

HOUSE BILL No. 2520

By Committee on Health and Human Services

Requested by Representative Schreiber

1-22

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

5

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (10) "Adult day care" means any place or facility operating less than
14 24 hours a day caring for individuals not related within the third degree of
15 relationship to the operator or owner by blood or marriage and who, due to
16 functional impairment, need supervision of or assistance with activities of
17 daily living.

18 (11) "Place or facility" means a building—or, any one or more
19 complete floors of a building,—or any one or more complete wings of a
20 building; or any one or more complete wings and one or more complete
21 floors of a building. "Place or facility" includes multiple buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 seq., and amendments thereto.

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

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

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

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

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

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

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

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