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Freedom Amendment Initiative
Presented to the House Health and Human Services Committee
March 18, 2004
Topeka Independent Living Resource Center, Inc.

RE:Amendments to SB 430

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, representing people of all ages and cultural diversity. 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. We have hands-on experience with the inner workings of these facilities and have witnessed the many outrageous oppression that residents often face.

HB 2306 and SB 430 are unabashed attempts to limit the rights of the poor, seniors and people with disabilities by limiting the use of deficiency reports in situations of abuse, neglect, exploitation and death while residing in a nursing facility. Lost in all discussions to date have been real people and the real choices they must face in their life; the real issue of abuse, neglect and exploitation that happens when family and friends go home. This is not about such simple, petty notions as handling a sandwich without gloves on, nor is it about reducing the cost of insurance; it is only about circumventing human and civil rights!

We are requesting that the attached amendments be adopted for inclusion into SB 430. Due to the above behaviors of many facilities, we believe it is

critical for any person facing the crossroads of long term care decisions to be offered, have access to, and receive comprehensive information on all available alternatives to nursing facility residency, prior to admission and at any time during residency. We believe these amendments will provide some level of accountability to our seniors and people with disabilities. We believe it will allow conscientious legislators to demonstrate fairness and return a small degree of decency to the oppressive climate which 430 and 2306 attempt to hide.

Simply stated, adoption of our amendments would provide nursing facility residents with an assurance of their human rights. If we are going to have legislative attempts to reduce civil liberty such as SB 430 and HB 2306, then we must at the minimum take a strong stand in support of basic self determination initiatives, as contained in our amendments. We would not oppose legislation which contains the existing language of SB 430 if these amendments are adopted.

Other supporters of this freedom amendment initiative include the following groups:

Kansas ADAPT
State Independent Living Council of Kansas
The Big Tent Coalition
Kansas Disability Rights Action Coalition for Housing

