

HOUSE BILL No. 2716

By Committee on Health and Human Services

2-4

AN ACT concerning the board of adult care home administrators; relating to removal of the board from the department of health and environment; also relating to the standards established for licensure; amending K.S.A. 65-3501 and K.S.A. 2003 Supp. 65-3503 and repealing the existing sections.

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

Section 1. K.S.A. 65-3501 is hereby amended to read as follows: 65-3501. As used in this act, or the act of which this section is amendatory, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) "Adult care home" means nursing facility, nursing facilities for mental health, intermediate care facilities for the mentally retarded, assisted living facility licensed for more than 60 residents and residential health care facility licensed for more than 60 residents as defined by K.S.A. 39-923 and amendments thereto or by the rules and regulations of the licensing agency adopted pursuant to such section for which a license is required under article 9 of chapter 39 of the Kansas Statutes Annotated, or acts amendatory thereof or supplemental thereto, except that the term "adult care home" shall not include a facility that is operated exclusively for the care and treatment of the mentally retarded and is licensed for 16 or fewer beds.

(b) "Board" means the board of adult care home administrators established by K.S.A. 65-3506 and amendments thereto.

(c) "Administrator" means the individual directly responsible for planning, organizing, directing and controlling the operation of an adult care home.

(d) "Person" means an individual and does not include the term firm, corporation, association, partnership, institution, public body, joint stock association or any group of individuals.

(e) "Sponsor" means entities approved by the board to provide continuing education programs or courses on an ongoing basis under this act and in accordance with any rules and regulations promulgated by the board in accordance with this act.

(f) "Preceptor" means a person who meets the following

1 *qualifications:*

- 2 (1) *Holds a current license in Kansas as an adult care home admin-*
3 *istrator that is not under suspension;*
4 (2) *has had either three years of full-time experience or a total of 5000*
5 *hours of experience, within the preceding five years, as a licensed adult*
6 *care home administrator of a nursing facility, a nursing facility for mental*
7 *health or an intermediate care facility for the developmentally disabled.*
8 *This experience shall have consisted of direct responsibility for, or active*
9 *assistance and advising on, the general administration of the facility, in-*
10 *cluding responsibility for planning, organizing, directing and controlling*
11 *the operation of the facility;*
12 (3) *has completed a board approved course of preceptor training; and*
13 (4) *is at least 21 years of age.*
14 (g) *“Practicum” means the nursing home administrator domains for*
15 *the field of adult care home administration as established by the national*
16 *association of boards of examiners for adult care home administrators*
17 *published in “the principals of health care administration” as established*
18 *in rules and regulations adopted by the secretary.*

19 Sec. 2. K.S.A. 2003 Supp. 65-3503 is hereby amended to read as
20 follows: 65-3503. (a) It shall be the duty of the board to:

- 21 (1) Develop, impose and enforce standards which shall be met by
22 individuals in order to receive a license as an adult care home adminis-
23 trator, which standards shall be designed to ensure that adult care home
24 administrators will be individuals who are of good character and are oth-
25 erwise suitable, and who, by training or experience *with a preceptor* in
26 the field of institutional administration, are qualified to serve as adult care
27 home administrators;
28 (2) develop examinations and investigations for determining whether
29 an individual meets such standards;
30 (3) issue licenses to individuals who meet such standards, and revoke
31 or suspend licenses issued by the board or reprimand, censure or oth-
32 erwise discipline a person holding any such license as provided under
33 K.S.A. 65-3508, and amendments thereto;
34 (4) establish and carry out procedures designed to ensure that indi-
35 viduals licensed as adult care home administrators comply with the
36 requirements of such standards; and
37 (5) receive, investigate and take appropriate action under K.S.A. 65-
38 3505, and amendments thereto, and rules and regulations adopted by the
39 board with respect to any charge or complaint filed with the board to the
40 effect that any person licensed as an adult care home administrator may
41 be subject to disciplinary action under K.S.A. 65-3505 and 65-3508, and
42 amendments thereto.
43 (b) The board shall also have the power to make rules and regulations,

1 not inconsistent with law, as may be necessary for the proper performance
2 of its duties, and to have subpoenas issued pursuant to K.S.A. 60-245,
3 and amendments thereto, in the board's exercise of its power and to take
4 such other actions as may be necessary to enable the state to meet the
5 requirements set forth in section 1908 of the social security act, the fed-
6 eral rules and regulations promulgated thereunder and other pertinent
7 federal authority.

8 (c) The board shall fix by rules and regulations the licensure fee,
9 temporary license fee, renewal fee, late renewal fee, reinstatement fee,
10 reciprocity fee, sponsorship fee, wall or wallet card license replacement
11 fee, duplicate wall license fee for any administrator serving as adminis-
12 trator in more than one facility and, if necessary, an examination fee under
13 this act. Such fees shall be fixed in an amount to cover the costs of ad-
14 ministering the provisions of the act. No fee shall be more than ~~\$200~~
15 \$400. The secretary of health and environment shall remit all moneys
16 received from fees, charges or penalties under this act to the state treas-
17 urer in accordance with the provisions of K.S.A. 75-4215, and amend-
18 ments thereto. Upon receipt of each such remittance, the state treasurer
19 shall deposit the entire amount in the state treasury to the credit of the
20 state general fund.

21 (d) The board upon request shall receive from the Kansas bureau of
22 investigation, without charge, such criminal history record information
23 relating to criminal convictions as necessary for the purpose of determin-
24 ing initial and continuing qualifications of licensees of and applicants for
25 licensure by the board.

26 Sec. 3. K.S.A. 65-3501 and K.S.A. 2003 Supp. 65-3503 are hereby
27 repealed.

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

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