

Making Elder Care Better Since 1975

Kansas Advocates
for
Better Care



Founded in 1975 as *Kansans for Improvement of Nursing Homes* by concerned citizens like you.

March 20, 2013

Chairman Pilcher-Cook and Members of the Senate Public Health and Welfare Committee:

Thank you for the opportunity to comment on HB 2160 which would renew and extend the Quality Care Assessment on licensed beds in nursing facilities. I am Mitzi McFatrigh, executive director of Kansas Advocates for Better Care (KABC). KABC is a not-for-profit organization, beholden to no commercial interests and is supported almost entirely by donations from citizens who support our mission of improving the quality of care in all long-term settings. KABC was among a handful of non-profit consumer advocacy groups which worked to win passage of the landmark Nursing Home Reform Act of 1987.

The 2010 legislation creating the Quality Care Assessment was passed with the understanding that this new revenue stream was to be used for State and local initiatives to improve the quality of care and quality of life for nursing home **residents**. The goal was to fund quality of care and quality of life improvements for residents that facilities and the State could not fund through SGF and federal match. In year one the dollars raised by this bed tax were designated to reimburse facilities for 2010 Medicaid cuts and inflation. It was termed the Quality Care Assessment for a reason – to underscore that the legislative intent was to improve resident care, not to generate additional State general funds or to supplant SGF in the Medicaid reimbursement formula.

The facilities were paid back as promised, but as of today, the promise of better care for residents remains broken. Consumers were asked to be patient and quality improvements would be Priority One when/if the assessment was reauthorized in 2013. In the past three years, **nursing facilities have received almost \$47 million dollars** in enhanced rates from this assessment. During that same time, there has been **NO requirement for outcomes that improve the quality of care for elders**. None of this money has been directed to improve quality care for elders.

In FY 2014 KDADS projects an **additional \$26-29 million net gain to nursing homes** from the assessment.

Three years have come and gone and once again, consumers are being asked to wait four more years. How long must consumers and tax payers wait for better care?

KABC would make the following recommendations to rectify the lack of funding for quality initiatives:

1) Real improvements in care for elders and disabled adult residents can be achieved by directing funds to specific care that will improve actual quality for elders.

- Provide adequate nurse and nurse aide care to avoid injury, illness and death of elders
- Dedicate Quality Assessment funds to raising care minimum to 4 hours 26 minutes daily
- \$36.7 million to provide this level of care according to 2012 Legislative Post Audit report

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- Illinois lawmakers designated funds from its provider assessment for this specific purpose – increased hours of care to elders by nurses and aides in nursing homes.(2011)
- 27% of elders live in nursing homes cited with actual harm or immediate jeopardy of a resident. There are 18,000 Kansans living in nursing facilities.

2) Direct use of \$4.2 million for dental care for Kansas elders

- 1/3 of nursing home residents lose all their natural teeth – 17% higher than for elders living at home
- Untreated oral health issues result in illness, infection, malnutrition, dehydration, pain and suffering
- Infections result in higher rates of falls with accompanying injury, higher rates of confusion, misdiagnosis of pain and treatment with inappropriate pharmaceuticals such as anti-psychotics
- Loss of teeth and loss of dentures results in poor nutrition, weight loss, increased risk for pressure sores.

3) Provide consumers with equal voice on the Quality Care Assessment Advisory Panel – Equalize consumer representation to industry representation. It is now 2 consumer reps to 6 industry reps.

We are asking you to fulfill the promise for Quality Care that this legislation made to older and disabled adults living in nursing facilities. It is time to stop poor quality care. It's time to use the nursing home Quality Care Assessment funds as they were intended – to improve health care and quality of life for elders and disabled adults living in nursing homes.

Thank you for your consideration.

Mitzi McFatrach
Kansas Advocates for Better Care
On behalf of members and volunteers