

HOUSE BILL No. 2592

By Committee on Appropriations

1-31

1 AN ACT concerning the client assessment, referral and evaluation
2 program; relating to powers, duties and functions of the secretary for
3 aging and disability services; authority to contract for a period of time;
4 amending K.S.A. 2017 Supp. 39-968 and repealing the existing section.
5

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

7 Section 1. K.S.A. 2017 Supp. 39-968 is hereby amended to read as
8 follows: 39-968. (a) To achieve a quality of life for Kansans with long-
9 term care needs in an environment of choice that maximizes independent
10 living capabilities and recognizes diversity, this act establishes a program
11 ~~which~~ *that* is intended to encourage a wide array of quality, cost-effective
12 and affordable long-term care choices. This program shall be known as
13 client assessment, referral and evaluation (CARE). The purposes of *the*
14 ~~CARE is for~~ *program are* data collection ~~and~~, individual assessment ~~and~~,
15 referral to community-based services and appropriate placement in long-
16 term care facilities.

17 (b) As used in this section:

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

22 (2) "Healthcare data governing board" means the board abolished by
23 K.S.A. 65-6803, and amendments thereto.

24 (3) "Medical care facility" ~~shall have the meaning ascribed to such~~
25 ~~term under~~ *means the same as defined in* K.S.A. 65-425, and amendments
26 thereto.

27 (4) "Nursing facility" ~~shall have the meaning ascribed to such term~~
28 ~~under~~ *means the same as defined in* K.S.A. 39-923, and amendments
29 thereto.

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

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

35 (d) All rules and regulations adopted by the healthcare data
36 governing board relating to ~~client assessment, referral and evaluation (~~ *the*

1 CARE) data entry form shall be deemed to be the rules and regulations of
2 the ~~Kansas~~ department of health and environment until revised, revoked or
3 nullified pursuant to law. The purpose of this form is for data collection
4 and referral services. Such form shall be concise and questions shall be
5 limited to those necessary to carry out the stated purposes. The ~~client~~
6 ~~assessment, referral and evaluation (CARE)~~ data entry form shall include,
7 but not be limited to, the preadmission screening and annual resident
8 review (PASARR) questions. The secretary for aging and disability
9 services shall approve the ~~client assessment, referral and evaluation~~
10 ~~(CARE)~~ data entry form. The ~~client assessment, referral and evaluation~~
11 ~~(CARE)~~ data entry form shall be used by all persons providing assessment
12 services.

13 (e) (1) Each individual prior to admission to a nursing facility as a
14 resident of the facility shall receive assessment services to be provided by
15 *area agencies on aging contracted by the secretary for aging and*
16 *disability services or, on and after January 1, 2020, by the secretary for*
17 *aging and disability services, with the assistance of area agencies on aging,*
18 *except: (A) Such assessment services shall be provided by a medical care*
19 *facility to a patient of the medical care facility who is considering*
20 *becoming a resident of a nursing facility upon discharge from the medical*
21 *care facility; and (B) on and after January 1, 2020, as authorized by rules*
22 *and regulations adopted by the secretary for aging and disability services*
23 *pursuant to subsection (i).*

24 (2) The provisions of this subsection shall not apply to any individual
25 exempted from preadmission screening and annual resident review under
26 42 C.F.R. 483.106.

27 (f) The secretary for aging and disability services shall cooperate with
28 the area agencies on aging providing assessment services under this
29 section.

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

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

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

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

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

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

31 *(l) (1) Notwithstanding any other provision of law to the contrary, the*
32 *secretary for aging and disability services shall withdraw any request for*
33 *proposal, any solicitation for bids or information or any offer to any*
34 *person or organization other than area agencies on aging for the*
35 *provision of assessment services under the CARE program. Contracts*
36 *executed pursuant to this section for the provision of assessment services*
37 *under the CARE program shall not be subject to the competitive bid*
38 *requirements established by K.S.A. 75-3737a et seq., and amendments*
39 *thereto, and shall only be executed with area agencies on aging.*

40 *(2) The provisions of this subsection shall expire on January 1, 2020.*

41 Sec. 2. K.S.A. 2017 Supp. 39-968 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its
43 publication in the Kansas register.