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AARP Kansas
Senate Bill 160

Senate Public Health and Welfare Committee

The Honorable Vicki Schmidt, Chair

Good morning Madam Chair and members of the Senate Public Health and Welfare Committee. My name is Ernest Kutzley and I am the Advocacy Director for AARP Kansas. AARP is a nonprofit, nonpartisan organization with a more than 320,000 members living in Kansas. AARP is dedicated to enhancing the quality of life for all as we age. Thank you for this opportunity to provide written testimony in support of SB 160.

Long-term care (LTC) ombudsmen advocate for protection of the health, safety, welfare, and rights of the institutionalized elderly in nursing facilities. Given the dramatic changes that are occurring in the entire LTC sector, the need for such advocates is compelling. The LTC ombudsman in each state is responsible for identifying, investigating, and resolving complaints made by or on behalf of residents in long-term services and supports (LTSS) facilities. They work to resolve problems of individual residents and to bring about changes at the state level to improve care. While many residents in Kansas receive good care in Kansas nursing homes, others are neglected and subject to unfortunate incidents of psychological, physical, and other kinds of abuse. The long-term care ombudsman visits, monitors conditions and care, and speaks for those who are unable to speak for themselves.

Consumer complaints:

- States should provide effective complaint systems with prompt resolution.
- States should require the establishment of internal appeals mechanisms in LTSS programs for consumers who are dissatisfied with the delivery, quality, or scope of services, and should set up external appeals mechanisms through a neutral third party.
- Appeals mechanisms must ensure that consumers receive an immediate decision on their appeal, or as rapid a decision as the consumer's condition requires.

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State Ombudsman:

- States should implement and fund strong and independent LTSS ombudsman programs that go beyond federal requirements and include an adequate number of ombudsmen.
- A state LTSS ombudsman should have the authority to sue to redress violations of federal and state laws pertaining to residents' rights and quality of care.
- States should coordinate all LTSS ombudsman activities and ensure that ombudsmen have adequate funding, including enough funding to monitor home- and community-based services.
- States should extend the purview of the ombudsman program to include non-institutional care.
- Ombudsmen, residents, and families and/or their representatives should be allowed to participate actively in state-initiated enforcement actions by giving testimony or arguing for or against a proposed action.
- States should require ongoing in-service training and supervision for ombudsmen.

Any LTC Ombudsman should be an advocate without compromise on behalf of LTC facility residents. The goal of Kansas should be to ensure that each resident can attain or maintain his or her "highest practicable physical, mental and psychosocial well-being." Any conflict of interest, either real or perceived, could prove detrimental to the wellbeing of Kansas nursing home residents and diminish the integrity of state LTC programs.

Therefore, AARP Kansas supports establishing an independent home and community based services ombudsman.

Thank you and members of the committee for the opportunity to submit this testimony. We respectfully request that this committee support Senate Bill 160.

Thank you.