

As Amended by House Committee

HOUSE BILL No. 2784

By Committee on Health and Human Services

Requested by Representative Landwehr

2-8

1 AN ACT concerning adult care homes; relating to continuing care
2 retirement communities; transferring authority for certification of such
3 facilities from the Kansas insurance department to the Kansas
4 department for aging and disability services; ~~lowering the nursing~~
5 ~~facility provider assessment for such facilities; amending K.S.A. 39-~~
6 ~~923, 40-2231, 40-2232, 40-2233, 40-2234, 40-2235 and 40-2238 and~~
7 ~~K.S.A. 2023 Supp. 39-936 and 75-7435 and repealing the existing~~
8 ~~sections.~~
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 39-923 is hereby amended to read as follows: 39-
12 923. (a) As used in this act:

13 (1) "Adult care home" means any nursing facility, nursing facility for
14 mental health, intermediate care facility for people with intellectual
15 disability, assisted living facility, residential healthcare facility, home plus,
16 boarding care home, ~~continuing care retirement community~~ and adult day
17 care facility; all of which are classifications of adult care homes and are
18 required to be licensed by the secretary for aging and disability services.

19 (2) "Nursing facility" means any place or facility operating 24 hours a
20 day, seven days a week, caring for six or more individuals not related
21 within the third degree of relationship to the administrator or owner by
22 blood or marriage and who, due to functional impairments, need skilled
23 nursing care to compensate for activities of daily living limitations.

24 (3) "Nursing facility for mental health" means any place or facility
25 operating 24 hours a day, seven days a week, caring for six or more
26 individuals not related within the third degree of relationship to the
27 administrator or owner by blood or marriage and who, due to functional
28 impairments, need skilled nursing care and special mental health services
29 to compensate for activities of daily living limitations.

30 (4) "Intermediate care facility for people with intellectual disability"
31 means any place or facility operating 24 hours a day, seven days a week,
32 caring for four or more individuals not related within the third degree of
33 relationship to the administrator or owner by blood or marriage and who,
34 due to functional impairments caused by intellectual disability or related
35 conditions, need services to compensate for activities of daily living

Proposed Amendment to HB 2784 AAHC
For Senate Committee on Public Health and Welfare
Office of Revisor of Statutes
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1 order to maintain the current level of nursing care standards. Personnel of
2 any home plus who provide services for residents with dementia shall be
3 required to take annual dementia care training.

4 (8) "Boarding care home" means any place or facility operating 24
5 hours a day, seven days a week, caring for not more than 10 individuals
6 not related within the third degree of relationship to the operator or owner
7 by blood or marriage and who, due to functional impairment, need
8 supervision of activities of daily living but who are ambulatory and
9 essentially capable of managing their own care and affairs.

10 (9) "~~Continuing care retirement community~~" means any place or
11 facility that combines a range of housing and services to encompass the
12 continuum of aging care needs provided at an independent living facility,
13 an assisted living facility, a residential healthcare facility ~~and~~ or a skilled
14 nursing care facility within a single place or facility to avoid the need for
15 residents to relocate to a separate place or facility. The provision of
16 community care includes the multiple levels of care provided ~~within~~ as
17 part of a continuing care retirement community.

18 (10) "Adult day care" means any place or facility operating less than
19 24 hours a day caring for individuals not related within the third degree of
20 relationship to the operator or owner by blood or marriage and who, due to
21 functional impairment, need supervision of or assistance with activities of
22 daily living.

23 ~~(11)~~ "Place or facility" means a building or any one or more
24 complete floors of a building, or any one or more complete wings of a
25 building, or any one or more complete wings and one or more complete
26 floors of a building, ~~and the term~~ "Place or facility" ~~may include~~ includes
27 multiple buildings.

28 ~~(12)~~ "Skilled nursing care" means services performed by or under
29 the immediate supervision of a registered professional nurse and additional
30 licensed nursing personnel. Skilled nursing includes administration of
31 medications and treatments as prescribed by a licensed physician or
32 dentist, and other nursing functions that require substantial nursing
33 judgment and skill based on the knowledge and application of scientific
34 principles.

35 ~~(13)~~ "Supervised nursing care" means services provided by or
36 under the guidance of a licensed nurse with initial direction for nursing
37 procedures and periodic inspection of the actual act of accomplishing the
38 procedures; administration of medications and treatments as prescribed by
39 a licensed physician or dentist and assistance of residents with the
40 performance of activities of daily living.

41 ~~(14)~~ "Resident" means all individuals kept, cared for, treated,
42 boarded or otherwise accommodated in any adult care home.

43 ~~(15)~~ "Person" means any individual, firm, partnership,

, home plus

1 necessary to fund start-up losses and provide reserve funds to assure full
2 performance of the obligations of the provider under continuing care
3 contracts.

4 (g) A statement as to whether the manager or any official or director
5 of the provider, has been convicted of a crime or been a party of any civil
6 action claiming fraud, embezzlement, fraudulent conversion or
7 misappropriation of property—~~which that~~ resulted in a judgment against
8 such person and whether any such person has had any state or federal
9 license or permits related to care and housing suspended or revoked.

10 (h) A statement of the years of experience of the provider and
11 manager in the operation of homes providing continuing care.

12 (i) A statement of the fiscal year of the provider.

13 Sec. 5. K.S.A. 40-2233 is hereby amended to read as follows: 40-
14 ~~2233. On or before April 1 of each year, a provider shall file with the~~
15 ~~commissioner secretary within four months of completion of such~~
16 ~~provider's fiscal year the annual disclosure statement referred to in K.S.A.~~
17 ~~40-2232, and amendments thereto, the continuing care contract referred to~~
18 ~~in K.S.A. 40-2234, and amendments thereto, and an annual audit certified~~
19 ~~by a certified public accountant.~~

20 Sec. 6. K.S.A. 40-2234 is hereby amended to read as follows: 40-
21 2234. The provider shall provide the ~~commissioner secretary~~ a copy of any
22 continuing care contract form entered into on or after the effective date of
23 this act or entered into between the provider and any resident, which shall
24 include or have attached thereto:

25 (a) A description of all fees and or charges required of residents; a
26 description of all services to be provided or committed to providing in the
27 future *in compliance with the definitions in K.S.A. 39-923, and*
28 *amendments thereto*, and a description of any services for which an extra
29 charge is made over and above entrance fees and periodic charges that are
30 provided for in the contract;

31 (b) a listing of the terms and conditions under which the agreement
32 may be cancelled by either party to the agreement or by which any or all of
33 the entrance fee or transfer of assets would be refunded, less the value of
34 any services received; and

35 (c) a statement describing health and financial conditions required to
36 continue as a resident, including any changes in either health or financial
37 conditions of the resident.

38 Sec. 7. K.S.A. 40-2235 is hereby amended to read as follows: 40-
39 2235. No provider shall act as or hold themselves out to be a continuing
40 care provider, as defined in this act, in this state, unless the provider shall
41 hold a certificate of registration as a continuing care provider issued by the
42 ~~commissioner of insurance secretary~~. Application for such certificate shall
43 be made to the ~~commissioner secretary~~ on a form prescribed by such

A
restore stricken language
after "secretary" in lines 15
and 16

