



Priority 1: Charlie's Bill, HB 2004 will provide elders the right to appeal eviction in assisted living, residential health care and home plus facilities in Kansas.

- When Charlie Imthurn was evicted by the assisted facility where he lived, he and wife Rachel had to immediately find a safe, appropriate home with care. They were not given 30 days notice, nor cause for the eviction, nor a doctor's authorization. Charlie had dementia. He died 9 days later from transfer trauma, which began the day he moved.
- In Kansas, elders like Charlie Imthurn have no right to appeal an eviction to the state's administrative hearings court or any objective party.
- The lack of appeal right puts older adults at great risk, especially when they, like Charlie are physically or cognitively challenged. Unlike Charlie many are without family to advocate for their needs.
- If older adults live in a nursing home, they are guaranteed the right to appeal evictions to the state fair hearing court by federal and state laws.
- If elders rent an apartment in the community, they are guaranteed the right to challenge an eviction.
- Charlie's Bill provides the same guarantee of fair, basic protection for frail older adults in assisted settings.
- It poses no significant obstacle to facilities choosing to issue an eviction notice.
- Regulations already require that adult care facilities provide residents with a written 30 day notice when issuing an eviction.
- Regulations already make exceptions for emergency situations, allowing a discharge sooner than 30 days.
- Even in the rare instances that the State Fair Hearing office might take longer than 30 days to hear an eviction appeal, the difficulty presented to the facility is negligible when compared with the trauma of relocation suffered by Mr. Imthurn and many older adults who are wrongly evicted from their home.

Status: Children & Seniors Committee held a hearing January 28, 2021. No vote has been taken.

Organizations in support of HB 2004

**Kansas Advocates for Better Care
Disability Rights Center of Kansas
Alzheimer's Association**

**Kansas State Nurses Association
Kansas State Long Term Care Ombudsman
AARP-Kansas**