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Committee on Judiciary
Thursday, February 9th, 2023

Written Testimony by:
Mark Schulte, Legislative Chair
Kansas Adult Care Executives Association

Representative Patton and Members of the Committee:

The Kansas Adult Care Executives (KACE) is a non-partisan, non-profit professional association representing nursing home administrators and assisted living operators in Kansas. Our membership is represented in both the nonprofit and for-profit adult care sectors. We are the literal boots on the ground and are on the forefront of delivering care to our aging and senior population daily.

Opponent of HB 2246

In 2013 on July 30th and again on September 24th the Public Broadcasting System aired a documentary in its Frontline program about Assisted Living services in America. The program identified more than 2 dozen avoidable deaths in just one national provider. In every one of these deaths, the seniors had health care needs that exceeded the type of services that were being provided in the Assisted Living communities and their deaths were hastened because the assisted living communities could not provide the appropriate care. The documentary interviewed multiple staff members, all of which reported that there was a culture in this company where staffing was not sufficient, or staff were not appropriately trained to provide the care that was being asked of them and the company wanted to keep residents as long as they could. Every one of these people who died should have been in a higher level of care. HB 2246 institutionalizes this kind of deplorable practice and forces providers to care for residents that they are not equipped to do.

Regulations in existence already address how an Assisted Living provider must address a situation when a resident has care needs that exceed the level of care that is offered. The transition process from Assisted Living to Long Term Care starts as soon as the need is recognized. Family meetings are held and the reasons why the Assisted Living Community is not appropriate are shared. The care team begins working with the family sometimes months before a move is made to help them find the appropriate level of care. When families are resistant and refuse, and a resident can no longer safely be cared for in an Assisted Living the provider will issue a 30-day notice that includes the reasons behind that decision. 30-day notices are not issued unless it has been thoroughly documented that a resident is no longer safe in an Assisted Living facility.

It is understandable why some families resist a move to higher care. Long Term Care is significantly more expensive than Assisted Living, but regardless of the cost of care, no resident should ever remain in a level of care that is not appropriate for the healthcare needs they have.

Forcing a provider to care for a resident that they are not equipped or trained to do is analogous to walking into a minor emergency clinic with chest pains and telling them you are not leaving until they provide bypass surgery.