

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2471

As Amended by Senate Committee of the Whole

Brief*

HB 2471, as amended, would establish requirements for the appointment of the three state-licensed administrator members of the Board of Adult Care Home Administrators (Board) and make changes to the terms of Board members. Each of the three administrator members would represent one of the following groups in the state, but would not be required to be members of the nominating entities, or the successor of such entities, to be considered: the not-for-profit adult care home industry, the for-profit adult care home industry, and the professional association for the adult home care industry.

The bill would require, at least 30 days prior to the expiration of each administrator member's term, at least one but not more than three names of persons of recognized ability and qualification be submitted to the Governor for consideration in making appointments to the Board. The names would be submitted for the not-for-profit representative by LeadingAge Kansas, for the for-profit representative by the Kansas Health Care Association, and for the professional association representative by the Kansas Adult Care Executives, or the successor of such entities. Individuals whose names would be submitted to the Governor for consideration as administrative members would not be required to be members of the nominating entities, or the successor to such entities, to be considered.

The administrator members of the Board would be required to have been actively engaged in the administration

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

of adult care homes within the state for the three years immediately preceding appointment and would be required to remain actively engaged in the administration of adult care homes in Kansas while serving on the Board. Additionally, Board members would be required to not have had any published disciplinary action taken against them by the Board, or have any such action taken while serving on the Board.

The bill would change Board member terms on the effective date of this act, by allowing each current board member's term to be extended by one year from the term expiration date. Board members appointed on or after the effective date of this act would serve a term of three years or until otherwise disqualified from serving and would not serve more than two consecutive terms.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Aging and Long-term Care at the request of Representative Geraldine Flaharty. The House Committee on Aging and Long-term Care heard testimony in favor of the bill from representatives of LeadingAge Kansas and the Kansas Adult Care Executives Association (KACE). The proponents testified that the original bill would preserve in statute the long-standing informal practice by which the licensed adult care home administrator members of the Board of Adult Care Home Administrators are selected by the Governor from nominations submitted by the professional and trade associations that serve adult care homes and adult care home administrators. The representative of KACE stated that by requiring the proposed Board members to represent the not-for-profit homes and the for-profit homes, the Board is assured of a balanced and equitable representation of the industry. A representative of Kansas Advocates for Better

Care testified in opposition to the bill, requesting the bill be amended to increase consumer and professional representation on the Board to match administrator representation, and that a specific standard for administrators nominated to the Board be set. Written testimony in opposition to the bill from a representative of American Association of Retired Persons (AARP) Kansas requested equal consumer representation on the Board. Neutral testimony was heard from a representative of the Board of Adult Care Home Administrators who asked the Committee to consider the changes made by the original bill and the possible impact of those changes on Board membership.

The House Aging and Long-term Care Committee amended the bill to eliminate the requirement that the Governor select the adult care home administrator members of the Board from a list provided by the three specifically named trade associations, and instead provide that the Governor may consider these lists in appointing administrator members to the Board. The amendment was made due to constitutional questions raised with regard to the separation of powers. The Committee also amended the bill to: eliminate the requirement that administrator members of the Board maintain current membership with the Kansas Adult Care Executive Association; prohibit administrator members of the Board from having had any published disciplinary action taken against them by the Board; and require, on or after the effective date of this act, Board member vacancies be appointed in compliance with the bill. Technical amendments also were made. The Committee recommended the bill be passed as amended.

The Senate Committee on Public Health and Welfare heard testimony in favor of the bill from representatives of the Kansas Adult Care Executives Association (KACE) and LeadingAge Kansas. The proponents presented testimony similar to that provided before the House Committee. Testimony in opposition to the bill was presented by representatives of AARP Kansas and Kansas Advocates for Better Care (KABC). Opponents expressed the same

concerns with regard to equalizing Board member representation and setting specific administrator Board member standards as was stated before the House Committee.

The Senate Committee on Public Health and Welfare amended the bill to allow for the nomination of Board members by the successors of the named appointing entities, to require that published disciplinary action taken by the Board against active Board members would disqualify such members from continuing to serve, and to change Board member terms.

The Senate Committee of the Whole amended the bill to clarify that administrative Board members would not be required to be members of the nominating entities, or successors to such entities, to be considered.

The fiscal note on the original bill states the Department of Health and Environment indicated the passage of the bill would have no fiscal effect.