

Making Elder Care Better Since 1975

Kansas Advocates
for
Better Care



Feb. 6, 2012

Chairman Bob Bethell, Vice-Chairman Ron Worley, Members of the Committee

Kansas Advocates for Better Care is a non-profit, volunteer organization advocating for better long-term care on behalf of elders and disabled adults in our state. KABC has 850 members.

Thank you for consideration of our testimony in support of the provisions in House Bill 2583, which would require notification to elders and disabled adults and nursing facilities about sexual offenders or violent offenders who are admitted to Kansas adult care homes .

The bill before the committee is a positive step in alerting elders, their families and nursing facilities about sexual offenders or violent offenders currently living in or seeking care in Kansas Nursing Facilities.

This bill does not address obligations set forth in federal and state statute and regulation to provide care in a safe environment for elders and adults with disabilities. Nor does it address the intersection of an offender's right to long term care with the right to safety for elders and disabled adults receiving long-term care. Current Kansas policy leaves vulnerable adults to live in danger from sexual and violent offenders.

Elders and disabled adults enter adult care homes when they cannot remain at home safely and/or need assistance with care that they cannot access at home. Elders expect and the federal and state governments are required through statute and regulation to provide an environment that insures health and safety within adult care homes for persons residing there.

KABC appreciates the introduction of legislation to create public policy that will address appropriate long-term care for sexual offenders and violent offenders. As you may be aware in October of last year a Wichita news reporter filed a story about 19 sexual offenders, ranging in age from 43 to 82, living in Kansas nursing homes. A number of those offenders were from Oklahoma which has passed legislation barring sexual offenders from placement in adult care homes in their state, thereby exporting their problems and the human and financial costs associated with them to our state. (see attached article/Wichita Eagle October 16-2011)

KABC believes that the provisions of this bill do not offer the level of public policy needed now for elder Kansans.

- The safety of elders and disabled adults living in an adult care home is fundamentally compromised by allowing sexual predators to be residents of any/all adult care home willing to admit them.

- Sexual offenders do not stop sexually abusing others simply because they are old or require long-term care. See the attached article from the Des Moines Register which recounts “removal of an 83-year-old sex offender from the Pomeroy Care Center after he was identified as a suspect in the sexual assault of an elderly woman. That offender, William Cabbage, had been ordered to live in the nursing home by a judge after three state agencies agreed it was safe to discharge him from Iowa’s Civil Commitment Unit for Sexual offenders.”
- There is not “curative” treatment for sexual offenders, insuring that they will not sexually abuse. (see article attached Lawrence Journal World “Sex predators: What goes on at Larned facility may shock some taxpayers”)
- Many persons living in adult care homes are unable to protect themselves due to physical frailty, immobility, cognitive impairments and dementia, inability to communicate, and a variety of other causes.
- Federal and state laws and regulations require that facilities are to provide for residents’ rights and their safety and to ensure that resident’s rights are not violated.
- Adult Care Homes do not have adequate security personnel and procedures to protect the safety of residents from sexual offenders.
- Adult Care Homes do not have adequate staff to insure safety and security of residents from sexual offenders.
- Staff in Adult Care Homes are not adequately trained to protect the safety of residents from sexual offenders, to intervene in sexual abuse or to provide oversight to offenders.
- Offering notification to elders and disabled adults at best offers them the opportunity to move to an environment where there is not currently a known offender, but could be the day after an elder moves somewhere new.

Placing sexual offenders or violent offenders needing long-term care in Kansas adult care homes with a general population of residents and staff without specific training, is perhaps less expensive than housing offenders in a correctional facility or specialized state run adult care facility. Nonetheless, the state has charged itself with insuring the safety of elder and disabled Kansans through its own legislation, regulation and oversight of adult care homes. It is incumbent upon the state to address through public policy how we will achieve safety for frail elders and adults related to this disturbing and serious public health issue.

KABC would respectfully request that the committee craft and introduce legislation that will provide for the safety, as well as the notification of elder and disabled Kansans regarding sexual offenders and violent offenders in Kansas Adult Care Homes.

Sincerely,
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