

March 17, 2004

To: House Health and Human Services Committee
From: Cristine M. Elliott
570 East 560th Avenue
Pittsburg, Kansas 66762
Re: Senate Bill 430 as amended by the Senate

It is my understanding that Senate Bill 430 as amended by the Senate will go to committee tomorrow. I had hoped to represent my family in a plea to support this bill as amended.

My brother, Carl Small was the victim of physical abuse while in the care of a Southeast Kansas nursing care facility. Carl was developmentally disabled and unable to communicate with us. Unfortunately, he could not tell us his story.

Carl died from peritonitis that resulted from a rupture in his small intestine. The autopsy report confirmed this was the result of blunt trauma. Through investigative research on the part of police and KBI investigators we were able to uncover the truth. Carl was the victim of an abusive employee who worked in the facility at night. He was the only employee present during that shift and therefore nobody else was there to protect my brother.

If our family had not been able to pursue the truth by using documentation made through contact notes, we would have never found out what really happened to Carl. As a result of our efforts, the facility has agreed to make positive changes that will help assure a safe environment for their clients. Additionally, they are now more conscientious about the qualifications and background of their employees. I believe their standards have improved as a result of Carl's death. Again, if we had not been able to use information from contact notes, we would have been left helpless. It is vital that nursing home surveys and contact notes are available. Without information from these surveys and reports, patterns of poor, neglectful or abusive care cannot be exposed.

Please pass Senate Bill 430 as the Senate has amended it and reject all amendments. Also please reject the language of House bill 2306. I urge you to empower Kansas families to be knowledgeable caretakers of their loved ones. It is vital that information be available to prevent neglectful and abusive situations in nursing homes. Through the discovery process we went through following Carl's death, there were numerous other

cases of abuse and neglect involving other clients at the same facility. Unfortunately, their families are unaware of the circumstances of their loved ones deaths.

Patients in nursing facilities are also your constituents and need your protective action as elected officials. Please advocate for those who are unable to advocate for themselves. They need your careful and discriminating judgment as to what is in their best interest. Kansas families need all of the checks and balances possible to assure safe and quality care in nursing homes.

My family has many regrets about our situation. Even though Carl didn't lead the quality of life that the rest of us desire, he was a wonderful person with a kind, loving and innocent heart. As a professor at Pittsburg State University, I can truly say that Carl was my greatest teacher. I learned the lessons of life from him that textbooks and degrees cannot teach. Those are the lessons of caring, responsibility and compassion. Please support Senate Bill 430 as amended by the senate and help us protect people like Carl. Empower Kansas families to take care of their own.

Respectfully,

Cristine Elliott and the family of Carl Small

Harold and Pansy Small, Parents of Carl, Neodesha, Kansas

Dan and Beth Small, Brother of Carl, Neodesha, Kansas

Linda and Pat Mirocke, Sister of Carl, , Kansas

Dale and Carol Small, Brother of Carl, Neodesha, Kansas