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MEMORANDUM

To: The House Standing Committee on Children and Seniors

From: The Kansas Office of Revisor of Statutes

Date: February 20, 2020

Subject: Bill Brief on HB 2629

HB 2629 would require the secretary for aging and disability services to regulate supplemental nursing services agencies in the state of Kansas.

Section 1 would be the definitions section of the act. “Supplemental nursing services agencies” would mean persons who provide or procure temporary employment for nurses and nurse aides in healthcare facilities. “Person” would mean any natural or artificial person, including individuals and businesses entities. “Healthcare facility” would include medical care facilities¹ and adult care homes².

Section 2 would give the secretary responsibility for the oversight of supplemental nursing services agencies and would give the secretary rules and regs authority to carry out the provisions of the act. The secretary would be required to establish a system for the reporting of complaints against supplemental nursing services agencies and employees of such agencies.

Section 3 would require any person who operates a supplemental nursing services agency to register annually with the secretary. Applications would need to include the items listed in subsection (b) or else the secretary would be required to immediately deny the application. One requirement would be a registration fee of \$2,035. Any registration issued by the secretary would

¹ The term “medical care facility” means a hospital, ambulatory surgical center or recuperation center, but shall not include a hospice which is certified to participate in the medicare program under 42 code of federal regulations, chapter IV, section 418.1 et seq. and amendments thereto and which provides services only to hospice patients.

² The term “adult care home” includes any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home or adult day care facility that is required to be licensed to operate by the secretary for aging and disability services.

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be effective for a period of one year from the date of its issuance. Subsection (e) would create the supplemental nursing services agency regulation fund. The registration fees submitted to the secretary would be credited to the fund.

Section 4 contains the penalties provisions of the bill. Subsection (a) would list the conditions of registration, which would include a requirement that supplemental nursing services agencies perform criminal history records checks in accordance with K.S.A. 39-970 and that the agencies retain records for five calendar years and keep the records organized so that they can be made immediately available to the secretary upon request. Failure to comply with the provisions of the section would subject a supplemental nursing service agency to revocation or nonrenewal of its registration.

Section 5 would prohibit supplemental nursing services agencies from billing or receiving payments from adult care homes or hospital long-term care units above a specific set rate. The maximum allowable rate would include all charges for administrative fees, contract fees or other special charges in addition to the hourly rates for the supplied temporary nursing personnel.

HB 2629 would become effective upon publication in the statute book, on July 1, 2020.