

HOUSE BILL No. 2524

By Committee on Children and Seniors

1-20

House Children and Seniors
HB 2524
February 17, 2022

Office of Revisor of Statutes

1 AN ACT concerning health and healthcare; relating to the Kansas
2 department for aging and disability services; requiring regulation of
3 supplemental nursing services agencies thereby; creating the
4 supplemental nursing services agency regulation fund.
5

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

7 Section 1. As used in this act:

8 (a) "Act" means section 1 et seq., and amendments thereto.

9 (b) "Controlling person" means:

10 (1) A business entity, officer, program administrator or director whose
11 responsibilities include the direction of the management or policies of a
12 supplemental nursing services agency; or

13 (2) an individual who, directly or indirectly, beneficially owns an
14 interest in a corporation, partnership or other business association that is a
15 "controlling person."

16 (c) "Healthcare facility" includes any:

17 (1) Medical care facility, as defined in K.S.A. 65-425, and
18 amendments thereto; or

19 (2) adult care home, as defined in K.S.A. 39-923, and amendments
20 thereto.

21 (d) "Hospital long-term care unit" means a nursing facility, as defined
22 in K.S.A. 39-923, and amendments thereto, that is owned and operated by
23 and a part of a hospital, as defined in K.S.A. 65-425, and amendments
24 thereto.

25 (e) "Nurse" means a practical nurse or professional nurse, as those
26 terms are defined in K.S.A. 65-1113, and amendments thereto.

27 (f) "Nurse aide" means an individual who has a nurse aide certificate
28 issued in accordance with rules and regulations adopted by the secretary.

29 (g) "Person" means any natural or artificial person, including, but not
30 limited to, individuals, partnerships, associations, trusts or corporations.

31 (h) "Secretary" means the secretary for aging and disability services.

32 (i) (1) "Supplemental nursing services agency" means a person
33 engaged for hire in the business of providing or procuring temporary
34 employment in healthcare facilities for nurses and nurse aides.

35 (2) "Supplemental nursing services agency" does not include any
36 individual who only engages in providing such individual's services on a

House Children and Seniors
 HB 2524
 February 17, 2022

Office of Revisor of Statutes

1 supplemental nursing services agency whose registration was not renewed
 2 or was revoked under this subsection for five years following the effective
 3 date of such nonrenewal or revocation.

(a)

4 Sec. 5. A supplemental nursing services agency shall not bill or
 5 receive payments from an adult care home or a hospital long-term care
 6 unit at a rate higher than 150% of the sum of the weighted average wage
 7 rate, plus a factor determined by the secretary to incorporate payroll taxes
 8 for the applicable employee classification for the geographic group. The
 9 weighted average wage rates shall be determined by the secretary on an

200

10 annual basis. For the purposes of this section, "wages" means an hourly
 11 rate of pay and shift differential, including weekend shift differential and
 12 overtime. Adult care homes and long-term care units shall provide
 13 information necessary to determine weighted average wage rates in a
 14 format requested by the secretary. The maximum rate shall include all
 15 charges for administrative fees, contract fees or other special charges in
 16 addition to the hourly rates for the temporary nursing personnel supplied to
 17 an adult care home or a hospital long-term care unit. An adult care home or
 18 a hospital long-term care unit that pays for the actual travel and housing
 19 costs for supplemental nursing services agency staff working at the facility
 20 and that pays these costs to the employee, the agency or another vendor, is
 21 not violating the limitation on charges described in this section.

(b)

22 Sec. 6. This act shall take effect and be in force from and after its
 23 publication in the statute book.

(c) The provisions of this section shall expire on July 1, 2024.