

SESSION OF 2009

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 31**

As Recommended by House Committee on
Aging and Long Term Care

Brief*

House Sub. for SB 31 would amend current law concerning the authority of the State Long-Term Care Ombudsman. The bill would amend the definition of a "facility" to include the Kansas Soldiers Home and the Kansas Veterans Home.

The bill also would establish the Long-Term Care Ombudsman Advisory Committee on Advocacy Options within the Home. The Advisory Committee would be composed of 11 members to include:

- The State Long-Term Care Ombudsman and six members appointed by the Ombudsman including at least one provider of services to non-licensed facilities, one recipient of services from non-licensed facilities, a citizen advocate for the elderly and three additional members as the Ombudsman deems appropriate;
- An appointee of the Attorney General;
- An appointee of the Secretary of Social and Rehabilitation Services;
- An appointee of the Secretary on Aging; and
- An appointee of the Kansas Health Policy Authority.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Members of the Advisory Committee would be required to be appointed within one month of the effective date of the bill and the State Long-Term Care Ombudsman would be the chairperson of the Advisory Committee. The members of the Advisory Committee would serve without compensation or reimbursement of expenses.

The charge of the Advisory Committee would be to study and analyze over 15 different advocacy options within the home including the current situation, costs, funding options, staffing recommendations, available Home and Community Based Services waiver services and national ombudsman reporting requirements. Further, the Advisory Committee would be required to hold public hearings on the home advocacy options and to report its findings and recommendations to the House Committee on Aging and Long Term Care and the Senate Committee on Public Health and Welfare on or before January 15, 2010. The State Long-Term Care Ombudsman also would be required to present the report of the Advisory Committee to both Committees during the 2010 Session. The Long-Term Care Ombudsman Advisory Committee on Advocacy Options within the Home would expire on January 31, 2010.

Background

The House Committee on Aging and Long Term Care recommended the introduction of House Sub. for SB 31 which contains a modified version of HB 2242 as heard by the Committee. The Committee concluded that the subject matter of HB 2242 was important but that a substitute bill with a more narrowly defined scope and reduced fiscal impact was more appropriate at the present time. SB 31, as introduced, concerned the continuing education requirements for baccalaureate, master, and specialist clinical social workers. The Committee found the issue in SB 31, adding safety training as a continuing education requirement, to be meritorious but concluded that the requirement should be implemented in such a way as to not require legislative action. The Committee

Chairman was directed to send a letter to the Behavioral Sciences Regulatory Board, the Kansas Department of Social and Rehabilitation Services, and the Kansas Board of Regents, stating the Committee's support of safety training for social work students and licensees and, where appropriate, encouraging the inclusion of safety training in Requests for Proposals (RFPs).

HB 2242 as heard by the Committee was introduced by Representative Tom Sloan. Other proponents of the bill included the State Long-Term Care Ombudsman, the Director of Veteran Services for the Kansas Commission on Veterans' Affairs, the Deputy Secretary of the Kansas Department on Aging, and the Executive Director of the Kansas Advocates for Better Care. Written testimony in support of the bill was provided by the Executive Director of Interhab, the Advocacy Director for AARP, and the President of the Kansas Association of Homes and Services for the Aging.

Proponents stated that the bill would allow the State Long-Term Care Ombudsman to advocate on behalf of persons who do not reside in facilities but who receive similar long-term care services in the community. Additionally, the bill would allow ombudsman services to be provided to veterans residing in the Kansas Soldiers Home and the Kansas Veterans Home.

Neutral testimony was provided by the Assistant Executive Director of the Topeka Independent Living Resource Center and the Executive Director of the Disability Rights Center of Kansas.

The fiscal note prepared by the Division of the Budget on the original bill states that the Department of Administration indicated the Office of the Long-Term Care Ombudsman would need to increase the number of regional long-term care ombudsmen by 10.0 FTE positions. Additional expenditures for the positions would total \$735,505, all from the State General Fund. The fiscal effect of the bill has not been included in *The FY 2010 Governor's Budget Report*.

The State Long-Term Care Ombudsman indicated that House Sub. for SB 31 could be implemented within existing resources.