

House Committee on Children and Seniors

Chairwoman Concannon

January 22, 2020

HB 2229 - Opposed

Madam Chairwoman and Committee Members. I am Linda MowBray, Vice-President of the Kansas Health Care Association and Kansas Center for Assisted Living. We are a trade Association representing for-profit and not-for-profit nursing homes, assisted living, residential health care, home plus, and nursing facilities for mental health across the state. We are the oldest nursing home trade association in Kansas and have over 285 member communities. Our members care for nearly 20,000 elders across the state each and every day.

We are opposed to House Bill 2229 which if passed would remove the following language in the adult care home electronic monitoring law.

No court or state agency shall admit into evidence or consider during any proceeding any tape or recording created using an electronic monitoring device in a resident's room in an adult care home, whether authorized under this section or not, or take or authorize any action based on such tape or recording, unless: (1) The tape or recording shows the time and date when the events shown on the tape or recording occurred, if the tape or recording is a video tape or recording; and (2) the contents of the tape or recording have not been edited or artificially enhanced.

The language in the electronic monitoring law that the proponents are seeking to remove does two things:

1. Creates an uneven playing field where providers may be accused of acts caught on tape that may or may not have been altered by the owner.
2. Sets a tone of negotiating in bad faith between the advocates and the profession for this and future pieces of legislation.

The uneven playing field - Currently, the recording can't be used as evidence if it's been edited or enhanced and the way to show that it hasn't been edited or enhanced is with the time and date stamp. Why would anyone want to take that common sense language out? If there is an accusation of wrong doing, let the recording speak for itself without edits and enhancements.

Reneging on a compromise - As you will hear in the testimony from LeadingAge Kansas, the negotiations, the give and take from both the providers and the advocates are the very definition of what a compromise looks like. No one got everything that they wanted but in the end, everyone agreed and asked the House and Senate to pass this piece of legislation. Coming back now and trying to cherry pick out compromised pieces of the legislation seems like an act of bad faith.

On behalf of the members of Kansas Health Care Association and Kansas Center for Assisted Living, I am asking you to oppose HB2229.

Thank you and I will stand for questions at the appropriate time.