

HB 2246

With appreciation to Chairman Patton and the Judiciary Committee, I stand in support of this long overdue Bill. My husband Charlie was illegally evicted from an Assisted Living facility in 2011. That move caused his death 9 days later. Charlie was a hard-working farmer/rancher who developed Alzheimer's and eventually I needed help with his care. I found a brand-new Assisted Living facility with a special Memory Care Unit just for Alzheimer's residents. They guaranteed full care, from early-stage Alzheimer's to end of life, so we would never have to move again. That was critical because Alzheimer's patients suffer from Transfer Trauma when moved, and it can be fatal, as it was for Charlie. Discharge Regulations require a specific cause from a list of legitimate causes, a doctor's authorization, and a 30-day written notice except in emergencies, and there's provision for that.

But here's what happened:

This new facility was filling up with residents, so the director asked the owners for more nurses, as required. The owners said "No." They turned him down. Instead of hiring more staff, they fired nurses to cut the payroll, and got rid of 6 residents who needed nursing care, Charlie and 5 other Alzheimer's residents. They falsified the records of these 6 gentlemen to misrepresent their level of care and behavior, and blamed them for their discharge. There was no cause for discharge, no doctors were notified, and no advance notice (this all happened in 1 day). They broke contracts, violated Regulations, put human life at risk to increase profits, and got by with it. The facility was never held accountable. KDADS (Aging & Disability Services) investigated but did nothing. Assisted Living owners know that regulations are not enforced; and they know that there is not one thing a resident can do about it. Nothing. Residents have no recourse.

Nursing Home residents can file an appeal under federal law, but the majority of care homes in Kansas are Assisted Living-type homes, under state jurisdiction only, and the state does not allow Assisted Living residents to appeal illegal eviction. Assisted Living residents have no legal rights.

Unwarranted eviction remains the primary complaint received by the Long-Term Care Ombudsman year after year after year. The Attorney General's office told me that nothing will change until we have better laws.

HB 2246 gives Assisted Living residents the legal rights, the legal protection they have never had. I urge your support of this Bill.

Rachel Imthurn
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