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TO: House Judiciary Committee

FROM: Kansas Judicial Council – Laura Nordgren, Staff Attorney

DATE: February 9, 2023

Re: Neutral Testimony on 2023 H.B. 2246 – Relating to involuntary transfer or discharge of residents from an adult residential care facility – WRITTEN ONLY

2023 H.B. 2246 is based on the recommendations of the Judicial Council's Ad Hoc Advisory Committee on Adult Care Home Involuntary Discharge Appeals (Committee). The Committee's report is attached.

The Judicial Council studied this topic at the request of Rep. Susan Concannon. The Committee recommended the following:

- If the legislature enacts an appeal process for a 30-day notice of involuntary transfer or discharge from an assisted living, residential healthcare, home plus, or boarding care home facility, the Committee recommends the appeal process be structured as set out beginning on page 18 of the attached report.
- If the legislature enacts an appeal process for an emergency involuntary transfer or discharge from an assisted living, residential healthcare, home plus, or boarding care home facility, the Committee recommends the appeal process be structured as set out beginning on page 25 of the attached report.

- The Committee recommends KDADS enacts a regulation requiring the emergency written notice of involuntary transfer or discharge to include information about the resident's right to appeal.
- During the legislative process, the Committee recommends the addition of a liability limiting provision to provide some amount of protection for the facility from an action based on negligence if the facility does not provide services to a resident that are outside the scope of the negotiated service agreement.