

STATE OF KANSAS



OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN
900 SW JACKSON ST., STE. 1041
TOPEKA, KS 66612-1220

PHONE: (785) 296-3017
FAX: (785) 296-3916
Barbara.Hickert@Ks.Gov
Ombudsman.Ks.Gov

GOVERNOR JEFF COLYER, M.D.
BARBARA J. HICKERT, STATE OMBUDSMAN

TESTIMONY- Children & Seniors Committee House Bill 2704

By Barbara Hickert
Kansas State Long-Term Care Ombudsman
March 20, 2018

Chairwoman Davis and Members of the Committee,

I am Barbara Hickert, the Kansas State Long-Term Care Ombudsman and I thank you for allowing me to provide testimony in support of House Bill 2704. Our agency advocates for the rights of individuals residing in adult care homes throughout Kansas. This includes nursing facilities, as well as long-term care units of hospitals, assisted living facilities, home plus facilities, residential health care facilities, boarding care facilities, and adult day care centers.

Ombudsmen help residents, family members, and others understand resident's rights and support residents in exercising their rights guaranteed by law. These rights include the right to be fully informed and the right to refuse treatment. Informed consent requires full knowledge of the purpose, risks, benefits, and alternatives to the medical intervention as well as the absence of pressure or coercion in making the decision. Our work suggests that in many cases, providers fail to provide sufficient information for consent to be informed, pressure individuals to give consent, or fail to have informed consent procedures in place. HB2704 provides much-needed support for residents and their representatives to ensure that they are fully informed so that they can make a good and informed decision to accept or refuse this treatment option.

Our office does ask your consideration of an amendment on page 3, lines 21-23. I would ask that you amend this section to read, "No person **or adult care home may discharge or otherwise** retaliate against or threaten to retaliate against the resident or a person acting on behalf of the resident for refusing to provide or withdrawing consent." Residents and family member often agree to antipsychotic medications because they are afraid to "rock to boat." In our work, we frequently speak to residents and family members who have threatened with discharge if they don't take these medications.

The misuse of antipsychotic medication prescribed for Kansans with dementia is a complicated issue. No single answer will solve the problem, but I believe HB2704 is a necessary part of the solution.