



February 19, 2019

Chairwoman Concannon and Members of the House Children and Seniors Committee,

Thank you for the hearing on HB 2343 which will prevent abuse of adults at the hands of workers who have a history of abuse and are allowed to work without a clean background check in the homes of older adults and in adult care facilities.

Background: In 2018 a bill was passed to require background checks on all persons who provide long term care to adults at home and in adult care facilities. The intent of that legislation was to prevent abuse and exploitation and create safety and security. However a provision in that bill created a wide open door for harm by allowing someone to work without a clean background check for 60 days.

HB 2343 will close the enormous opening for harm to older adults from uncleared workers with a history of wrong doing.

Imagine how much harm can be inflicted on a vulnerable adult in 60 days – physical and sexual; how much financial damage, identify theft, or theft of keepsakes held most dear could occur in 60 days. HB 2343 will stop this. It will close the long 60 day window which allows such a person to have access without any eyes-on supervision to an older adult.

What HB 2343 would do is prevent abuse of elders by assuring that a clean background check is secured *before* allowing a long term care worker to have access to an older adult, in the adult's home or in long-term care facility.

What we risk by not passing HB2343 is nothing less than the personal and financial safety of each older Kansan who needs long-term care from a paid care provider.

Is there a compelling reason to risk the safety and abuse of older adults?

- Older adults say no
- Families in communities throughout Kansas say no
- Sheriffs and law enforcement officers in rural and urban communities say no

Who asked for workers without cleared, clean background checks?

- Providers of long-term care who hire workers fear losing potential employees while they wait on the results of a criminal background check.
- **KDADS confirmed last week that the wait is a minimal 4-5 days for a KBI background check.**

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Who bears all the risk for uncleared workers?

- Providers don't bear the financial risk and are in fact protected from civil liability when hiring uncleared workers, including should such an employee harm an older adult paying for the provider's service.
- Providers have no requirement to provide eyes-on supervision of the uncleared worker and assure the safety of an older adult.
- Providers have no requirement to notify an older adult or to identify those workers who do not have a cleared background check.
- Older adults pay thousands of dollars each month for what he/she is told to believe will be safe care.

Older adults who are the least able to, bear all the risk of harm.

- More than 30,000 older Kansans who already pay for/recieve long-term care due to existing vulnerabilities such as dementia, physical illness, and frailty.
- Older adults who experience abuse are 300 times more likely to die within 18 months, than those who do not.

Pass HB 2343. Prevent abuse for aging Kansans who need long-term care, *from the first day of care to the last.*

Mitzi E. McFatrigh, Director, Kansas Advocates for Better Care

Kansas Advocates for Better Care is a statewide, non-profit

- For older adults and families
- For prevention of elder abuse
- For public policies which assure good, safe, compassionate eldercare