

March 3, 2016

The Honorable Michael O'Donnell, Chairman
Senate Public Health and Welfare Committee

Reference: SB 456 – Electronic Monitoring in Adult Care Homes

Good afternoon Chairman O'Donnell and Members of the Senate Public Health and Welfare Committee. My name is David Wilson and I am a lead volunteer for AARP Kansas. AARP is a nonprofit, nonpartisan organization that advocates on behalf of people who are 50 and older and seeks to change the way America defines aging. Thank you for allowing us to submit our written comments in support of SB 456, in reference to the use of cameras in resident rooms in nursing homes.

Kansas elders residing in nursing homes should be free from abuse and neglect. These facilities house some of the state's most vulnerable residents and it is critical that we ensure that these residents and family members have access to the tools they need to protect themselves and their loved ones.

States should enact and enforce laws that make it a criminal offense, with enhanced penalties, for the abuse, neglect, or exploitation of a vulnerable individual. However, prosecuting alleged abusers is difficult for numerous reasons, including victims' inability or unwillingness to testify due to incapacity, fear, shame, or misguided loyalty.

States like Kansas can make significant progress in introducing and implementing new techniques for investigating and prosecuting abuse cases and increasing the chances for successful prosecutions.

Therefore, Kansas should enact laws that clearly establish the right of nursing facility and supportive housing residents—or their legally recognized decision makers—to use

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video technology for monitoring the quality of care, for documentation of care, and for virtual visitation.

However, video technology should be allowed only when protections are in place to ensure that it does not infringe on roommates' right to privacy, balancing of the individual's autonomy and self-determination with the state's need to protect those people who cannot protect themselves. For residents who are unable to provide consent, care must be taken to balance the benefits of video technology with the need to protect the resident's right to privacy.

Nursing facilities and supportive housing residences should be prohibited from removing or refusing to admit a resident who chooses to use such technology. Kansas should work to ensure agencies are responsive to the particular needs of older abused spouses and partners by enacting and implement adult protective services (APS) laws which:

- make it a criminal offense, with enhanced penalties, to abuse, neglect, or exploit a vulnerable individual;
- provide victims and their legal representatives adequate civil procedures and remedies (including a shift in the burden of proof, award of attorney's fees and costs, expedited hearings, and posthumous recoveries for pain and suffering) against perpetrators of abuse, neglect, or exploitation; and
- make institutions liable for criminal and civil penalties for victimization of those in their care.

Thank you for this opportunity to express support for SB 456.

Respectfully,
David Wilson