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February 9, 2023

House Judiciary Committee

Re: HB 2246. Glenda DuBoise. 2-9-23. Proponent

Chairman Fred Patton

Good afternoon Chairman Patton and members of the House Judiciary Committee. My name is Glenda DuBoise and I am the AARP Kansas State Director. Thank you for allowing us to provide our testimony in *support* of HB 2246.

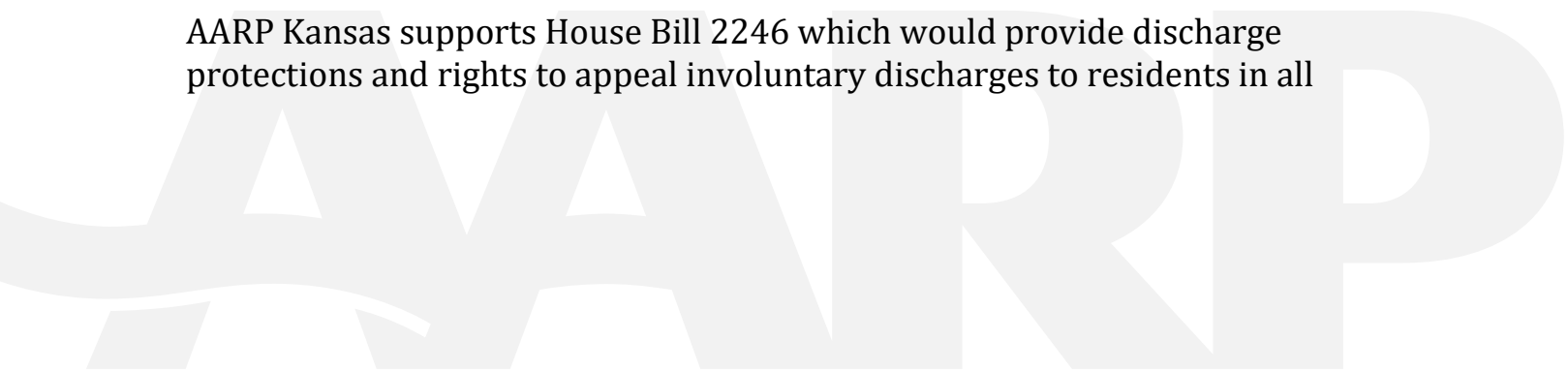
AARP has more than 278,000 members in Kansas. We are a non-profit, non-partisan organization that works across Kansas to strengthen communities and advocate for issues that matter most to families, such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

Most people would be shocked to know that right now, Kansas law does not provide fundamental rights and legal discharge protections for so many seniors and people with disabilities in assisted living facilities and other adult residential care facility settings.

Some residents leave for a doctor appointment and when they return, they are not allowed back into their home. A few residents have even been transferred to homeless shelters and hotels.

Unfortunately, involuntary discharge is one of the most common complaints received by the state's Long-Term Care Ombudsman office. This should never happen.

AARP Kansas supports House Bill 2246 which would provide discharge protections and rights to appeal involuntary discharges to residents in all



Kansas adult residential care facilities. As Kansas's definition of adult residential care facility includes assisted living facilities, residential healthcare facilities, home plus, or boarding care homes, this bill would extend protections that many nursing home residents enjoy from federal law, but that residents in these other settings throughout the state do not currently have.

This legislation is critical for both Kansas residents and their caregivers as it would make a positive impact on the quality of life and quality of care for both. Most significantly, this bill extends a resident's right to appeal involuntary discharge through the administrative appeals process. It describes the appeal processes and timeframes, and outlines how requests and appeals of requests can be expedited

Other positive features of this bill include that it:

- provides typical grounds for resident discharge or transfer;
  - AARP believes that these definitions should be better defined and that their intended definitions could be more precisely specified in the implementing regulations.
- outlines the discharge process, including what the notice and documentation from physicians that certain discharge criteria have been met will require.
- outlines requirements and timelines for notice of transfer or discharge.
- requires preparation of the resident and a discharge plan;
  - AARP urges this requirement also be made to require a written discharge plan which evidences no harm will come to the resident.
- requires that the involuntary discharge notices be simultaneously sent to the resident representative and the LTC Ombudsman.

Sadly, we understand that this worthy goal of protecting residents from arbitrary discharges did not move in Kansas's past two legislative sessions due to the varying urgent pandemic priorities. However, we urge you to move HB 2246 forward this session.

AARP advocates for matters critically important to people age 50 plus and their families, including by prioritizing caregiving, caregiver supports and quality of life and quality of care for seniors receiving Long-Term Care Supports and Services (LTSS). We believe this bill can improve the lives of

Kansas seniors and their caregivers and we thank you for the chance to raise our voice on their behalf.

AARP Kansas asks for your support of this bill.

Respectfully,

*Glenda DuBoise*

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