HOUSE BILL No. 2110
By Committee on Aging and Long Term Care
1-27

AN ACT concerning the state long-term care ombudsman; relating to the Kansas soldiers' home and Kansas veterans' home; establishing an advisory committee on advocacy options within the home; amending K.S.A. 2010 Supp. 75-7303 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 2010 Supp. 75-7303 is hereby amended to read as follows: 75-7303. As used in the long-term care ombudsman act:

(a) "Ombudsman" means the state long-term care ombudsman, any regional long-term care ombudsman or any individual designated as an ombudsman under subsection (h) of K.S.A. 2010 Supp. 75-7306, and amendments thereto, who has received the training required under subsection (f) of K.S.A. 2010 Supp. 75-7306, and amendments thereto, and who has been designated by the state long-term care ombudsman to carry out the powers, duties and functions of the office of the state long-term care ombudsman.

(b) "Volunteer ombudsman" means an individual who has satisfactorily completed the training prescribed by the state long-term care ombudsman under subsection (f) of K.S.A. 2010 Supp. 75-7306, and amendments thereto, who is a volunteer assisting in providing ombudsman services and who receives no payment for such service other than reimbursement for expenses incurred in accordance with guidelines adopted therefor by the state long-term care ombudsman.

(c) "Facility" means an adult care home as such term is defined in K.S.A. 39-923, and amendments thereto, and includes the Kansas soldiers' home and Kansas veterans' home, except that facility does not include any nursing facility for mental health or any intermediate care facility for the mentally retarded, as such terms are defined in K.S.A. 39-923, and amendments thereto.

(d) "Resident" means a resident as such term is defined in K.S.A. 39-923, and amendments thereto.

(e) "State long-term care ombudsman" means the individual appointed by the governor to administer the office of the state long-term care ombudsman.

(f) "Regional long-term care ombudsman" means an individual appointed by the state long-term care ombudsman under K.S.A. 2010
(g) "Office" means the office of the state long-term care ombudsman.

(h) "Conflict of interest" means:

1. Having a pecuniary or other interest in a facility, but not including interests that result only from having a relative who is a resident or from being the guardian of a resident;
2. Being actively employed or otherwise having active involvement in representation of or advocacy for any facility or group of facilities, whether or not such representation or advocacy is individual or through an association or other entity, but not including any such active involvement that results only from having a relative who is a resident or from being the guardian of a resident;
3. Being employed by or having an active association with any entity that represents any resident or group of residents, including any area agency on aging, but not including any such active association that results only from having a relative who is a resident or from being the guardian of a resident.

New Sec. 2. (a) There is hereby established the long-term care ombudsman advisory committee on advocacy options within the home. The committee shall be composed of 11 members as follows: The state long-term care ombudsman and six members appointed by the state long-term care ombudsman; at least one member shall be a provider of services to nonlicensed facilities; at least one member shall be a recipient of services from nonlicensed facilities; at least one member shall be citizen advocate for the elderly and three additional members as the state long-term care ombudsman deems appropriate. The remaining four members of the advisory committee shall be appointed as follows: One by the attorney general; one by the secretary of social and rehabilitation services; one by the secretary on aging and one by the Kansas health policy authority.

(b) Members of the advisory committee shall be appointed within one month after the effective date of this act and shall serve at the pleasure of their appointing authority. Any vacancy occurring on the advisory committee shall be filled in the same manner as the original appointment. Six members shall constitute a quorum of the advisory committee. The state long-term care ombudsman shall be the chairperson of the advisory committee. The advisory committee shall meet on call of the state long-term care ombudsman. Members of the advisory committee shall serve without compensation or reimbursement of expenses. Meetings and hearings of the advisory committee may be held even though a quorum of the members is not present, but no action of the advisory committee, other than to adjourn to the next meeting of the advisory committee, shall be taken unless a quorum is present.

(c) The advisory committee shall study and analyze the following
advocacy options within the home: The current living situation, costs, funding options, staffing recommendations, travel, specific HCBS waiver coverage, duplication of services, access to private homes or other nonlicensed settings, collection and recordation of medical information, administration on aging national ombudsman reporting system (NORS) requirements, confidentiality issues, policy and procedure development, scope of responsibilities (quality of care versus all complaints), new training considerations, conflict of interest and systems advocacy and such other matters as the advisory committee deems appropriate. The advisory committee shall hold public hearings on these options.

(d) On or after January 15, 2012, and each January 15 thereafter, the advisory committee and state long-term care ombudsman shall present a report to the house committee on aging and long-term care and to the senate committee on public health and welfare its findings and recommendations concerning advocacy options within the home.

Sec. 3. K.S.A. 2010 Supp. 75-7303 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.