Keeping Up With Care ~ January 2021

The Kansas Experience

A message from KABC's new Executive Director, Margaret Farley

Advocacy In Action

It remains to be seen how the COVID pandemic will impact the 2021 Kansas Legislative session scheduled to begin on Monday, January 11th. Two important pieces of legislation KABC hoped to get hearings on did not take place as a result of the early legislative adjournment in 2020 due to COVID-19. KABC is hopeful this year will see passage of these bills which would significantly improve the rights of residents in adult care facilities.

Charlie’s Bill - Currently if a resident in an assisted living, residential health care, or home plus facility receives notice from the facility that they are being involuntarily discharged - essentially being evicted from her/his home - the resident does not have the right to appeal that life altering decision to an independent judge such as a State Fair Hearing Officer. Persons living in nursing facilities have the right to appeal to the State Fair Hearing Officer if they are "evicted." Individuals renting an apartment in their community can appeal an eviction to the district court. Adults live in residential facilities in order to receive assistance with healthcare and supportive services and many have dementia, or are on hospice, or are physically frail. When they are involuntarily discharged, they are told they must find a new place to receive care and live within 30 days, often times an impossibility for them and yet, they have no right to appeal to an independent judge. Charlie's Bill would secure that right - a right the man it's named for did not have. Charlie was on hospice when he was evicted, dying within a few days after being moved out of the facility that had promised to be his home.

Electronic Recording in Adult Care Facilities - When this law passed in 2018 it was intended to strengthen protections to prevent or interrupt abuse and neglect of older adults living in long-term care facilities by allowing the use of electronic recording in the resident’s private room. Unfortunately for elders who most need its protection, facility lobbyists were successful in weakening its protection. The bill was weakened by adding the requirement that an electronic recording made in the resident’s room had to meet a more difficult standard to be used as evidence in any administrative or court proceeding than a recording made in any other setting including a hospital, another type of business, or if the recording was made in their home in the community.

In addition to these two bills, KABC will be working in support of other legislation and funding that supports safety and better care for older adults receiving long-term care in facilities or in their own home. Read the full list here.

Resources

COVID-19 Resources

New OIG report: "Onsite Surveys of Nursing Homes During the COVID-19 Pandemic: March 23–May 30, 2020"

Read the full list here.

Together, We Will Prevail.

Together We Will...

♦ Assure aging Kansans in assisted living facilities have the right to appeal eviction

♦ Help older adults & families plan for a time they will need care with KABC’s newest resource—Declaration Of My Care Choices

♦ Ensure elder voices are heard in discussions about COVID-19 response policies

♦ Grow the network of advocates fighting for elder rights through KABC's newest program—Advocacy Ambassadors

Support KABC At No Cost!

Dillons/Kroger

Before you shop at Dillons be sure to designate KABC as your Community Rewards Charity to improve elder care as you shop. Click the photo to sign up and designate KABC as your charity of choice!

Amazon Smile

Amazon donates a percentage of each item purchased through their website to a charity of your choice. Before you click that
Assess the results of infection control surveys and revise the survey as appropriate.

Work with States to help overcome challenges with PPE/Personal Protective Equipment and staffing.

Clarify expectations for States to complete backlogs of standard annual full health safety inspections and high-priority complaint inspections.

Onsite State surveys, conducted on behalf of the Centers for Medicare & Medicaid Services (CMS), assess the quality of services in nursing homes, a critical function for protecting residents. CMS changed survey practices in response to the pandemic. These changes—together with nursing home residents’ high-risk status and the importance of the State surveys—warrant close examination to assess the sufficiency of this oversight. Read the full report.

Read the COVID-19 Vaccine KS Plan.

Learn more about COVID outbreaks in Kansas adult care facilities here and then on the dark gray box labeled "Cluster Summary."

Read more about Home Health Care Quality Measures for Consumers: Getting Care at Home.

About Kansas Advocates for Better Care

KABC is a charitable 501(c)(3) non-profit organization whose mission is to improve long-term care for older adults in Kansas. Our mission is achieved through public policy advocacy, trainings and education, and by providing guidance & support to older adults and their families who need help with long-term care issues.

Our Contact Information

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