missing elderly person upon the request of law enforcement. That procedure currently exists. Our stations and local law enforcement have worked together to form a relationship that when asked to assist, stations comply.

One of the principles of broadcasting is serving the community and certainly a request from law enforcement to help in locating a missing person of any age falls under that principle. Most newsroom policies do require the request come from law enforcement and not from the general public.

There are privacy issues as well as investigative issues that law enforcement considers before making the request to broadcast missing persons information and we believe those are properly discussed before contacting the station.

Since this is still voluntary on the part of broadcasters, the KAB has no problem with the bill as written. However if it's the committee's desire to establish a formal plan of this kind, perhaps it should be called an "Endangered Persons Alert" that includes all age ranges.

Thank you.