

HOUSE Substitute for SENATE BILL No. 31

By Committee on Aging and Long-term Care

3-20

9 AN ACT concerning the state long-term care ombudsman; relating to
10 the Kansas soldiers' home and Kansas veterans' home; establishing
11 advisory committee on advocacy options within the home; amending
12 K.S.A. 2008 Supp. 75-7303 and repealing the existing section.
13

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

15 Section 1. K.S.A. 2008 Supp. 75-7303 is hereby amended to read as
16 follows: 75-7303. As used in the long-term care ombudsman act:

17 (a) "Ombudsman" means the state long-term care ombudsman, any
18 regional long-term care ombudsman or any individual designated as an
19 ombudsman under subsection (h) of K.S.A. 2008 Supp. 75-7306 and
20 amendments thereto who has received the training required under sub-
21 section (f) of K.S.A. 2008 Supp. 75-7306 and amendments thereto and
22 who has been designated by the state long-term care ombudsman to carry
23 out the powers, duties and functions of the office of the state long-term
24 care ombudsman.

25 (b) "Volunteer ombudsman" means an individual who has satisfac-
26 torily completed the training prescribed by the state long-term care om-
27 budsman under subsection (f) of K.S.A. 2008 Supp. 75-7306 and amend-
28 ments thereto, who is a volunteer assisting in providing ombudsman
29 services and who receives no payment for such service other than reim-
30 bursement for expenses incurred in accordance with guidelines adopted
31 therefor by the state long-term care ombudsman.

32 (c) "Facility" means an adult care home as such term is defined in
33 K.S.A. 39-923 and amendments thereto *and further includes the Kansas*
34 *soldiers' home and Kansas veterans' home*, except that facility does not
35 include any nursing facility for mental health or any intermediate care
36 facility for the mentally retarded, as such terms are defined in K.S.A. 39-
37 923 and amendments thereto.

38 (d) "Resident" means a resident as such term is defined in K.S.A. 39-
39 923 and amendments thereto.

40 (e) "State long-term care ombudsman" means the individual ap-
41 pointed by the governor to administer the office of the state long-term
42 care ombudsman.

43 (f) "Regional long-term care ombudsman" means an individual ap-

1 pointed by the state long-term care ombudsman under K.S.A. 2008 Supp.
2 75-7304 and amendments thereto.

3 (g) "Office" means the office of the state long-term care ombudsman.

4 (h) "Conflict of interest" means (1) having a pecuniary or other in-
5 terest in a facility, but not including interests that result only from having
6 a relative who is a resident or from being the guardian of a resident, (2)
7 being actively employed or otherwise having active involvement in rep-
8 resentation of or advocacy for any facility or group of facilities, whether
9 or not such representation or advocacy is individual or through an asso-
10 ciation or other entity, but not including any such active involvement that
11 results only from having a relative who is a resident or from being the
12 guardian of a resident, or (3) being employed by or having an active
13 association with any entity that represents any resident or group of resi-
14 dents, including any area agency on aging, but not including any such
15 active association that results only from having a relative who is a resident
16 or from being the guardian of a resident.

17 New Sec. 2. (a) There is hereby established the long-term care om-
18 budsman advisory committee on advocacy options within the home. The
19 committee shall be composed of 11 members as follows: The state long-
20 term care ombudsman and six members appointed by the state long-term
21 care ombudsman. At least one member shall be a provider of services to
22 non-licensed facilities, at least one member shall be a recipient of services
23 from non-licensed facilities, at least one member shall be citizen advocate
24 for the elderly and three additional members as the state long-term care
25 ombudsman deems appropriate. The remaining four members of the ad-
26 visory committee shall be appointed as follows: One by the attorney gen-
27 eral, one by the secretary of social and rehabilitation services, one by the
28 secretary on aging and one by the Kansas health policy authority.

29 (b) Members of the advisory committee shall be appointed within
30 one month after the effective date of this act and shall serve at the plea-
31 sure of their appointing authority. Any vacancy occurring on the advisory
32 committee shall be filled in the same manner as the original appointment.
33 Six members shall constitute a quorum of the advisory committee. The
34 state long-term care ombudsman shall be the chairperson of the advisory
35 committee. The advisory committee shall meet on call of the state long-
36 term care ombudsman. Members of the advisory committee shall serve
37 without compensation or reimbursement of expenses. Meetings and hear-
38 ings of the advisory committee may be held even though a quorum of the
39 members is not present, but no action of the advisory committee, other
40 than to adjourn to the next meeting of the advisory committee, shall be
41 taken unless a quorum is present.

42 (c) The advisory committee shall study and analyze the following ad-
43 vocacy options within the home: The current situation, costs, funding

1 options, staffing recommendations, travel, specific HCBS waiver cover-
2 age, duplication of services, access to private homes or other nonlicensed
3 settings, collection of data, AoA national ombudsman reporting system
4 (NORS) requirements, confidentiality issues, policy and procedure de-
5 velopment, scope of responsibilities (quality of care vs. all complaints),
6 new training considerations, conflict of interest and systems advocacy and
7 such other matters as the advisory committee deems appropriate. The
8 advisory committee shall hold public hearings on these options.

9 (d) On or after January 15, 2010, the advisory committee shall report
10 to the house committee on aging and long-term care and to the senate
11 committee on public health and welfare its findings and recommenda-
12 tions concerning advocacy options within the home. The state long-term
13 care ombudsman shall present the report of the advisory committee to
14 the house committee on aging and long-term care and the senate com-
15 mittee on public health and welfare during the 2010 regular session of
16 the legislature.

17 (e) The provisions of this section shall expire on January 31, 2010.

18 Sec. 3. K.S.A. 2008 Supp. 75-7303 is hereby repealed.

19 Sec. 4. This act shall take effect and be in force from and after its
20 publication in the statute book.