

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.

Ms. Rhoden testified that language added to the bill would allow adult care homes and home health agencies

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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.