Session of 2026

HOUSE BILL No. 2520

By Committee on Health and Human Services

Requested by Representative Schreiber

1-22

AN ACT concerning adult care homes; relating to the adult care home licensure act; amending the definition of home plus to increase the cap of residents from 12 to 16; amending K.S.A. 2025 Supp. 39-923 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility, all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by

choice or due to functional impairments, may need personal care and supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services, including personal care or supervised nursing care *that is* available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential healthcare facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and supervised nursing care to compensate for activities of daily living limitations and ~~where~~ such place or facility includes individual living units and provides or coordinates personal care or supervised nursing care *that is* available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than ~~12~~ *16* individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and ~~who~~ *such resident*, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not ~~less~~ *fewer* than five-bed but not more than ~~12-bed~~ *16-bed* home plus facility if the home plus facility remains separate from the adult care home and each facility remains contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals

not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Continuing care retirement community" means any place or facility that combines a range of housing and services to encompass the continuum of aging care needs provided at an independent living facility, an assisted living facility, a residential healthcare facility, home plus or a skilled nursing care facility within a single place or facility to avoid the need for residents to relocate to a separate place or facility. The provision of community care includes the multiple levels of care provided as part of a continuing care retirement community.

(10) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(11) "Place or facility" means a building ~~or~~, any one or more complete floors of a building, ~~or~~ any one or more complete wings of a building~~,~~ or any one or more complete wings and one or more complete floors of a building. "Place or facility" includes multiple buildings.

(12) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist and other nursing functions that require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(13) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures, administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(14) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(15) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(16) "Operate an adult care home" means to own, lease, sublease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the words "own" and "lease" do not include hospital districts, cities and counties that hold title to an adult care home purchased or constructed through the sale of bonds.

(17) "Licensing agency" means the secretary for aging and disability services.

(18) "Skilled nursing home" means a nursing facility.

(19) "Intermediate nursing care home" means a nursing facility.

(20) "Apartment" means a private unit that includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(21) "Individual living unit" means a private unit that includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(22) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(23) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(24) "Personal care" means care provided by staff to assist an individual with or to perform activities of daily living.

(25) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and, as a result, is unable to compensate for the effects of the decline.

(26) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(27) "Intermediate personal care home" *means a residential healthcare facility* for purposes of those individuals applying for or receiving veterans' benefits ~~means residential healthcare facility~~.

(28) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h)~~,~~ and ~~who~~ provides such assistance under the supervision of a registered professional or licensed practical nurse.

(29) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended *or* any successor federal or state, or both, health insurance program or waiver granted thereunder.

(30) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et

seq., and amendments thereto.

(31) "Insolvent" means that the adult care home or any individual or entity that operates an adult care home or appears on the adult care home license ~~and~~ has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

(b) "Adult care home" does not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas office of veterans services, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices that are certified to participate in the medicare program under 42 C.F.R. § 418.1 et seq.~~,~~ and provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 C.F.R. § 460 et seq.~~,~~ that provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with fewer than 60 beds converting a portion of the facility to residential healthcare shall have the option of licensing for residential healthcare for fewer than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology, and such agency may further amend, substitute, change and*,* in a manner consistent with the definitions established in this section, further define and identify the specific acts and services that shall fall within the respective categories of facilities ~~so long as~~ *if* the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 2. K.S.A. 2025 Supp. 39-923 is hereby repealed.

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