

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. TENTH AVENUE
TOPEKA, KS 66612
(785) 296-7482
linda.gallagher@house.ks.gov

7804 MONROVIA STREET
LENEXA, KS 66216
(913) 631-3512
LJGallagher@kc.rr.com



COMMITTEE ASSIGNMENTS
VICE-CHAIR: CHILDREN AND SENIORS
SOCIAL SERVICES BUDGET
GOVERNMENT TECHNOLOGY
AND SECURITY
TRANSPORTATION

LINDA GALLAGHER
23RD DISTRICT

February 14, 2017

TESTIMONY IN SUPPORT OF HB 2232

Chairman Alford, Ranking Member Ousley and members of the Children and Seniors Committee, I am appearing today in support of HB 2232.

This bill would allow residents of long-term care facilities or their designated representatives to be permitted to install electronic monitoring equipment in their personal room if they so choose at their own expense. It supports the right of individuals regardless of age or disability to install and maintain audio or video monitoring equipment without any retaliation or retribution. The bill establishes guidelines for authorized electronic monitoring.

I introduced HB 2232 out of concern for the safety and welfare of the residents of adult care homes. Electronic monitoring can help to prevent abuse of patients by caregivers and alert family or designated representatives when a patient falls or is in some other kind of distress, leading them to notify the facility that the patient needs attention.

Both long-term care facility residents with physical ailments and Alzheimer's or dementia patients in memory care units tend to fall frequently. Nursing staff cannot be expected to be in or to check patient rooms at all times. Therefore, when a patient falls, they are more likely to be found and helped sooner if his or her family or guardian is reviewing monitoring footage.

Abuse of patients in nursing facilities does, unfortunately, happen sometimes – as we will hear in following testimony this morning. Abusive treatment of patients by caregiver staff could be detected and reported with the use of monitoring equipment. Without monitoring, abuse can be difficult to prove.

Residents of long-term care facilities rent their room from the facility, and that room is considered their home, just as an apartment would be. As such, residents or their family or guardian should have the right to install monitoring equipment in their room if they choose.

HB 2232 requires the resident or their designated representative who wish to conduct electronic monitoring to notify the adult care home on a form to be provided by the Department for Aging and

[Type text]

Disability Services. This form would spell out requirements for notification to the adult care home of the desire to use monitoring equipment and restrictions that a resident may elect to place on such monitoring. The form would require that the adult care home be released from any civil liability for violating the resident's privacy rights in connection with the use of electronic monitoring. If the monitoring device is a video surveillance camera, the resident or designated representative must choose whether the camera will always be unobstructed or will be obstructed in specific circumstances to protect the dignity of the resident. If there is more than one resident in the room, the resident or their representative must obtain the consent of other residents in the room on a form provided for this purpose by KDADS.

The bill spells out requirements of the adult care home, which would be prohibited from discharging or refusing to admit a resident or person or to retaliate against a resident or person conducting or consenting to electronic monitoring. An adult care home would be required to make reasonable physical accommodations for authorized electronic monitoring. This includes exhausting all reasonable options if a resident in a multi-resident room wishes to conduct electronic monitoring and the roommate does not consent to the monitoring – including offering to move the roommate to another room. In addition, the care home would be required to post a sign at the entrance of the facility stating the rooms of some residents may be monitored electronically.

HB 2232 would make it a class B nonperson misdemeanor to knowingly obstruct, tamper with or destroy, without consent of the resident or the individual who authorized the monitoring, an electronic monitoring device or a video or audio recording produced by the device.

Please protect older Kansans who reside in long-term care facilities by voting HB 2232 out of committee favorably.