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TESTIMONY
House Bill 2427

By Barbara Hickert
Kansas State Long-Term Care Ombudsman
May 16, 2017

Chairman Barker and Members Federal & State Affairs committee

Thank you for allowing me to provide this testimony on House Bill 2427. I am Barbara Hickert, the Kansas State Long-Term Care Ombudsman. 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.

I am asking you to pass House Bill 2427 and help protect the residents in our adult care homes from abuse, neglect, and financial exploitation. Every year our ombudsmen investigate and resolve thousands of complaints made by or on behalf of residents with the goal of enhancing their quality of life and quality of care. Many of long-term care professionals and paraprofessionals we encounter provide loving, compassionate and competent care to our state older and disabled citizens. However, it is a sad reality, that some residents experience abuse, neglect, and financial exploitation by the very people who are charged with providing them care. Some of these residents will turn to us for help. However, experts know that most elder abuse goes unreported. Many times residents are either unable because of dementia or other health issues, or they are too afraid of retaliation to report what is happening.

We know that criminal background laws protect vulnerable elderly and disabled residents by screening out criminals in long-term care employment. In 2012, the OIG completed a report on the extent to which nurses' aides with substantiated finding of abuse, neglect or financial exploitation had previous criminal convictions that could have been detected through background checks. This report found that nurse aides with substantiated finding had a higher rate of criminal convictions than nurse aides employed in nursing facilities overall. On average 5% of all nurses' aides had a criminal conviction; however, 19% of nurses' aides with a finding of abuse, neglect or financial exploitation had at least one criminal conviction prior to their substantiated finding.

Currently, potential employees in adult care homes have a Kansas only criminal background check that is name based. This allows offenders from other states to slip through the cracks and become employed in a Kansas nursing home, assisted living or other adult care homes.

In addition to potential employees that have lived in other states in the past, there are thousands of individuals working in the Kansas adult care homes who currently reside in a state that borders Kansas. Performing a name-based, Kansas only record check under the current statute requirements on any of these individuals is of little to no value. This bill would ensure that records of criminal events that occurred in other states would be available to be reviewed. Fingerprint-based background checks also ensure that potentially prohibited individuals cannot circumvent employment restrictions by changing their name or falsifying information.

I ask you to pass House Bill 2427 and help protect the residents in our adult care homes from abuse, neglect, and financial exploitation.