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House Health and Human Services Committee  
Chairman Hawkins and Committee Members  
February 6, 2018

**HB 2590**

**Long Term Care Ombudsman Bill - Opposed**

Good Afternoon Mr. Chairman and Committee Members. I am Cindy Luxem, President and CEO of the Kansas Health Care Association and the Kansas Center for Assisted Living. KHCA/KCAL is a trade association with a membership of nursing homes, assisted living, residential health care, home plus, and nursing facilities for mental health. We are the oldest nursing home trade association in Kansas and our members care for nearly 20,000 elders across the state each and every day.

Kansas Health Care Association is opposing House Bill 2590 – the Ombudsman bill for the following reasons:

Page 3 lines 33 allows a representative payee to access medical, social or other personal information of the resident. This is clearly outside the purview of a payee as defined by the social security administration.

Page 8 lines 23 – 26 describes a collaboration with KDADS to review and maintain the state-wide system that collects and analyzes information on complaints and conditions in facilities. This is a concern because there is no mention of where the information will be housed, who will have access to it and what the information will be used for.

Page 8 line 34 all of section (b) which expands the individuals who can investigate a complaint to include volunteers. Volunteers should not be utilized to “investigate” a complaint. This is the role of the paid Long Term Care Ombudsman staff or paid KDADS survey and certification staff. Volunteers are a useful part of the program but allowing them or sending them into a situation to investigate a complaint is a misuse of a non-state employee. Volunteers training and knowledge of the very complex federal rules and regulations governing nursing homes makes them completely inappropriate to “investigate” a complaint.

Kansas Health Care Association cannot support this bill as written.