



To: Chairman Bethell, and Members House Aging and Long Term Care Committee.
From: Joe Ewert, KAHSA Government Affairs Director
Date: February 9, 2011
Re: HB 2108

Testimony in Support of HB 2108

Thank you, Mr. Chairman, and members of the Committee, for this opportunity to speak to you on HB 2108. My name is Joe Ewert and I am here on the behalf of the Kansas Association of Homes and Services for the Aging. KAHSA represents 160 not-for-profit long term care provider organizations throughout the state. Over 20,000 senior Kansans are served by our members, which include retirement communities, nursing homes, hospital-based long term care units, assisted living residences, senior housing and community service providers.

Every day, our members are witness to tragic situations in which frail older Kansans are targets of financial abuse, often by those who are closest to them. Perpetrators obtain control of victim's assets through joint bank accounts, power of attorney documents and other arrangements. Pensions, social security checks, and other assets belonging to the victim are cashed, or diverted to the abuser's personal accounts and are never used for the purposes they were intended. Victims' bills go unpaid, credit card debts are created, while they are denied simple luxuries and comfort items. Quite simply, these fraudulent individuals are driving elders into debt and impoverishment.

Far too often, fiduciary abuse of elders is not considered to be a crime by those involved. Based on extensive experience, our members have no confidence in the effectiveness of Adult Protective Services involvement fiduciary abuse cases. Adult Protective Services does not view financial abuse of an elder residing in an adult care home as a priority, because the health and safety of the victim is safeguarded by the nursing home. We simply do not agree that fiduciary abuse is any less severe a crime when perpetrated against a resident of an adult care home.

We have worked extensively with the Attorney General's office in addressing fiduciary abuse in Kansas. The Attorney General's office has tenaciously pursued solutions to this problem, and we believe their perspective and expertise could greatly enhance the effectiveness of the Adult Protective Services. We ask you to support HB 2108, and transfer Adult Protective Services from the Department of Social and Rehabilitative Services to the Office of the Attorney General.

Thank you for your attention to this matter. I am happy to answer questions.

785-233-7443

kahsainfo@kahsa.org

HOUSE AGING & LTC
DATE: 2/10/11
ATTACHMENT # 1

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