

**SENATE BILL No. 445**

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning the client assessment, referral and evaluation  
2 program; amending K.S.A. 2015 Supp. 39-968 and repealing the  
3 existing section.  
4

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

6 Section 1. K.S.A. 2015 Supp. 39-968 is hereby amended to read as  
7 follows: 39-968. (a) To achieve a quality of life for Kansans with long-  
8 term care needs in an environment of choice that maximizes independent  
9 living capabilities and recognizes diversity, this act establishes a program  
10 which is intended to encourage a wide array of quality, cost-effective and  
11 affordable long-term care choices. This program shall be known as client  
12 assessment, referral and evaluation (CARE). The purposes of CARE is for  
13 data collection and individual assessment and referral to community-based  
14 services and appropriate placement in long-term care facilities.

15 (b) As used in this section:

16 (1) "Assessment services" means evaluation of an individual's health  
17 and functional status to determine the need for long-term care services and  
18 to identify appropriate service options which meet these needs utilizing the  
19 client assessment, referral and evaluation (CARE) form.

20 (2) "Health care data governing board" means the board abolished by  
21 K.S.A. 65-6803, and amendments thereto.

22 (3) "Medical care facility" shall have the meaning ascribed to such  
23 term under K.S.A. 65-425, and amendments thereto.

24 (4) "Nursing facility" shall have the meaning ascribed to such term  
25 under K.S.A. 39-923, and amendments thereto.

26 (5) "Secretary" means the secretary for aging and disability services.

27 (c) There is hereby established the client assessment, referral and  
28 evaluation (CARE) program. The CARE program shall be administered by  
29 the secretary for aging and disability services and shall be implemented on  
30 a phased-in basis in accordance with the provisions of this section.

31 (d) All rules and regulations adopted by the health care data  
32 governing board relating to client assessment, referral and evaluation  
33 (CARE) data entry form shall be deemed to be the rules and regulations of  
34 the *Kansas* department of health and environment until revised, revoked or  
35 nullified pursuant to law. The purpose of this form is for data collection  
36 and referral services. Such form shall be concise and questions shall be

1 limited to those necessary to carry out the stated purposes. The client  
2 assessment, referral and evaluation (CARE) data entry form shall include,  
3 but not be limited to, the preadmission screening and annual resident  
4 review (PASARR) questions. ~~Prior to the adoption of the client~~  
5 ~~assessment, referral and evaluation (CARE) data entry form by the health~~  
6 ~~care data governing board,~~ The secretary for aging and disability services  
7 shall approve the *client assessment, referral and evaluation (CARE) data*  
8 *entry* form. The client assessment, referral and evaluation (CARE) data  
9 entry form shall be used by all persons providing assessment services.

10 (e) (1) Each individual prior to admission to a nursing facility as a  
11 resident of the facility shall receive assessment services to be provided by  
12 the secretary for aging and disability services, with the assistance of ~~area~~  
13 ~~agencies on aging~~ *aging and disability resource centers* ~~area agencies on~~  
14 *aging*, except: (A) Such assessment services shall be provided by a  
15 medical care facility to a patient of the medical care facility who is  
16 considering becoming a resident of a nursing facility upon discharge from  
17 the medical care facility; and (B) as authorized by rules and regulations  
18 adopted by the secretary for aging and disability services pursuant to  
19 subsection (i).

20 (2) The provisions of this subsection ~~(e)~~ shall not apply to any  
21 individual exempted from preadmission screening and annual resident  
22 review under 42 ~~code of federal regulations~~ *C.F.R.* 483.106.

23 (f) The secretary for aging and disability services shall cooperate with  
24 the ~~area agencies on aging~~ *aging and disability resource centers* ~~area~~  
25 *agencies on aging* providing assessment services under this section.

26 (g) The secretary for aging and disability services shall assure that  
27 each ~~area agency on aging~~ *aging and disability resource center* ~~area~~  
28 *agency on aging* shall compile comprehensive resource information for  
29 use by individuals and agencies related to long-term care resources  
30 including all area offices of the Kansas department for children and  
31 families and local health departments. This information shall include, but  
32 not be limited to, resources available to assist persons to choose  
33 alternatives to institutional care.

34 (h) Nursing facilities and medical care facilities shall make available  
35 information referenced in subsection (g) to each person seeking admission  
36 or upon discharge as appropriate. Any person licensed to practice the  
37 healing arts as defined in K.S.A. 65-2802, and amendments thereto, shall  
38 make the same resource information available to any person identified as  
39 seeking or needing long-term care. Each senior center and each ~~area~~  
40 ~~agency on aging~~ *aging and disability resource center* ~~area agency on~~  
41 *aging* shall make available such information.

42 (i) The secretary shall adopt rules and regulations to govern such  
43 matters as the secretary deems necessary for the administration of this act.

1 (j) (1) There is hereby established an eleven-member voluntary  
2 oversight council which shall meet monthly for the purpose of assisting the  
3 secretary for aging and disability services in restructuring the assessment  
4 and referral program in a manner consistent with this act and shall meet  
5 quarterly thereafter for the purpose of monitoring and advising the  
6 secretary regarding the CARE program. The council shall be advisory  
7 only, except that the secretary for aging and disability services shall file  
8 with the council each six months the secretary's response to council  
9 comments or recommendations.

10 (2) The secretary for aging and disability services shall appoint two  
11 representatives of hospitals, two representatives of nursing facilities, two  
12 consumers and two representatives of providers of home and community-  
13 based services. The secretary of health and environment and the secretary  
14 for children and families, or their designees, shall be members of the  
15 council in addition to the eight appointed members. The secretary for  
16 aging and disability services shall serve as chairperson of the council. The  
17 appointive members of the council shall serve at the pleasure of their  
18 appointing authority. Members of the voluntary oversight council shall not  
19 be paid compensation, subsistence allowances, mileage or other expenses  
20 as otherwise may be authorized by law for attending meetings, or  
21 subcommittee meetings, of the council.

22 (k) The secretary for aging and disability services shall report to the  
23 governor and to the legislature on or before December 31, 1995, and each  
24 year thereafter on or before such date, an analysis of the information  
25 collected under this section. In addition, the secretary for aging and  
26 disability services shall provide data from the CARE data forms to the  
27 *Kansas* department of health and environment. Such data shall be provided  
28 in such a manner so as not to identify individuals.

29 Sec. 2. K.S.A. 2015 Supp. 39-968 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its  
31 publication in the statute book.