



EQUALITY ♦ LAW ♦ JUSTICE

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Proponent for HB 2704
House Children and Seniors Committee
March 20, 2018

Chairwoman Davis and members of the Committee:

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

We think the bill takes a common-sense approach to address issues that Human Rights Watch and Kansas Advocates for Better Care have both done an excellent job of pointing out is a major problem not just nationally, but especially right here in Kansas. This is an important issue that not only effects the quality of life of persons in a nursing home, it also has the opportunity to extend their lives.

We also know there are many positive uses of antipsychotic medications for both on and off-label usage to help people with disabilities. This bill does a good job of ensuring these drugs are utilized in an appropriate manner with true informed consent of the residents taking these medications.

As the Committee considers changes to the bill, please consider the following two changes:

- 1. Consider applying this to all nursing facilities (including Nursing Facilities for Mental Health)**
- 2. Limit the number of times the Emergency Exception process can be used in succession**

Written Consent Should Apply to All Nursing Facilities

Please consider making this bill apply to all nursing facilities. The bill currently excludes Nursing Facilities for Mental Health (NFMHs). Reports demonstrate a wide discrepancy in the use of antipsychotic medications across NFMHs in Kansas. While usage was as high as 100 percent of their residents are prescribed antipsychotic medications during the reporting period, the range is as low as 27.8 percent in other NFMHs. Our agency visits NFMHs across Kansas as a part of our ongoing efforts to identify abuse, neglect, and exploitation of persons with disabilities.

Add Limitation to the Emergency Exception Process

The bill also includes provisions for an emergency exception to the requirement for written informed consent beginning in subsection (d) on page 3 of the bill. While this is appropriate in certain situations, we think the committee should consider limiting the number of consecutive times this provision could be used on a resident of a nursing facility. I fear this provision could end up being a loophole.

Thank you for the opportunity to speak in support of this bill and to propose two changes to make it even better. I would be happy to stand for questions at the appropriate time.