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Testimony
Presented to the House Health and Human Services Committee
February 18, 2004
by Ami Hyten
Topeka Independent Living Resource Center, Inc.

RE:Opposition to HB 2306

Dear Chairperson Morrison and Committee Members;

The Topeka Independent Living Resource Center (TILRC) is a 501(c)(3) not-for-profit civil and human rights organization. Our mission is to advocate for equality, justice and essential services for a fully integrated and accessible society for all people with disabilities. Our center is owned, operated and governed by a majority of people with disabilities. One of our five, federally mandated core areas of service is “Deinstitutionalization,” assisting people to move out of institutional settings and live free in a home of their choice.

Our 20 plus years of providing assistance to residents of care homes moving back into the community in a home of their own has provided us with opportunity to become familiar with many facilities. Central to this familiarity is accessing various sources of information and reports which discuss specific deficiencies that directly and most often adversely affect the resident we are assisting.

These facilities take our public dollars and in fact do owe the citizens of Kansas a great degree of accountability. We as a nation trusted them with our most precious members of society for their care and welfare for decades. It has been through various accountability standards and reporting vehicles that we now understand that separating valuable and precious residents (a older person) from the rest of our community is harmful and does not benefit anyone except the nursing home industry. A facility that is upholding the

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standards of accountability would not be afraid of information contained in this type of report and would have no reasons to fear its use in court. The only effect would be to eliminate one of their only “tools” to provide judicial relief if they are injured or harmed while living at the facility.

This bill is a thinly veiled attempt to undermine the constitutional right to civil trial by jury for some of our most vulnerable and valuable citizens, elderly Kansans.

I would encourage you to use the federal Medicare website, <http://www.medicare.gov/NHCompare/Include/DataSection/Questions/SearchCriteria.asp?version=default&browser=IE%7C6%7CWin2000&language=English&defaultstatus=0&pagelist=Home> to review reports which outline many areas of deficiencies of nursing facilities in our state. Often these conditions indicate level of care, or in this case, the lack of care, of a given facility. The effect of HB 2306 would be to insulate the most egregious violators, those being the facilities demonstrating a pattern and practice of neglect and abuse, from accountability. Insofar as nursing facility care is the presumptive long-term care alternative for elderly Kansans and Kansans with disabilities, the responsibility to maintain safe, healthy, supportive, and dignified care, is not a negotiable obligation.

We strongly oppose the passage of HB 2306.

Thank you for your time and attention to this issue.