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Tim Keck, Secretary

Jeff Colyer MD, Governor

Testimony in Support of House Bill 2590  
Presented to the House Health and Human Services Committee  
By Commissioner on Aging Craig Kaberline  
Kansas Department for Aging and Disability Services

February 6, 2018

Chairman Hawkins and Members of the Committee:

I am Craig Kaberline, Commissioner on Aging within the Kansas Department for Aging and Disability Services (KDADS). I appear before you today in support of HB 2590. The changes proposed in this bill will bring Kansas into alignment with requirements of federal statute.

Kansas has been very forward thinking in many areas, in this case by placing the state long-term care ombudsman's office outside of KDADS years ago. We are ahead of the game in that the changes in federal law now places that requirement on states.

A portion of the funding for the state long-term care ombudsman's office comes from the federal Older Americans Act. As the agency that receives the federal Older Americans Act funding, we have responsibility for this portion of the funding going to their office once proper documentation is received. This legislation gives the Secretary of KDADS the responsibility of providing oversight and monitoring of the state long-term care ombudsman program to ensure that it is carrying out its functions and responsibilities in accordance to state and federal laws and regulation.

The bill would further define what constitutes a conflict of interest for anyone acting in ombudsman role and provides a definition for resident representative. We believe that this is an important piece added because of federal legislation. The definition of resident representative is important in this bill. It gives clear definition of not only who can legally represent resident but also recognizing that individual whom the resident may desire to have assist them in decision making or other areas of their life.

The bill adds a requirement that to be eligible to be appointed as the state long-term care ombudsman, the individual can't have been employed by or participated in the management of a

long-term care facility within the last 12 months. It also requires demonstrated expertise in long-term care services and supports or other direct services for older adults or people with disabilities.

The bill further defines what the long-term care ombudsman's office investigates and gives the volunteer ombudsman access to all records and documents of resident to the extent necessary for carrying out the provisions of the long-term care ombudsman act.

We ask for your support of these changes to the state long-term care ombudsman program and will stand for questions.