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Date: February 21, 2019

To: The Honorable Susan Concannon, Chair  
House Children and Seniors Committee

FROM: Ernest Kutzley, Advocacy Director, AARP Kansas

RE: HB 2343, Concerning removal of provisional employment.

Good afternoon Madam Chair and Committee Members. My name is Ernest Kutzley and I am the Advocacy Director for AARP Kansas. Thank you for this opportunity to present our written testimony in support of HB 2343. AARP is a nonprofit, nonpartisan organization with a more than 318,000 members living in Kansas. AARP is dedicated to enhancing the quality of life for all as we age.

One of AARP Kansas's top priorities is to support family caregivers and their loved ones by advancing laws and policy changes that keep loved ones in their homes as long as possible. We also address issues that can affect families and their loved ones such as quality of life and care in nursing facilities.

The care provided in long-term services and supports (LTSS) settings is only as good as the personnel who provide it. Indeed, workforce challenges abound in the LTSS industry and need to be addressed swiftly if the nation is to respond to the growing need for high-quality care. Lack of staff, inadequate training, and an insufficient number of bilingual workers and workers sensitive to different cultures are all serious problems. So are workers who have committed abuse or have criminal backgrounds.

Because no national registry of abusive workers exists, people who have a record of abuse or serious crimes in one state can simply travel to another state to find work.

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They can also move from working in nursing facilities to home health agencies or supportive housing without ever undergoing a criminal background check.

In 2017 and 2018, AARP Kansas was invited to work with the Kansas Department of Aging and Disability Services and others to craft language for the bill that was passed requiring fingerprinting background checks. During that time we did not support the 60-day provisional employment language in the bill. We still do not. This time of supposed direct supervision creates a terrible opportunity for abuse and neglect of individuals receiving LTSS.

Kansas policymakers should require nationwide criminal background checks prior to any employment of all workers who provide LTSS or who are employed in LTSS settings.

- Those individuals who have been convicted of burglary, larceny, violent crimes, or crimes involving abuse or neglect of vulnerable individuals should be prohibited from employment in LTSS settings.
- The national background checks should include a fingerprint check and be affordable and conducted and completed in a timely manner prior to employment.
- States should require that providers notify appropriate state licensing or registration boards of all employees convicted of a felony, resident abuse, or having knowledge of but failing to report abuse.
- After due process, the state board should consider suspending or revoking the employee's license, registration, or certification.

Although people in self-directed programs may request background checks, those checks should not be required for parents, spouses, partners, close relatives, or close friends when hired through self-directed programs.

Therefore, we respectfully request you support HB 2343.

Thank you for your consideration of our comments.