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**Proponent Testimony for HB 2229 – Concerning the admission into evidence of any tape or recording created using an electronic monitoring device in an adult care home**

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January 22, 2020

Good afternoon Madam Chair Concannon and members of the House Children and Seniors Committee. My name is Jamie Gideon. I am the Kansas Director of Public Policy for the Alzheimer's Association. The Alzheimer's Association is the leading voluntary health organization in Alzheimer's care, support and research. Our mission is to eliminate Alzheimer's disease through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. In Kansas, we have two chapters which together serve all 105 counties.

Thank you affording me the opportunity to testify regarding HB 2229, concerning the admission into evidence of any tape or recording created using an electronic monitoring device in an adult care home.

When K.S.A. 2018 Supp. 39-981, was passed in 2018, it did so with the goal of protecting our most vulnerable. People with dementia are especially susceptible to abuse because the disease may prevent them from reporting the abuse or recognizing it. They also may fall prey to strangers who take advantage of their cognitive impairment.

However, there is a section of the law (m (1) (2)) that makes it much more difficult to achieve that protection. The section requires the time and date to be on the recording and does not allow the recording to be edited. By striking this section of the law, it will bring parity to the Rules of Evidence requirement for electronic recording in other settings for use in criminal or civil proceedings.

In addition, residents who live in long term care facilities consider their room their home and the Centers for Medicare and Medicaid Services agree. CMS guidelines reference nursing facilities as the resident's home. The residents pay room and board just as they would if they lived in an apartment or single family home. Seniors who do not live in a long term care facility have the right to electronically record in their own home without these limitations. Why shouldn't those that live in a long term care facility have the same right?

We are asking the Committee to correct this severe inequity for vulnerable adults by striking the portion of the statute specific to (m) (1) (2).