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“To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities”

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Re: Proponent HB 2704

Chair Representative Davis, and members of the Committee on Children and Seniors.

I am Steve Gieber, Executive Director of the Kansas Council on Developmental Disabilities (KCDD). The Council is made up of self-advocates, family members, state agencies, and our partners identified in the Federal Developmental Disabilities Act.

Federal and state laws created the Council to advise policymakers on issues that impact people with disabilities and their families as well as carryout activities that increase Self-Advocacy, Systems Change, and Capacity Building.

We have reviewed HB 2704 and believe it would increase the protection of people’s rights to be free of unnecessary chemical restraints. Written consent should be required because of dangerous side effects of the drugs.

When I worked in the direct service field with people with co-occurring mental illness, best practices required that we work with the medical community to implement the least restrictive interventions possible, including finding alternatives to the use of psychotropic drugs because of the dangerous side effects. Even if we couldn’t get the drugs reduced we would work to create drug holidays to help minimize the impact on the person’s health. Many of the drugs have very dangerous side effects that impact quality of life and shorten the user’s life expectancy.

Safeguards are also in place for those who are court ordered to treatment; treatment options are reviewed by the court on a periodic basis according to Kansas statute.

Unfortunately, current practice in nursing/adult care homes appears to disregard many of the safeguards afforded other persons, including allowing off label use of dangerous drugs that have dangerous side effects without the persons written consent or consent of a guardian. People should be aware of the possible side effects and then sign off that they have been informed and have made a decision that they believe is in the best interest of the individual.

Attached are an excerpt from *the Rights of Persons with Mental Illness* (published by the Disability Rights Center of Kansas) and Kansas Statute which seems to provide more rights and safe guards to those who have been ordered by the court for treatment vs. people who are voluntarily in an Adult Care Home.

Steve Gieber

Director, KCDD

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Rights of Persons with Mental Illness

<https://www.drckansas.org/publications/the-rights-of-persons-with-mental-illness-1>

7.) To have explained the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatment ordered,

(Kan. Stat. Ann. §59-2969)

Court Review - Every 90 days during the first 6 months after the court makes an involuntary treatment order, and every 180 days after that, a patient is entitled to a hearing on whether he or she continues to be a person with mental illness subject to involuntary treatment. At least 14 days before the end of each period of treatment, treatment facility staff must provide a written report to the court that ordered a patient's treatment. The report should contain the staff's recommendations about the patient's need for further treatment. After the court receives the facility's report, the court notifies the patient's attorney. Then, the attorney must consult with the patient. If the patient wants a hearing, the attorney must request a hearing in writing. If the patient does not want a hearing, the attorney must submit a written statement summarizing the consultation with the patient. The Court should schedule the hearing quickly, but in any case, it must occur no more than 10 days after the attorney files the written request. The court conducts the review hearing similarly to a commitment hearing, except that the patient is not entitled to ask for a jury.