

Making Elder Care Better Since 1975

Kansas Advocates
for
Better Care



February 17, 2012

Chairwoman Teichman, Vice Chair Masterson, Ranking Minority Member Schmidt & Committee Members

Thank you for the opportunity to testify on Senate Bill 373. My name is Mitzi McFatrach and I am the director of Kansas Advocates for Better Care (KABC), a not for profit membership organization whose mission is to improve long term care for elder and disabled Kansans. KABC was originally formed in 1975 as Kansans for the Improvement of Nursing Homes by volunteers throughout our state.

We are very concerned about Senate Bill 373 and the serious, negative impact it would have on elder Kansans who need health care and assistance in their later years received through Medicare and/or Medicaid.

Kansas Advocates for Better Care volunteers and members worked alongside advocates from all 50 states to achieve passage of the Nursing Home Reform Law contained in OBRA 1987 (the Federal Omnibus Budget Reconciliation Act). Even though it was a budget bill, OBRA '87 is the vehicle which made possible reform of the horrible care that elders were receiving and dying from in nursing homes and provided for new standards of care, federal and state oversight of care, and remedies for states and citizens when poor care was what elders received.

Why is this important to Senate Bill 373? Prior to OBRA'87 the state had authority to implement laws that would govern health care in nursing facilities and did not exercise that authority to ensure the provision of adequate, essential health care or to ensure recourse for the state or consumers when care was not provided. It took federal action to achieve the significant changes in OBRA 1987 and to assure older citizens all across Kansas and the United States that the government's promise of care was not empty and that they would not be isolated and neglected in a nursing facility, with death, not the state providing an end to poor care.

I don't mean to imply this was the fate of every older Kansan in every nursing facility, but it was so routinely true as to be accepted by doctors, lawyers, elected officials, and citizens and was repeatedly reported to KABC. It was only when Gov. Bennett, who did not believe the stories of families, made surprise visits to nursing homes observing first hand the deplorable conditions, that Kansas began to take legislative action baby step by baby step. Progress is good, but the average time an older adult lives in a nursing facility is just under 3 years. During the years of slow progress many elder Kansans continued to suffer and die as a result of poor care, before the positive changes of OBRA '87.

So perhaps you can see why elders who need long term care, their families and members of KABC are not supportive of this bill. The requirements of Medicare and Medicaid that ensure adequate health care and protections are attached to federal funding. If Kansas opts out of the federal Medicare and Medicaid programs and oversight, you choose also to opt out of reasonable health care standards and protections that benefit 28,000 older Kansans now in care and yourselves and loved ones in the future.

I am not talking about what might happen but about what has happened. I know the state is looking for ways to manage its fiscal responsibilities, when budgets are tight we cut funding. What I want to say to you, is do not go back to making older citizens pay with their health, their peace of mind and sometimes their lives.