



**KANSAS  
TRIAL LAWYERS  
ASSOCIATION**

To: Sen. Beverly Gossage, Chairman  
Members of the Senate Committee on Public Health & Welfare

From: Margaret Farley, Attorney at Law  
On behalf of the Kansas Trial Lawyers Association

Date: Feb. 16, 2023

RE: Testimony in support of SB 191 ("Charlie's Bill")

On behalf of the Kansas Trial Lawyers Association, I am pleased to appear in support of SB 191 and I respectfully request that the committee recommend the bill favorable for passage.

KTLA members are attorneys who represent Kansans in cases involving personal injury, workers compensation, and consumer protection. KTLA members represent long term care residents and their families in cases involving residents' care.

Involuntary transfer or discharge can be physically and mentally devastating to frail Kansans living in residential care facilities. Right now, Kansans in such facilities and their families are at the mercy of facilities when faced with involuntary transfer or discharge.

We appreciate the efforts of the members of the Kansas Judicial Council who reviewed current law and regulations at the request of Rep. Concannon. The Judicial Council released its recommendations<sup>1</sup> in December, concluding that if the facility determined an involuntary or discharge requirements have been met, neither state regulations nor statutes outline a process for a resident to challenge the discharge. As a result, it drafted an appeal process for a standard 30-day notice of involuntary transfer or discharge. Recognizing there may be circumstances that require a quicker process, the Council also drafted a process for an emergency involuntary transfer.

SB 191 reflects the processes outlined in the Council's recommendations, providing a reasonable process to protect Kansans living in assisted living facilities. It drafted an appeal process for a standard 30-day notice of involuntary transfer or discharge. Recognizing there

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<sup>1</sup> <https://www.kansasjudicialcouncil.org/Documents/Studies>



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may be circumstances that require a quicker process, the Council also drafted an appeal process that applies in cases of emergency involuntary transfer.

SB 191 reflects the processes outlined in the Council's recommendations, providing a reasonable process to protect Kansans living in assisted living facilities.

SB 191 also closes a gap in federal law. Federal law establishes an appeal process for challenging an involuntary transfer or discharge from any nursing facility that accepts Medicare or Medicaid. But the Federal law does not apply to facilities that do not receive that federal funding such as assisted living facilities, a residential healthcare facility, a home plus facility or a boarding care home. SB 191 would establish an appeal process for such facilities.

SB 191 provides a strong framework for an appeal process that balances the residents' rights to due process and the health and safety of the residents and facility staff. The passage of SB 191 assures that residential care facilities are following the law and that all Kansans in residential care facilities will have the protection of that law.

On behalf of the members of the Kansas Trial Lawyers Association, I respectfully request your support for SB 191, and that the committee recommend the bill favorably for passage.