

## **Lessons from the Kaufman House Case: Eliminating Conflicts of Interest & Protecting Persons with Disabilities from Abuse, Neglect or Exploitation**

The Kaufman House case, in Newton Ks, has brought the wrong kind of national attention to Kansas. Kansas policy makers need to learn from this case and change Kansas law to eliminate conflicts of interests of Guardianship/Conservatorship and better defend persons with disabilities from abuse, neglect and exploitation. Arlan and Linda Kaufman have been arrested and indicted by a federal grand jury with 34 counts of criminal charges, from compelling mentally ill residents of Kaufman House to perform sexually explicit acts to defrauding taxpayers by billing Medicare for therapy sessions never provided. These 34 counts carry a cumulative charge of 325 years in prison and \$8.5 million in damages.

A Kansas State Board of Nursing public report states that videotape evidence, seized from Mr. Kaufman's bedroom, vividly shows Mr. Kaufman sexually touching the genitals of both male and female patients of his, including a woman with mental illness for whom he was court appointed Guardian & Conservator. In addition to this report of sexual abuse, Mr. Kaufman was also a service provider (therapist) for this woman with mental illness, he was her landlord for housing and had other financial conflicts of interest. Mr. Kaufman was the: 1) Guardian/Conservator, 2) therapist, 3) landlord and 4) alleged sexual abuser of the woman for whom he was appointed to protect. These are clear conflicts of interests, but these conflicts are allowed under state law.

### **DRC & the Kansas Attorney General propose three needed changes to Kansas policy:**

**Prevent Conflict of Interest with Guardians/Conservators (HB 2307)** – DRC and the Kansas Attorney General will be seeking legislation to prevent Guardians/Conservators from having conflicts of interests with persons with disabilities for whom they are Guardian/Conservator, to prevent conflicts like the Kaufman case from ever happening again. The Conflict of Interest standards of the National Guardianship Association will be used as the starting point. The NGA states that Guardians/Conservators should avoid even the appearance of a conflict of interest and should provide no direct service to the ward, so there is no financial, agency or personal conflict of interest.

**Increase Accountability of Small, Unlicensed Group Homes (Amendment to SB 116)** – Accountability of currently unlicensed group homes (like the Kaufman’s group home) that serve persons with disabilities is needed. The lack of accountability delayed justice in the Kaufman house case.

**Protection and Advocacy for Kansans with Disabilities (HB 2306)** – To better protect the rights of persons with disabilities, Kansas should follow the lead of roughly half of the states that provide state support of the protection and advocacy system. This must include funding abuse, neglect and exploitation investigation and prosecution that is independent of the agency responsible for the disability services. The funds would establish a collaborative abuse, neglect and exploitation unit as a partnership between the Kansas Attorney General’s office and the DRC, enabling perpetrators to be brought to justice through either criminal prosecution (through the Attorney General) or civil remedies (through DRC). Revenues would be obtained through currently unallocated excess court docket fees, which will have no negative effect on the Courts.