

February 7, 2012

The Honorable Bob Bethell, Chair
The Honorable Ron Worley, Vice Chair

Reference: House Bill 2583 - Concerning offender admittance to or within an adult care home.

Good morning Chairman Bethell and members of the House Aging and Long-Term Care Committee. My name is Toni Wellshear and I am a member of the AARP Kansas Executive Council. AARP Kansas represents more than 340,000 members in Kansas. Thank you for this opportunity to express our comments on HB 2583.

AARP opposes HB 2583 because it allows offenders to be housed in Kansas adult care homes.

Admitting mixed populations—Concerns have been raised about people with a record of violent crimes, including sexual assault, being admitted to nursing homes and assisted living residences. For example, a report by the Government Accountability Office (GAO) identified about 700 registered sex offenders living in Long Term Services and Supports (LTSS) facilities in 2005. As recently as October of 2011 the Wichita Eagle reported that “the KBI registry shows that 19 of the 5,868 people on the registry last week listed a nursing home as their residence”. The full text of the recent Wichita Eagle report can be accessed on the Internet at <http://www.kansas.com/2011/10/16/2064099/sex-offenders-living-in-nursing.html#storylink=cpy>.

Although these offenders may be elderly or disabled, they can still put vulnerable residents at risk.

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Almost no LTSS facilities have the staffing levels, training, and security needed to care for these residents and ensure the safety of other residents. In addition, federal and state sentencing policies will place increased pressure on corrections agencies to house and care for large numbers of elderly inmates in the future, while those agencies and their employees have limited training or experience providing that care.

Preadmission screening - Because nursing homes and supportive housing facilities must ensure the safety of their residents, agencies that refer individuals to nursing homes or supportive housing should be required to inform the facility when an applicant poses a potential threat to the safety of other residents. Preadmission screenings should include questions to identify individuals who present a risk of violent behavior.

When facilities deny access to an individual who is otherwise eligible for publicly funded services on the basis of a criminal history (i.e., when a judicial sentence has been completed), the federal government and Kansas must provide alternative access to needed services. This should include access to services in specialized facilities for those who present a risk of violence and need facility-based care.

Therefore, we believe that:

- The federal government and Kansas should not parole or prerelease violent offenders to LTSS facilities that serve the general population.
- LTSS agencies and state corrections agencies should begin to plan for the release of *nonviolent* elderly offenders through early-release and other programs.
- Violent offenders subject to the jurisdiction of federal or state correctional agencies who need LTSS should be served by correctional agencies in units that meet appropriate staffing and training requirements for proper care.

Therefore, we oppose HB 2583 that would house such offenders in Kansas adult care facilities. We respectfully request your opposition to HB 2583.

Thank you for this opportunity to offer comments.

Toni Wellshear