

House Committee on Children and Seniors
February 14, 2017
Chairman Steve Alford

Neutral for HB 2232

We are the Kansas Health Care Association and Kansas Center for Assisted Living, a trade association with a membership of nursing homes, assisted living, residential health care, home plus, and nursing facilities for mental health. We are the oldest and largest nursing home trade association in Kansas. Our members care for nearly 20,000 elders across the state each and every day. At this time we represent more than 250 members, most of which are KanCare Providers.

The legislation before you today HB 2232 concerning the use of electronic monitoring in Kansas Adult Care Homes, is a reiteration of last session's HB 456. We were neutral on the bill last year and remain so this year as well. The number one goal of adult care homes across Kansas is to provide quality care in a home environment. Some believe that HB 2232 would help to reach this goal, others do not. Since 2001, six states have passed legislation on electronic monitoring devices. Other states allow usage only in common cares, but not where care is being delivered. We understand why some would support this type of monitoring. We simply have questions about the "how" that we would like to pose before HB 2232 travels through the legislative process. Many of our questions may be answered down the road as a provision in the bill allows for the secretary of KDADS to adopt rules and regulations to administer the provisions of this bill. We feel strongly, however, that these questions need to be raised earlier rather than later.

The first involves the prescribed consent form – will it need an annual update, will it be part of the clinical record that the physician signs off on? How can consent be revoked? Does that revocation include the erasure of prior recordings? Respecting the will of the elder is of the utmost importance.

The second involves the signage requirement at the entrance of the home stating that some rooms may be monitored electronically. This is an important first step but may not go far enough. In other states, a notification of electronic monitoring is posted on the actual door of the area being monitored, not just on the building as a whole. Adding that provision would assure that staff, other residents and visitors are clearly aware of when and where they were being recorded.

The last point, and arguably the most important is the issue of turning off or blocking the device when the elder is receiving personnel care or conducting private business. Having the ability to turn the device off is very important, but who should turn it off? Who should never be allowed to turn it off? Who is responsible for turning back on? What are the repercussions if someone forgets to turn it back on? Will there be a log that has to record the on and off times? Again, these are issues that really get into the weeds but clearly need to be considered as this bill is debated. Thank you.

Submitted by Linda MowBray – KHCA/KCAL