

SENATE BILL No. 458

By Senator Hensley

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AN ACT enacting a long-term care bill of rights; concerning older Kansans; relating to appropriate long-term care for the elderly and disabled in Kansas; prescribing long-term care principles for future policy development.

WHEREAS, The demand for long-term care services and home and community-based services in Kansas will continue to grow greatly in coming years; and

WHEREAS, People of all ages with disabilities and older persons in Kansas need access to a comprehensive array of long-term care services that includes institutional and home and community-based services; and

WHEREAS, The cost of providing long-term care in Kansas is increasing rapidly, with a disproportionate share of state funds allocated to providing institutional care; and

WHEREAS, Waiting lists to access needed home and community-based services, where Kansans of all ages want to receive services, continue to grow; and

WHEREAS, The vast majority of disabled persons of all ages and seniors want to live their lives with dignity, freedom and independence and want to be able to choose appropriate levels and kinds of care, when needed: Now, therefore, *Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The state of Kansas finds and declares that, in keeping with the traditional concept of the inherent dignity of the individual in our democratic society, the older and disabled individuals are entitled to enjoy their later years in health, honor and dignity; that funding for long-term care and home and community-based services is a priority; and that future state policy development shall be guided by the following principles:

(1) The state of Kansas shall strive to provide a comprehensive, integrated long-term care system that is responsive to the varied long-term care needs of Kansans of any age or economic status;

(2) public policy related to long-term care should stress the individual's choice, autonomy, self-determination and privacy;

(3) the elderly and disabled Kansans shall receive the necessary care

1 and services at the least cost and in the least confining setting;
2 (4) public funding for long-term care shall afford Kansans throughout
3 the state the choice of a broad array of home and community-based
4 services;
5 (5) public funding shall improve access to and stress institutional op-
6 tions other than nursing homes, as well as care in the home and
7 community;
8 (6) long-term care system eligibility requirements and reimburse-
9 ments shall create incentives to serve people in the most appropriate care
10 setting of their choice;
11 (7) home and community-based care services shall be expanded and
12 improved to support and complement the services provided by informal
13 caregivers;
14 (8) consumers should have meaningful information about their care
15 options, as well as the quality of care provided by providers of all kinds,
16 for their decision making; and
17 (9) the system should have a strong advocacy and oversight system to
18 help those in need.
19 (b) In carrying out the principles stated in subsection (a), the state of
20 Kansas shall:
21 (1) Coordinate the effective and efficient provision of long-term care
22 and home and community-based services to older and disabled Kansans
23 to ensure that long-term care and home and community-based services
24 are readily available to the greatest number over the widest geographic
25 area; and
26 (2) create a cost-effective and efficient long-term care system for the
27 future that assures:
28 (A) Continued reduction of the state's reliance on nursing homes; and
29 (B) balanced use of financial resources to insure access to quality care
30 in the home and the community, as well as in institutions.
31 (c) This section shall be known and may be cited as the Kansas long-
32 term care bill of rights.
33 Sec. 2. This act shall take effect and be in force from and after its
34 publication in the statute book.
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