



To: Chairwoman Schmidt, and Members, Public Health and Welfare Committee
From: Rachel Monger, Vice President of Government Affairs
Date: March 7, 2018

Neutral Testimony on HB 2590

Thank you, Chairwoman and Members of the Committee. I am Rachel Monger, Vice President of Government Affairs for LeadingAge Kansas, the state association for faith-based and not-for-profit aging services.

We are here today to offer neutral testimony on House Bill 2590, concerning the scope of power and authority granted to the Office of the State Long Term Care Ombudsman. As stated in previous testimony by the State Long Term Care Ombudsman, the intent behind the bill is to adjust state law to reflect changes made in 2016 to the Federal regulations governing long term care ombudsmen.

We originally offered testimony in opposition to HB 2590 when it went before the House Health and Human Services Committee. However, we have moved our position to neutral after amendments were made in the House Health and Human Services Committee. We opposed the original version of the bill because it expanded the scope of access to facility records by the ombudsman's office far beyond anything contemplated in federal regulation, or in any other industry.

New federal regulatory changes found in CFR 1327.11(e)(2) grant the authority to ombudsman volunteers to access medical, social and other records relating to a specific resident. The section also allows the ombudsman volunteer to access records, policies and documents that would be available to a resident or the general public.

HB 2590, as amended in committee, brings state law into alignment with this federal regulation. It corrects the inappropriate and unprecedented power granted to an ombudsman to walk into any facility and demand access to records unrelated to a specific resident, and consisting of confidential or privileged internal records and documents of the facility, its employees and other residents.

We strongly support the amendments made to HB 2590 in the House of Representatives, and ask that this committee support the changes as well.