

As Amended by House Committee

Session of 2005

HOUSE BILL No. 2241

By Committee on Insurance

2-1

10 AN ACT concerning adult care homes; relating to risk assessment plans
11 and inspection reports; amending K.S.A. 39-935 and repealing the ex-
12 isting section.
13

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

15 Section 1. K.S.A. 39-935 is hereby amended to read as follows: 39-
16 935. (a) Inspections shall be made and reported in writing by the au-
17 thorized agents and representatives of the licensing agency and state fire
18 marshal, and of the county, city-county and multicounty health depart-
19 ments as often and in the manner and form prescribed by the rules and
20 regulations promulgated under the provisions of this act. Access shall be
21 given to the premises of any adult care home at any time upon presenting
22 adequate identification to carry out the requirements of this section and
23 the provisions and purposes of this act, and failure to provide such access
24 shall constitute grounds for denial or revocation of license. A copy of any
25 inspection reports required by this section shall be furnished to the ap-
26 plicant, except that a copy of the preliminary inspection report signed
27 jointly by a representative of the adult care home and the inspector shall
28 be left with the applicant when an inspection under this section is com-
29 pleted. This preliminary inspection report shall constitute the final record
30 of deficiencies assessed against the adult care home during the inspection,
31 all deficiencies shall be specifically listed and no additional deficiencies
32 based upon the data developed at that time shall be assessed at a later
33 time. An exit interview shall be conducted in conjunction with the joint
34 signing of the preliminary inspection report.

35 (b) The authorized agents and representatives of the licensing agency
36 shall conduct at least one unannounced inspection of each adult care
37 home within 15 months of any previous inspection for the purpose of
38 determining whether the adult care home is complying with applicable
39 statutes and rules and regulations relating to the health and safety of the
40 residents of the adult care home. The statewide average interval between
41 inspections shall not exceed 12 months.

42 (c) Every adult care home shall post in a conspicuous place a notice
43 indicating that the most recent inspection report and related documents

1 may be examined in the office of the administrator of the adult care home.
2 Upon request, every adult care home shall provide to any person a copy
3 of the most recent inspection report and related documents, provided the
4 person requesting such report agrees to pay a reasonable charge to cover
5 copying costs.

6 *(d) Each adult care home shall establish and maintain a risk man-*
7 *agement program in accordance with the provisions of subsection (a) of*
8 *K.S.A. 65-4922 and amendments thereto. No later than 60 days prior to*
9 *the time for renewal of its license in 2006, each adult care home shall*
10 *submit its plan for establishing and implementing such risk management*
11 *program to the department on aging for action in accordance with the*
12 *provisions of subsection (d) of K.S.A. 65-4922 and amendments thereto.*
13 *Any reports and records reviewed, obtained or prepared by the depart-*
14 *ment on aging in connection with any reportable incidents referred for*
15 *investigation and analysis under such risk management program, includ-*
16 *ing any reports and records reflecting the results of an inspection or sur-*
17 *vey under this chapter or in accordance with regulations, guidelines and*
18 *procedures issued by the United States secretary of health and human*
19 *services under titles XVIII and XIX of the “social security act,” 49 Stat.*
20 *620 (1935), 42 U.S.C. 301, as amended, shall not be subject to discovery*
21 *nor shall they be admissible in any civil action under the laws of the state*
22 *of Kansas.*

23 Sec. 2. K.S.A. 39-935 is hereby repealed.

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