



117 SW 6th Ave, Suite 200
Topeka, KS 66603

(785) 267-6003 Phone
(785) 267-0833 Fax
khca@khca.org Email
www.khca.org Website



February 10, 2011

Aging and Long Term Care Committee

Mr. Chairman and Committee members

My name is Pam Falk Smith and I am here on behalf of the Kansas Health Care Association and Kansas Center for Assisted Living members and residents. We would like to testify in support of House Bill 2108.

As a licensed nursing home administrator and attorney, I can tell you that the issue of financial exploitation is a reality for many older citizens. Sadly many of the cases of financial exploitation are from their own family members.

In the Adult Protective Services Fact Sheet, it states, "The APS program helps those adults who need help in dealing with abusive, neglectful or exploitive situations...." It goes on to say this service is provided to adults who reside:

In the community

In facilities licensed or certified by SRS

In adult care homes and other facilities licensed by the Kansas Department on Aging-when the perpetrator is not a resident or staff of the facility

Our concern has been that APS does not have enough "teeth" in their services to be effective. We feel HB 2108 which moves APS from the department of Social and Rehabilitative Services to the Attorney general's office is a positive first step in finding ways to assist residents, our seniors, with exploitive financial circumstances.

Since 1995, I have handled numerous issues that arose from financial exploitation, and in about 95%, the instances were financial exploitation by a family member. I have seen children, spouses, ex-spouses, nieces and grandchildren all take money from their elderly family member, and each time this occurred it was reported to APS. Sadly, I cannot recall one single instance where APS determined the abuse was confirmed. I have even been involved in situations where the Court has stepped in and determined finances were not being properly handled, and again, APS had not substantiated any finding of abuse.

Thank you and always if you have any questions, do not hesitate to contact me.

Pam Falk Smith, JD LNHA
Director of Corporate Compliance &
Associate General Counsel
Medicalodges, Inc.
Representing
Kansas Health Care Association/Kansas Center for Assisted Living

HOUSE AGING & LTC
DATE: 2/10/11
ATTACHMENT # 6