



Testimony in Support of House Bill 2590  
Presented to the Senate Public Health and Welfare Committee  
By Senior Counsel Kahlea Porter  
Kansas Department for Aging and Disability Services

March 8, 2018

Chairman Schmidt and Members of the Committee:

I am Kahlea Porter, Senior Counsel within the Kansas Department for Aging and Disability Services (KDADS). I appear before you today in support of HB 2590. The changes proposed in this bill will bring Kansas into alignment with requirements of federal statute.

The state long-term care ombudsman's office serves as an advocate for people who live in long-term care facilities in the state of Kansas. One of the principle purposes of this office is to investigate and assist in resolving complaints made by residents or on behalf of residents in long-term care facilities. To complete this work, the state long-term care ombudsman's office receives a portion of the federal funding that comes to Kansas through the Older Americans Act. The funding that is provided from the federal government is disseminated to the states and in Kansas, KDADS is responsible for monitoring and overseeing the entities that utilize this money.

To perform that oversight, KDADS for several years utilized the state statutes, KSA 75-7301 et seq. and a memorandum of understanding to identify roles and responsibilities among the parties. Within the last two years the federal government has amended federal regulations, which require us now to amend our state statutes as well as update our memorandum of understanding in order to continue to receive federal funding for the program.

KDADS and the long-term care ombudsman's office have completed amendments to the MOU and those statutory amendments are in the bill that is before you today. This bill accomplishes the following: further defines what constitutes a conflict of interest for anyone acting in ombudsman role, provides well-rounded definitions such as who is a resident representative, and more clearly defines the roles and responsibilities of KDADS and the long-term care ombudsman's office.

Some key points of this legislation include updated requirements regarding who is eligible to be appointed as the state long-term care ombudsman, such as demonstrated expertise in long-term care services and supports or other direct services for older adults or people with

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Timothy Keck, Secretary

Jeff Colyer, Governor

disabilities. Additionally, the bill further defines what the long-term care ombudsman's office investigates and who may access records and documents of residents to the extent necessary for carrying out the provisions of the long-term care ombudsman act.

We appreciate the Committee's time and consideration of this bill. At this time, I welcome the opportunity to answer any questions you may have about this bill.

Sincerely,

Kahlea Porter  
Senior Counsel