

## HOUSE BILL No. 2762

By Committee on Appropriations

1-30

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9 AN ACT concerning adult care home administrators; amending K.S.A.  
10 2005 Supp. 65-3506 and 65-3508 and repealing the existing sections.

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

13 Section 1. K.S.A. 2005 Supp. 65-3506 is hereby amended to read as  
14 follows: 65-3506. (a) There is hereby established the board of adult care  
15 home administrators. The board shall be attached to the department of  
16 health and environment and shall be within the department as a part  
17 thereof. All budgeting, purchasing and related management functions of  
18 the board shall be administered under the direction and supervision of  
19 the secretary of health and environment. The department shall serve as  
20 the administrative agency of the board in all respects and shall perform  
21 such services and duties as it may be legally called upon to perform. The  
22 attorney for the board shall be an assistant attorney general appointed by  
23 the attorney general. The office of the attorney general shall serve as the  
24 enforcement agency for the board. All vouchers for expenditures and all  
25 payrolls of the board shall be approved by the chairperson of the board  
26 and by the secretary of health and environment.

27 (b) The board of adult care home administrators shall be composed  
28 of seven members appointed by the governor, ~~three~~ two of whom are  
29 representatives of professions and institutions concerned with the care  
30 and treatment of chronically ill or infirm elderly patients, two consumer  
31 representatives who have no current or previous involvement in the fi-  
32 nancial affairs or as a member of the governing body of any adult care  
33 home or any association directly concerned with the regulation or licen-  
34 sure of adult care homes in the state and ~~two~~ three adult care home  
35 administrators who, at the time of their appointment, are licensed by the  
36 state and ~~are~~ have been actively engaged for the three years immediately  
37 preceding appointment in the administration of adult care homes within  
38 the state which are either long-term care facilities or nursing facilities.  
39 No more than three members of the board may be licensed administra-  
40 tors. Members of the board, other than the licensed administrators, shall  
41 have no direct financial interest in adult care homes. Members of the  
42 board shall serve on the board for terms of two years or until otherwise  
43 disqualified from serving on the board; ~~except two of the members first~~

1 ~~appointed shall serve on the board for terms of one year and thereafter,~~  
2 ~~upon the expiration of such one year terms, successors shall be appointed~~  
3 ~~in the same manner as the original appointments for terms of two years.~~  
4 The provisions of this act *or the act of which this section is amendatory*  
5 shall not affect the office of any member of the board of adult care home  
6 administrators appointed prior to the effective date of this act. All mem-  
7 bers of the board appointed after the effective date of this act shall be  
8 appointed by the governor. *As positions become vacant on the board,*  
9 *appointments shall be made in a manner so as to comply with the pro-*  
10 *visions of this section.*

11 (c) Members of the board of adult care home administrators shall  
12 meet at such times as may be appropriate but in no case less than once  
13 each four months. The chairperson of the board shall be elected annually  
14 from among the members of the board. All final orders shall be in writing  
15 and shall be issued in accordance with the Kansas administrative proce-  
16 dure act.

17 (d) Members of the board who attend meetings of such board, or  
18 attend a subcommittee meeting thereof authorized by such board, shall  
19 be paid compensation, subsistence allowances, mileage and other ex-  
20 penses as provided in K.S.A. 75-3223, and amendments thereto.

21 Sec. 2. K.S.A. 2005 Supp. 65-3508 is hereby amended to read as  
22 follows: 65-3508. The license of an adult care home administrator or the  
23 temporary license of an adult care home administrator may be denied,  
24 revoked or suspended or the adult care home administrator or a person  
25 holding a temporary license as an adult care home administrator may be  
26 reprimanded, censured or otherwise disciplined by the board, after notice  
27 and an opportunity for a hearing conducted by the board in accordance  
28 with the provisions of the Kansas administrative procedure act, if the adult  
29 care home administrator or person holding a temporary license as an adult  
30 care home administrator has:

31 (a) Failed to comply with the provisions of K.S.A. 65-3505 and  
32 amendments thereto and continued to act as an adult care home  
33 administrator;

34 (b) substantially failed to conform to the requirements of the stan-  
35 dards adopted under K.S.A. 65-3503 and amendments thereto;

36 (c) willfully or repeatedly violated any of the provisions of the law or  
37 rules and regulations of the licensing agency under the provisions of ar-  
38 ticle 9 of chapter 39 of the Kansas Statutes Annotated;

39 (d) been convicted of a crime found by the board to have a direct  
40 bearing on whether such person should be entrusted to serve the public  
41 in the capacity of an adult care home administrator;

42 (e) failed to ~~assure that~~ *provide overall management of* nutrition,  
43 medications and treatments of residents, including the use of restraints,

- 1 ~~are~~ in accordance with acceptable medical practices;
- 2 (f) been convicted of the violation of any state or federal drug or  
3 narcotic law or any provision of the state or federal controlled substances  
4 act or habitually overindulged in alcohol or habitually misused controlled  
5 substances;
- 6 (g) been involved in aiding, abetting, sanctioning or condoning any  
7 violation of the law or rules and regulations under article 9 of chapter 39  
8 of the Kansas Statutes Annotated;
- 9 (h) engaged in the practice of adult care home administration in vi-  
10 olation of subsection (b) of K.S.A. 65-3502 and amendments thereto;
- 11 (i) misrepresented or omitted a material fact on an application for  
12 licensure or in any other communication with the board;
- 13 (j) had disciplinary action taken against an adult care home admin-  
14 istrator's license issued by another state or jurisdiction; or
- 15 (k) had disciplinary action taken against such adult care home ad-  
16 ministrator on a professional or occupational health care license, mental  
17 health care license or social worker license issued by this state or by  
18 another state or jurisdiction.
- 19 Sec. 3. K.S.A. 2005 Supp. 65-3506 and 65-3508 are hereby repealed.
- 20 Sec. 4. This act shall take effect and be in force from and after its  
21 publication in the statute book.