



January 23, 2012

The Honorable Bob Bethel, Chairman
Aging and Long-Term Care Committee

Reference - HB 2471

Good morning Chairman Bethel and Members of the House Aging and Long-Term Care Committee. My name is Ernest Kutzley and I am the Advocacy Director for AARP Kansas. AARP represents the views of our over 347,000 members in the state. Thank you for allowing us to present our written comments in opposition to and recommendations on HB 2471 Kansas.

We believe that Kansas has made strides over the years in rebalancing long-term care. We have and will continue supporting those rebalancing efforts, but we believe much work remains to be done.

In 2007, an AARP Public Policy Institute report “A Balancing Act: State Long-Term Care Reform” about the state of long-term care in Kansas found that Kansas continued to institutionalize older Kansans at a higher rate than the national average. Compared to the U.S. as a whole, Kansas had a significantly higher rate of older people (age 65+) living in nursing homes. For every 100 residents over age 65, 5.8 lived in a nursing home. Only three states had a higher rate; the national average was 4.

For those who will remain in institutional setting it is imperative that they receive the best quality care possible and the design and delivery of all Long-term Care Services and Supports (LTSS) promote consumer safety, independence, choice, dignity, autonomy, and privacy.

Congress responded to widespread concern about poor nursing home quality by passing the Nursing Home Reform Act, part of the Omnibus Budget Reconciliation Act of 1987. The reform act establishes state requirements for certifying nursing facilities that participate in the Medicare and Medicaid programs. It also sets quality standards for nursing homes nationwide, establishes resident rights, and defines the state survey and certification process needed to enforce the standards.

Inadequate enforcement has seriously limited the effectiveness of the act. Recent studies have found a decline in citations for serious problems, evidence of state surveyors’ overlooking and understating quality problems, and a decline in the use of enforcement actions.

We believe that state governments have been slow to recognize the need for more comprehensive approaches to quality monitoring and improvement that recognize the diversity of LTSS, promote pro-consumer innovations, and sufficiently protect vulnerable LTSS recipients.

While we appreciate the efforts set forth in HB 2471 to enhance the Board of Adult Care Home Administrators (BACHA) board membership, we would offer an amendment that we believe would promote a more balanced approach in oversight and increased safety and quality of nursing homes in Kansas.

Per the Kansas Department of Health and environment, the BACHA's Board's objective is to protect the public through the regulation of Adult Care Home Administrators. Through its program the Board examines persons seeking to be licensed as Adult Care Home Administrators; establishes standards for the practice of adult care home administration; and requires adherence to those standards. Thus, its activities consist of Regulation, Examination, and Administration.

The Board's duties and responsibilities include:

- Developing, imposing and enforcing standards to be met by individuals in order to receive a license as an adult care home administrator. The standards are designed to ensure that adult care home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as adult care home administrators;
- Developing examinations and investigations for determining whether an individual meets such standards;
- Ensuring Adult Care Home Administrators meet all standards before licensing;
- Approving continuing education programs and monitoring continuing education requirements for Administrators;
- Receiving complaints, investigating disciplinary matters, and taking appropriate disciplinary action.

The BACHA board is currently made up of three care home administrators, two professional representatives and two consumer representatives.

AARP Kansas believes that:

- State governments are responsible for ensuring that systems are in place to protect all nursing home and supportive housing residents;
- Facility administrators should be held accountable for quality;
- Consumer and their advocates should be able to participate fully in quality improvement activities including participation in LTSS facilities' operations, advisory boards and panels.

Therefore, we ask that there be equal consumer representation to create parity with administrator representation on the BACHA Board.

We respectfully request your support for this proposed amendment. We believe this is a step in the right direction to further enhance nursing home quality in Kansas. We appreciate the opportunity to provide this testimony.

Thank you.
Ernest Kutzley