



Advocacy in Action

April, 2022

The Kansas Legislature has concluded most of its work for 2022 but is saving a few of its remaining 90 days to return May 23 for what is being called a “second veto session.” This break gives the Kansas Supreme Court time to rule on the constitutionality of the 2022 congressional reapportionment map with a follow-up opportunity for the legislature to respond to that decision. Both chambers approved the omnibus budget bill for the 2023 state fiscal year before adjourning April 28. If they choose, they can address any remaining legislation when they return and take action on any bills vetoed by the governor.

We are disappointed the legislature did not pass HB 2004, creating the right for residents of assisted living facilities to appeal an involuntary eviction. The bill was not brought to debate in the House after passing out of the House Committee on Children and Seniors.

Charlie’s Bill

Known as "Charlie's Bill," HB 2004 was introduced by Rep. Highland (R-Wamego) on behalf of his constituent, Rachel Imthurn. Her husband, Charles ("Charlie") was involuntarily evicted in 2011 from the assisted living facility where he was living. He was discharged without proper notice and with little time for the family to find another facility. Charlie, who suffered from dementia, died from transfer trauma nine days after being moved.

In Kansas, older adults who live in assisted residential care facilities have no right to appeal an eviction to the state’s administrative hearings court or to an objective party. KABC will continue to advocate for legislation guaranteeing assisted living residents the same fair, basic protection as nursing home residents and people living independently. They are entitled to this right.

Budget

Included in the State’s 2023 budget is funding to extend comprehensive dental benefits to adults enrolled in KanCare, the Kansas Medicaid program. The additional \$1.4 million will fund a wide range of dental services for adults when the new fiscal year begins July 1.

This is a real legislative victory because neither Medicaid nor Medicare covers routine dental care for adults except in a few, very limited services considered to be “medically necessary.” According to the U.S. Centers for Disease Control and Prevention, “older persons with the poorest oral health are those who are economically disadvantaged, lack insurance, and are members of racial and ethnic minorities. Being disabled, homebound, or institutionalized also increases the risk of poor oral health.”

Also good news was the addition of \$11.8 million in reimbursement rates for providers serving KanCare members receiving services under the Frail Elderly waiver. This 10% increase supports services provided to the more than 6,200 frail elders in Kansas receiving home and community-based services.

Nursing Home Staff Training

SB 453 passed the full legislature and is waiting Gov. Kelly’s signature. The bill made several changes to the requirements for certified nurse aide (CNA) instructors. It broadened the option of CNA course instructors to include licensed practical nurses (LPN) as well as registered nurses (RN) who must be in good standing as defined in the statute. The bill also broadened the requirements of RNs who evaluate the demonstration of students’ skills, as required to complete CNA training. These RNs must have at least one year of experience providing care for older adults or chronically ill persons in a health care setting.

This bill prohibits unlicensed employees, such as the temporary nurse aides allowed during the pandemic, from providing direct, individual resident care if, after four months, they are not making progress toward completion of the first 40 hours of CNA training requirements. Lastly, it expands the preparation and administration of the 40 hours of in-person, classroom training to include a hospital, hospice, or an operation of a Program for All-inclusive Care for the Elderly (PACE). KABC is closely monitoring this evolving issue