

**Testimony**  
**House Bill 1416 – Department of Human Services**  
**House Human Services Committee**  
**Representative Price, Chairman**  
**January 23, 2007**

Chairman Price and committee members, I am Helen Funk, State Long Term Care Ombudsman with the Department of Human Services. I am here to testify against House Bill 1416 relating to family members reciprocal duty of support.

It is most often not in the interest of a resident, who requires twenty-four hour skilled nursing care, to be discharged against medical advice to an adult child. Financial exploitation of the resident may have occurred, with disqualifying transfers causing a resident to be ineligible for Medical Assistance.

Each case of transfer and discharge should be assessed individually for appropriateness of transfer and discharge. The medical risk for the resident who is requested to leave may be serious and could result in death of the resident in some cases.

Adult children of residents, who financially exploit the resident, often have problems that prevent them from caring for their parent in a responsible and reliable manner. We have known of situations where a resident has been moved out of a nursing facility into a situation that is totally inadequate for the resident. I have received concerned telephone calls from Nursing Facility and Basic Care Facility Social Workers, Nurses, their Doctors or other concerned individuals when the resident with multiple care needs has had to leave a facility under these circumstances.

It is my belief that the resident should be offered more protection in the case of financial exploitation. Guardianship may be necessary for the incapacitated resident, who cannot care for his/her own needs. Other people such as County States Attorneys may be called upon to assist in recouping assets that have been taken from them.

State and Federal law, as well as Administrative Code already define what a Nursing Facility should do when a transfer and discharge of a resident occurs.

This concludes my testimony.