

SENATE BILL No. 120

By Committee on Public Health and Welfare

1-24

AN ACT concerning the mentally ill; relating to admittance to adult care homes; amending K.S.A. 39-968 and repealing the existing section.

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

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

(b) As used in this section:

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

(2) "Health care data governing board" means the board created under K.S.A. 2000 *Supp.* 65-6803 and amendments thereto.

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

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

(5) "Secretary" means the secretary of aging.

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

(d) Prior to January 1, 1995, the health care data governing board shall adopt by rules and regulations a client assessment, referral and evaluation (CARE) data entry form. The purpose of this form is for data collection and referral services. Such form shall be concise and questions shall be limited to those necessary to carry out the stated purposes. The client assessment, referral and evaluation (CARE) data entry form shall

1 include, but not be limited to, the preadmission screening and annual
2 resident review (PASARR) questions. Prior to the adoption of the client
3 assessment, referral and evaluation (CARE) data entry form by the health
4 care data governing board, the secretary of aging shall approve the form.
5 The client assessment, referral and evaluation (CARE) data entry form
6 shall be used by all persons providing assessment services.

7 (e) (1) Prior to January 1, 1995, each individual prior to admission to
8 a nursing facility as a resident of the facility shall receive assessment and
9 referral services to be provided by the secretary of social and rehabilita-
10 tion services except that such services shall be provided by a medical care
11 facility to a patient of the medical care facility who is considering becom-
12 ing a resident of a nursing facility upon discharge from the medical care
13 facility.

14 (2) On and after January 1, 1995, each individual prior to admission
15 to a nursing facility as a resident of the facility shall receive assessment
16 services to be provided by the secretary of aging, with the assistance of
17 area agencies on aging, except (A) such assessment services shall be pro-
18 vided by a medical care facility to a patient of the medical care facility
19 who is considering becoming a resident of a nursing facility upon dis-
20 charge from the medical care facility and (B) as authorized by rules and
21 regulations adopted by the secretary of aging pursuant to subsection (i).

22 (3) The provisions of this subsection (e) shall not apply to any indi-
23 vidual exempted from preadmission screening and annual resident review
24 under 42 code of federal regulations 483.106.

25 (f) The secretary of aging shall cooperate with the area agencies on
26 aging providing assessment services under this section.

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

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

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

1 (j) (1) There is hereby established an eleven-member voluntary over-
2 sight council which shall meet monthly prior to July 1, 1995, for the
3 purpose of assisting the secretary of aging 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 sec-
6 retary regarding the CARE program. The council shall be advisory only,
7 except that the secretary of aging shall file with the council each six
8 months the secretary's response to council comments or
9 recommendations.

10 (2) The secretary of aging shall appoint two representatives of hos-
11 pitals, two representatives of nursing facilities, two consumers and two
12 representatives of providers of home and community-based services. The
13 secretary of health and environment and the secretary of social and re-
14 habilitation services, or their designee, shall be members of the council
15 in addition to the eight appointed members. The secretary of aging shall
16 serve as chairperson of the council. The appointive members of the coun-
17 cil shall serve at the pleasure of their appointing authority. Members of
18 the voluntary oversight council shall not be paid compensation, subsis-
19 tence allowances, mileage or other expenses as otherwise may be author-
20 ized by law for attending meetings, or subcommittee meetings, of the
21 council.

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

28 (l) *On and after July 1, 2001, no person shall be admitted to a nursing*
29 *facility for mental health, as defined by K.S.A. 39-923, and amendments*
30 *thereto, unless a written statement from a qualified mental health profes-*
31 *sional as defined by K.S.A. 2000 Supp. 59-2946, and amendments thereto,*
32 *based upon the results of a pre-admission screening and annual resident*
33 *review (PASARR) as provided for in this section has been obtained au-*
34 *thorizing such admission.*

35 Sec. 2. K.S.A. 39-968 is hereby repealed.

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

38
39
40
41
42
43