

## HOUSE BILL No. 2172

By Committee on Health and Human Services

2-4

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AN ACT concerning adult care homes; relating to informal dispute resolution; providing for an independent review panel.

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

Section 1. (a) Upon receipt of a statement of deficiencies, an adult care home administrator may within 12 days after receipt of a statement and before the 14th day reinspection pursuant to K.S.A. 39-946, and amendments thereto, make a written request to the secretary of health and environment for informal dispute resolution by an independent review panel. The administrator may make one request for informal dispute resolution per inspection to dispute any deficiencies with which such administrator disagrees. The informal dispute resolution may be based upon the statement of deficiencies and any other materials submitted; however, the department shall provide the administrator with a face to face informal dispute resolution meeting upon request by the administrator.

(b) A written request for informal dispute resolution shall:

(1) State the specific deficiencies being disputed;  
(2) provide a detailed explanation of the basis for the dispute; and  
(3) include any supporting documentation, including any information that was not available at the time of the inspection.

(c) Upon receipt of the written request provided for in subsection (a), the secretary of health and environment shall appoint a panel of three persons to compose the independent review panel. One member of the panel shall be a physician of medicine and surgery. The remaining two members shall be appointed because of their knowledge of appropriate health care or other expertise that may be beneficial to the informal dispute resolution. None of the panel members shall be an employee of the department of health and environment or an employee of any other agency that did the inspection.

(d) A request for informal dispute resolution shall not delay the timely correction of any deficiency not in dispute. Correction of a deficiency in dispute shall be suspended and the civil penalty provided for in K.S.A. 39-946, and amendments thereto, shall be tolled as to those deficiencies in dispute until a decision is rendered and, if need be, a corrective plan of action is agreed to within the informal dispute resolution process. If

1 the decision is unfavorable to the adult care home the time for levying a  
2 civil penalty under K.S.A. 39-946, and amendments thereto, shall begin  
3 to run again.

4 (e) Costs of the panel including traveling expenses and other expenses  
5 of the review shall be paid by the department of health and environment.

6 (f) The secretary of health and environment shall by rules and reg-  
7 ulations implement the provisions of this section.

8 (g) This act shall be a part of and supplemental to the adult care home  
9 licensure act.

10 Sec. 2. This act shall take effect and be in force from and after its  
11 publication in the statute book.

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