

Chairman Hilderbrand and Senate Public Health and Welfare Committee Members:

As a colleague in another state, I'd like to thank Representative Tatum Lee-Hahn & Senator Alicia Straub for the opportunity to provide written testimony today on SB303.

Long Term Care, Assisted Living and Memory Care Residents along with some Independent Living Residents have been locked away from their families for over a year all across the nation. I began advocating for these residents and their families last June. There was, and is, a triangle of blame – CMS guidelines say no; CDC says no; State Department of Health says no. It seemed that whichever guidelines were the most rigid is what most facilities chose to enforce. Then, there were those that managed to find a way for families and loved ones to visit throughout the entire year. Unfortunately they were quite the minority in OK, but they proved it can be done. Keeping families and loved ones out of facilities did not keep out COVID-19.

In the beginning we didn't know what we didn't know, so we went along with flattening the curve and protecting those we love. As time went by, residents needed to see their loved ones and many started asking – "don't I have any rights, here?"; "Shouldn't I have a say in this somehow?" The answer was a resounding 'no, you don't'. But, don't they? I contend that they do have a right. They should have a say.

The Declaration of Independence declares the inalienable right to life, liberty and the pursuit of happiness. The 14th Amendment to the Constitution declares that states may not deny any person life, liberty or property without due process of the law. We may have been trying to save their lives but we stripped them of liberty (they had no choice unless there was a way to relocate. We isolated them even within the walls of the facility, putting many in solitary confinement for weeks on end with minimum contact except for minimal care needs) and we took away the things that make them happy and fulfilled – their loved ones and freedoms.

The resident bill of rights states that the residents are entitled to visitors of their choice whenever they want them to come. We cannot deprive our people of these rights, not now and not in the future.

Governor Stitt on March 9th said "Now is the time to reunite OK families and let them visit their loved ones safely". Our Legislature said with their votes that residents do have rights. HB1677 states that Facilities, the State, County or Local Health Departments cannot completely eliminate visitors in the future. It passed off the House floor overwhelmingly. It's past time. We have stolen more than a year of their life, we cannot give it back. Do the right thing for the citizens of Kansas allow residents to see their loved ones, have private conversations and give a hug. Don't allow it to happen again in the future.

Thank you for your time and your consideration.

Respectfully,
Marilyn Stark



State Representative HD 100

Vice Chair - Health Services and Long Term Care Committee
Public Health Committee Member
General Government Committee Member
A&B Human Services Committee Member