

February 17, 2004

Testimony before the Health and Human Services Committee on HB 2658, Chairman Jim Morrison.

I am Annice Davis White; CEO of The Caring Heart LLC, a Professional Geriatric Care Management Practice located in Overland Park, Kansas. I am also a Gerontologist, a licensed Long Term Care Administrator and have been in the field of aging for thirty years. I serve as co-chair of the legislative committee of Kansas Adult Care Executives (KACE).

I am here today in support of HB 2658 and to also ask that you vote yes on this bill. As the system presently exists, when an administrator submits a request for informal dispute resolution, generally, it results in no changes in the deficiency or deficiencies. The agency in control usually upholds its own ruling. Consequently, nursing homes have no other alternatives or avenues to seek just and fair resolutions. As you can see, this process is significantly less than fair. The process sorely needs the establishment of an independent review panel system.

Please note that requests for informal reviews are not nonchalantly submitted. They are generally submitted after examinations entailing considerable time, thought, passion and energy. An industry that oversees and has total control over whether a nursing home pays capital monetary fines, or even continues to exist, should not be the agency a nursing home appeals to for justice. A system such as this does nothing but harms and weakens the industry. As you know, continuous improvement should be an on-going process for all industries. Continuous improvement should not be limited to nursing homes and staff, but should also include those industries that regulate and influence long term care facilities and associates. That improvement cannot be made when the controlling agency is allowed to be the judge, jury and executioner of its recommendations without concern of being questioned about its judgement or practices.

We have lost many good licensed administrators in our state and each day sees many more becoming discouraged. We cannot afford to lose more good administrators in our good state of Kansas. Administrators do not expect preferential treatment. However, they do expect fair and impartial evaluations of requests they submit for review. It is the growing lack of confidence in the current system that is making very capable administrators leave the profession. They feel trapped in a systems that perpetuates edicts and judgements without being able to question judgements that generated the cause for appeal. Without an independent panel or agency to oversee an agency that renders unquestionable judgement, the net result is often itself questionable.

I believe in most cases that it is too much to expect an agency that determined and approved deficiencies, to admit that a mistake was made. Also, the process is a burden on the integrity of all parties. The informal dispute resolution process should be moved to an independent review panel. In conclusion, we can sum up the need for an independent review panel as follows:

A fair and impartial process is needed.

Eliminate the conflict of interest that potentially compromises the system.

The controlling agency should have an outside review source that analyzes their work

Current process exacerbates and burdens an already overloaded bureaucracy

Unlimited and unquestionable power and control can only further weaken the entire profession.

THANK YOU