

As Amended by House Committee

Session of 2003

HOUSE BILL No. 2306

By Committee on Health and Human Services

2-12

10 AN ACT relating to adult care homes; concerning the use of inspection
11 reports; amending K.S.A. 39-935 and repealing the existing section.
12

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

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

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

41 (c) Every adult care home shall post in a conspicuous place a notice
42 indicating that the most recent inspection report and related documents
43 may be examined in the office of the administrator of the adult care home.

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

5 *(d) Notwithstanding any other provision of law, no inspection report*
6 *shall be admissible as evidence in any judicial proceeding. For purposes*
7 *of this subsection, “inspection report” shall include any documents pre-*
8 *pared by any officer, employee or agent of the state of Kansas during the*
9 *course of or otherwise in connection with any inspection, investigation or*
10 *survey of any licensed adult care home conducted to determine compli-*
11 *ance with any licensing, certification or program participation require-*
12 *ments under any provision of federal or state law. **However, nothing in***
13 **this section shall prohibit the use and admissibility in evidence of**
14 **one or more excerpts from any such inspection report that directly**
15 **refer and relate to the named plaintiff if the district court deter-**
16 **mines on the record, after a hearing outside the presence of the**
17 **jury, that every such excerpt is otherwise admissible under the**
18 **rules of evidence contained in chapter 60, article 4 of the Kansas**
19 **Statutes Annotated, and amendments thereto.**

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

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