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Date

Feb. 27 87
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Vice-Chairman, Frank Buehler at
Chairperson

1:30 /h/m/p.m. on February 24, 1987 in room 423-S of the Capitol.

All members were present except:

Chairman Littlejohn, Chairman

Committee staff present:

Bill Wolff, Research

Norman Furse, Revisor

Sue Hill, Committee Secretary

Conferees appearing before the committee:

Norman Durmansky, Chairman of Board of Adult Care Home Administrators.

Dick Morrissey, Department of Health and Environment

Joseph Krohl, Department of Health and Environment

Dick Hummel, Kansas Health Care Association

Mr. Paul Wurth, Kansas Health Care Association

Mike Noel, Medicalodges, Inc., Coffeerville, Kansas

Carolyn Middendorf, R.N., Nursing instructor at Washburn Univ. School of Nursing

Lynden Drew, Department on Aging

John Grace, Kansas Association of Homes for the Aging

Marilyn Bradt, Kansans for Improvement of Nursing Homes

Vice-Chairman Buehler called meeting to order and invited Revisor Mr. Furse to brief members on HB 2391, and HB 2392. He gave a very comprehensive briefing on both bills, giving line by line technical points and language changes.

Hearings began on HB 2339:-

Mr. Norman Durmansky, an Adult Care Home Administrator, and currently the Chairman of Board of Adult Care Home Administrators, gave hand-out to members, (see Attachment No.1), for details. They are insupport of the regulation proposed, but oppose HB 2339. The Administrator is the key factor in providing quality care. Their council developed the first licensure procedure, wrote the examination. There are 100 candidates that take the exam each year, and it is offered four times per year. A slim majority of Administrators hold a Baccalaureate degree in 1986. Studies show that a larger majority of those holding a Baccalaureate degree are more successful on the examination than those who do not have the degree. His hand-out indicates graphs and statistics to which he referred in his comments. The entry level requirements for Adult Care Home Administrator should not be static. Demands on Administrators are ever increasing. Their Board in 1980 acted to raise requirement from a GED to 60 hours from an accredited college. In 1984 again they upgraded the entry level standards by deleting provision to substitute work experience for the required college. Now again, they have acted to upgrade requirements for the protection and well being of residents in adult care homes.

Dick Morrissey, Department of Health and Environment spoke in opposition to HB 2339, and requested it be not passed. Historically the legislature has allowed the Board of Adult Care Home Administrators to establish minimum education requirements by regulation. Establishing minimum requirements by statute, in response to adopted regulatory change by the Board, strips the Board of one of its most vital responsibilities. He cited technical weaknesses, and these are indicated in printed testimony, (see Attachment No. 2), for details. Administrators are required to do many things, i.e., by law are responsible for the well being of large numbers of people; for expenditures of 100 Million dollars. These are significant positions, and the Board is trying to recognize that. The success of their job is very dependent often on their ability to work well with physicians and other professionals in a supervisory capacity. There are cases now where the Administrator has less educational background that some of those he is supervision. He answered questions from members.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 24, 1987

Hearings continue on HB 2339.

Mr. Joseph Krohl, Department of Health and Environment also answered questions from members in regard to testimony from Mr. Morrissey and Mr. Durmansky.

Mr. Dick Hummel, Kansas Health Care Association spoke in support of HB 2339, and introduced Mr. Paul Wurth, President of Ks. Health Care Association who would present their main testimony.

Mr. Paul Wurth, Kansas Health Care Association President gave hand-out to members, (see Attachment No. 3), for details. Our Association agrees that a structured college curriculum is a key part of the overall credentials necessary for Administrators of Adult Care Homes. The degree process leading to an Associates of Arts is offered at all Community Colleges throughout the state, making it available to many who are interested. The A.A. degree will require candidates to follow a structured academic program rather than get 90 college credits from several different sources. The practicum requirements proposed in this legislation is paramount to improving skill levels of Administrator candidates. The regulatory proposal for a four-year degree, (modified by HB 2339) has problems, i.e., limiting opportunity for many especially in rural areas from pursuing a career in administration; and adding costs to the consumer, the public, and Medicaid program.

Mike Noel, speaking for Medicalodges, Inc. is in favor of HB 2339. This bill is a compromise of the original intent of Board of Adult Care Home administrators regulations that would require a Bachelor's degree. They support the Board in efforts to strive to improve the quality of care, but are concerned the proposed regulation requiring a bachelor's degree for an Administrator will exclude many who might be interested in this as a career. (Attachment No.4 for details).

Carolyn Middendorf, Nursing Instructor at Washburn University, gave hand-out (see Attachment No.5), for details. She spoke in support of the concept of HB 2339 that institutes a minimum level of educational preparation for Nursing Home Administrators. Nurses employed in nursing home industry are concerned about educational preparedness of Administrators. Often it is difficult to communicate, educate or demonstrate effectively to an employer who has less education than themselves about the clients medical and nursing needs. Further, they are concerned that individuals graduate with a working knowlege of the home care field, and would support a qualifying statement that the degree decided on by this committee be in a health related field. She answered questions.

Lynden Drew, Department on Aging gave printed testimony, (see Attachment No.6), for details. The complexities of nursing home management and patient care demand higher educational requirements. Administrators cannot be expected to continue to handle the heavy burdens without further training. We recommend the bill be amended to require an Associate Degree in Long Term care Administration or a Bachelor's Degree in an appropriate practicum.

John Grace, Executive Director of Ks. Association of Homes for Aging, spoke in opposition to HB 2339. (See Attachment No.7), for details of printed testimony. For the past two years, their members have supported upgrading of educational requirements for newly licensed Administrators in Kansas. We feel the quality of the Administrator is the single most important variable in the quality of adult care homes. Although the educational level is only one component in the make up of skills and abilities of Administrators, it is a basic standard of training recognized by our society. A more highly trained and educated Administrator is needed for successful operations.

Marilyn Bradt, Kansans for Improvement of Nursing Homes, Inc. gave printed testimony to members, and spoke against the passage of HB 2339. (see Attachment No. 8), for details. Their group would prefer the required baccalaureate degree would be in a health related field, and they recommended to the Joint Committee on Rules and Regulations that an additional step be added to the regulations which would require a baccalaureate in health care administration by 1994. We do support a general, undesignated baccalaureate degree, believing that it is a step in the right direction.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on February 24, 1987

Hearings closed on HB 2339.

Vice-Chairman at this point appointed a sub-committee to work on HB 2166. Rep. Neufeld will chair the sub-committee. Rep. Green and Rep. Shallenburger will also serve on this committee which were asked to include Rep. Duncan and report back to this committee by March 2, (next Monday).

Vice-Chair called attention to HB 2135.

Rep. Amos had prepared a balloon amendment, and asked Mr. Furse to distribute it to members. (see Attachment No. 9), for details. Rep. Amos moved to amend HB 2135 by adding language Page 2, line 55, add language after "overreaching", "or has violated a provision of Section 2." To further amend as per attachment new Sec. 2. at line 106. Motion seconded by Rep. Branson. Discussion ensued, i.e., concerns regarding language too broad in some areas of the bill.

Rep. Neufeld made a substitute motion to strike sub section (b) out of new section 2. as defined in balloon, (Attachment No.9). There was no second.

Rep. Whiteman made a substitute motion to amend HB 2339 by deleting (1) only from section (b) of new Sec. 2, seconded by Rep. Harder, motion carried.

Rep. Neufeld made a motion to further amend HB 2135 on line 66, change semicolon to a comma and after "overreaching", add language, "or has violated a provision of Section 2." Strike (14), and renumber sections. Line 34, add a "," after the word "custody", Line 93 after the word "any", add "Stae or Federal", and to pass HB 2135 out favorably as amended, motion seconded by Rep. Hassler, vote taken, motion carried.

Meeting adjourned.

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE COMMITTEE

Date 2/24/87

NAME	ORGANIZATION	ADDRESS
Dick Hummel	KS HEALTH CARE ASSN	TOPEKA
Paul Wirth	KS HEALTH CARE ASSN	"
Mike Naul	Medical Lodges, Inc	Coffeyville
Terri Rosselot	KSNA	
Carolyn Middleberg	KSNA	Topeka
Janet Schalanski	SRS - Adult Serv	Topeka
Marilyn Bradt	KINH	Lawrence
Jan Zander	Ko Comm for Prevention of Child Abuse	Topeka
Barbara Plummer	KPNHAA	Topeka
Bill Morrison	KDAE	Topeka
Joseph F. Keel	KOHF	Topeka
Sherman Burmabin	BD OF ADULT CARE HOME ADMINISTRATORS	WICHITA
Kynda Dren	KDOR	Topeka
Jan Wenzler	Adm Aide Rep Mike O'Neal	Hutchinson
Elizabeth E. Jay	Ko Assn for the Education of Young Children	Topeka
Dorcas Shum	Kansas NARAL	Topeka
John Gunn	KANHA	Topeka
Mark Intermill	Kansas Coalition on Aging	Topeka
David M. Plinsky	AG	Topeka
Sherry Reid	Temporary Lodging for Children	On the
Richard J. Gray	KALPCCA	Topeka
Jan Waide	Youth Services SRS	Topeka
Jewene Miller	A.G.	Topeka

BOARD OF ADULT CARE HOME ADMINISTRATORS

TESTIMONY ON HOUSE BILL 2339

PRESENTED TO HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

FEBRUARY 24, 1987

By recent change to regulation, the Board of Adult Care Home Administrators has established that candidates for licensure as adult care home administrators hold a baccalaureate degree which includes a practicum in long-term care. This new entry level requirement will be effective July 1, 1990. The Board of Adult Care Home Administrators, having adopted this regulation after careful consideration, must oppose House Bill 2339.

Because the issue in question is a requirement adopted by the board, an understanding of this board as well as an historical summary of licensure requirements is helpful in appreciating that its adoption is carefully thought out, by a responsible board, correlating to administrator performance, and appropriate to entry level requirements for the next decade.

This testimony includes certain graphs and statistical information which support an entry level requirement of a baccalaureate degree beginning in 1990. Because much of this information relates to the licensure examination itself, we also want to make clear that the examination is designed for national use and approved by our board. An addendum is attached to this testimony, giving background information and details of the current examination.

State licensure boards for nursing home administrators were authorized by 1967 amendments to the Social Security Act. For a state to establish a licensure board responsible to establish minimum standards is a condition for participation in the Medicaid program. This federal requirement makes the career of a licensed nursing home administrator somewhat unique in that it is the only licensed profession which is licensed by virtue of federal requirement. Prior to this, qualifications for nursing home administrators were largely neglected and were the subject of much consideration in U.S. Senate hearings concerning nursing homes in the mid-1960s. These hearings also concluded that the administrator was the key factor for providing quality care.

The Board of Adult Care Home Administrators is established by KSA 65-3506. Our board is composed of seven members, three of whom are appointed from the Advisory Commission on Health, two are consumer representatives, and at least two licensed adult care home administrators. Current membership includes: one physician, three licensed administrators, one registered nurse, and two consumers with experience and expertise in aging and care issues.

*Attm. #1,
2-24-87
P.H.W.*

Attached to this testimony are several graphs which support the need for requiring a bachelor's degree. These graphs relate education to a candidate's ability to pass the examination and also relate administrator performance to educational achievement.

Attachment 1 compares the number of candidates with a bachelor's degree in 1980 to the number who held such a degree in 1986. It clearly shows a trend towards candidates holding the required degree. Please note that the majority of candidates, although slim, now holds a baccalaureate degree.

Attachment 2 displays examination results for the period 1980 to 1986. The two pie graphs show that candidates holding a bachelor's degree are more successful on the examination than those who do not. Please note that the failure rate for those with a degree is about 15 percent compared to 32 percent for those without.

Attachment 3 contains both a line and bar graph for the period 1980 through 1986. These show candidate success rates in taking the examination. Using these graphs, one can compare the success rate for each level of education achieved. Please note the least effective educational achievement is to hold an associate degree.

Attachment 4 compares the 1986 examination success rate for candidates with bachelor's degrees to those without. These show a 49 percent success rate for candidates without the degree compared to almost 80 percent success rate for those with. In addition, please note the overall failure rate for 1980 through 1986 for candidates without was 32.5 percent (see Attachment 2). It is clear that the candidate without a bachelor's degree is at an extreme disadvantage, with the trend surely to continue.

Attachment 5 contains two graphs which display actual administrator performance as it relates to two measurements. The bottom graph shows how board disciplinary actions from 1980 through 1986 relate to education. Please note that 67 percent of actions were against administrators who did not hold a bachelor's degree. These disciplinary actions range from reprimand to revocation of license. These actions relate directly to the administrator's performance with statutory responsibility to provide care and treatment in accordance with accepted professional standards.

The top graph of Attachment 5 shows how fines assessed by KDHE to facilities (under authority of KSA 39-946) relate to administrator educational achievement. These fines are the result of conditions in facilities which significantly and adversely affected the health, safety, nutrition, or sanitation of the residents. Please note that the vast majority of these fines (82 percent) were assessed against facilities whose administrators did not hold a bachelor's degree.

Attachment 6 shows the educational level for all administrators licensed in the state as of January 1987. This information shows 48 percent (300) of the currently 627 administrators now hold at least a bachelor's degree. There are presently only 379 adult care homes that require a licensed administrator. This, coupled with the increasing number of new

administrators with degrees, indicates that administrators with a bachelor's degree will not be in short supply by 1990.

Attachment 7 shows the number of other states which require a bachelor's degree. This information is as of 1985, compiled from the State Roster of Licensure Boards, published by the National Association of Boards of Examiners, Inc.

The entry level requirements for an adult care home administrator should not be static. The demands placed on a modern nursing home administrator are ever increasing. The entire health care system is constantly changing. We are seeing today great changes in patient characteristics, with hospitals discharging patients who have much greater needs than five years ago. The advent of home health agencies and other home-support systems result in the average nursing home resident of today requiring much more complex and intensive care than yesterday. This results in more sophisticated long-term care programs, including the management of more professional staff. The requirement for administrators who are better educated and better prepared is being demanded by the needs of our elderly.

Our board has taken a very pragmatic approach to addressing this need for skilled management. In 1980 our board acted to raise the entry level requirement from a GED to 60 hours from an accredited college. In 1984 our board upgraded the entry level standard once again by deleting any provision to substitute work experience for the required college. And now, once again, our board has acted to make the entry level minimum requirements consistent with our statutory authority to establish standards for the protection and well being of residents in our adult care homes. We again hear concern that this is an unnecessary step and will lead to the unavailability of licensed administrators. This position is contrary to what history has shown. In addition, it places no faith in the ability of the long-term care industry to marshal the resources needed to meet this requirement.

We thank you for receiving and considering this testimony.

Attachments

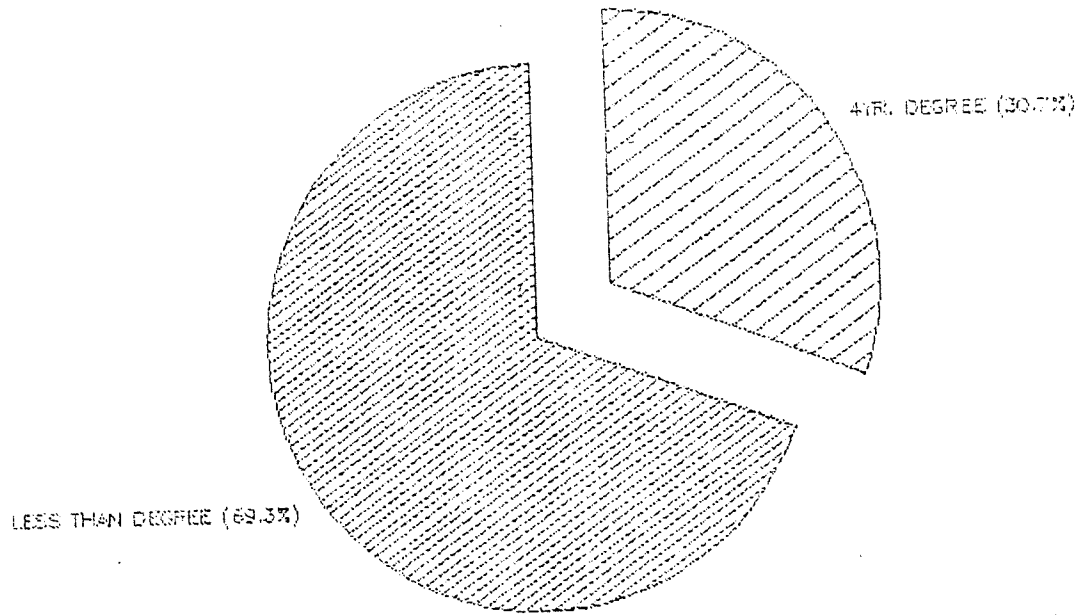
ATTACHMENTS 1 THROUGH 7

Testimony Before the House Public Health and Welfare Committee

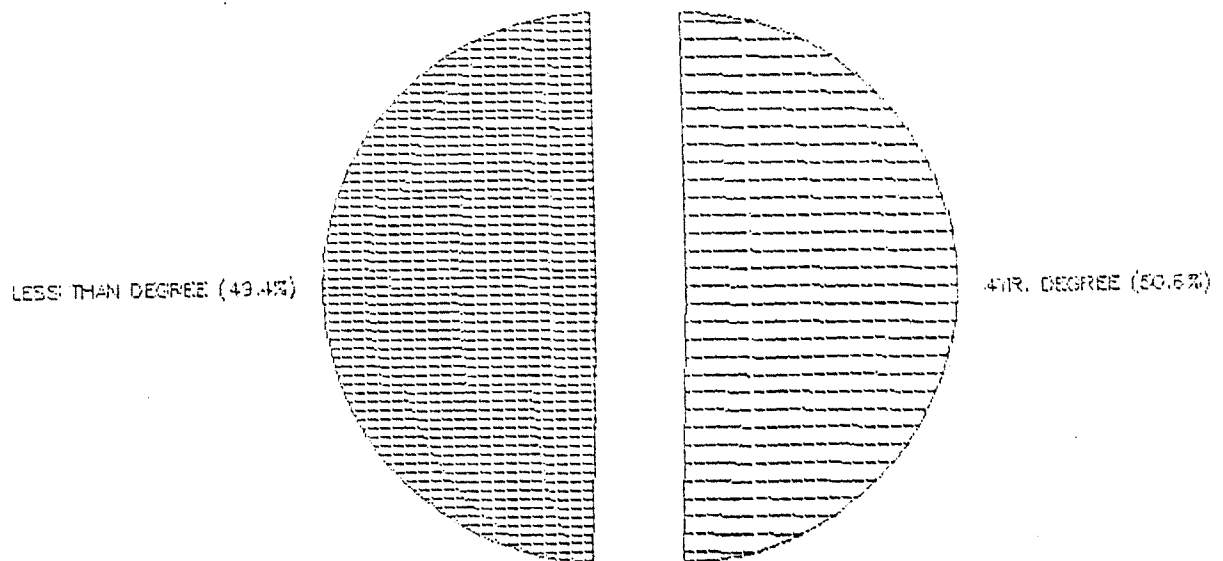
February 24, 1987

ATTACHMENT 1

1980 CANDIDATES BY EDUCATION

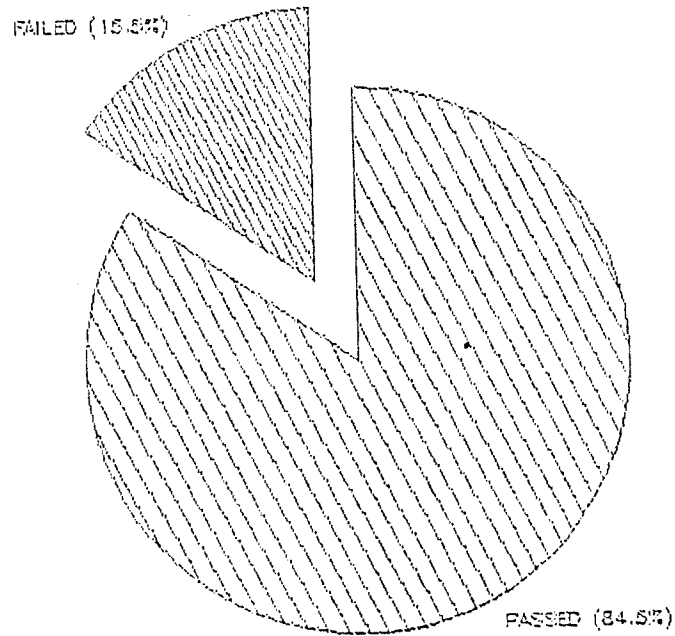


1986 CANDIDATES BY EDUCATION



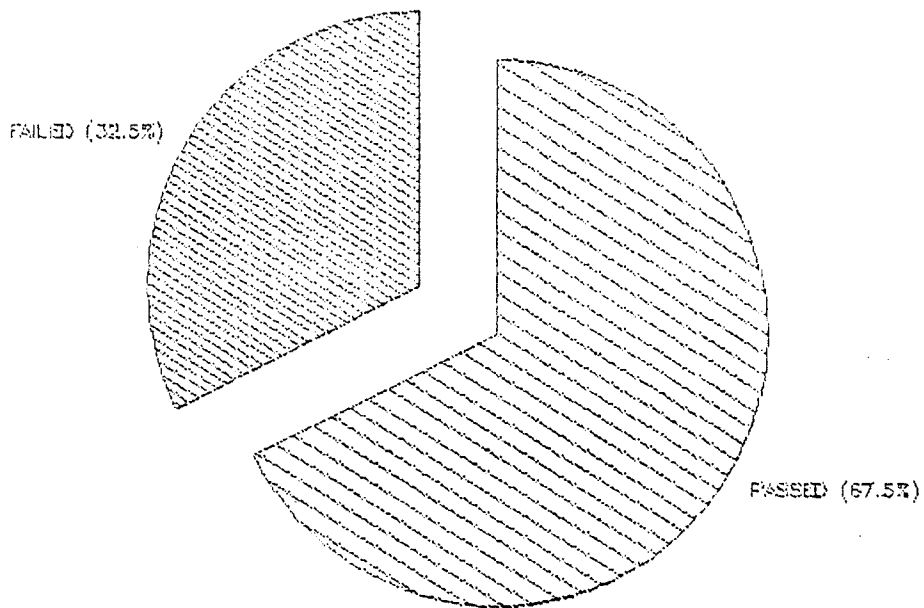
CANDIDATES WITH 4 YR. COLLEGE DEGREES

1980 THROUGH 1988

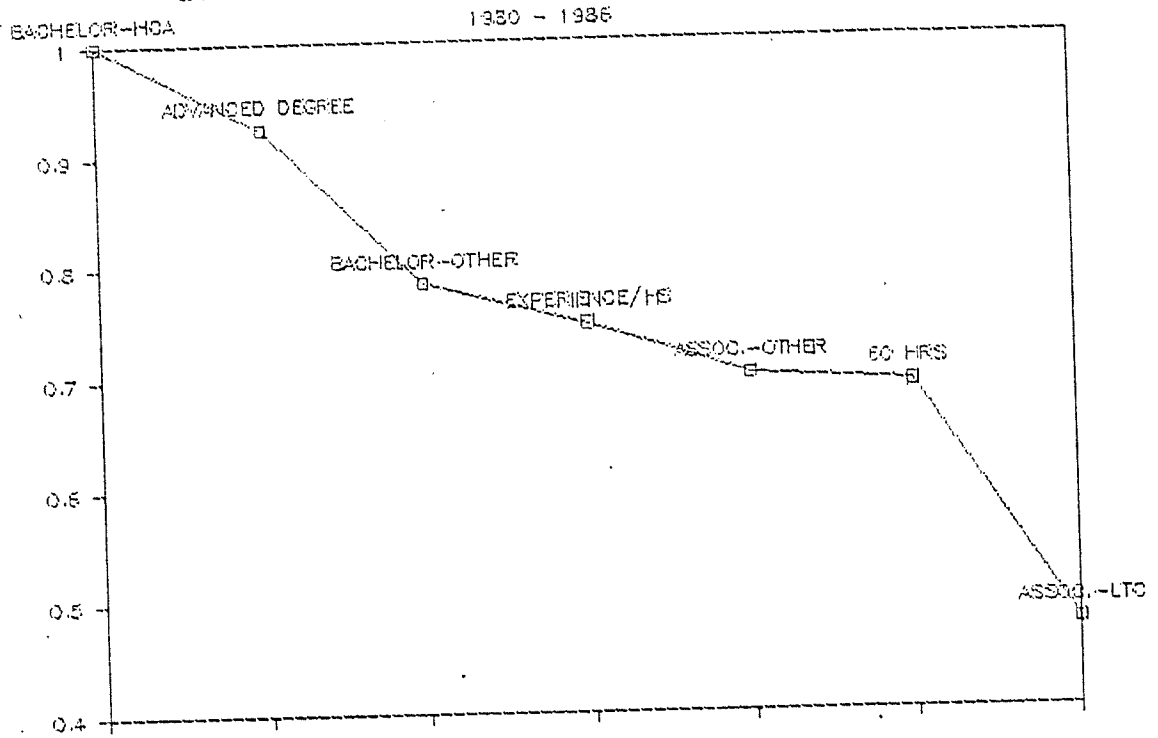


CANDIDATES WITHOUT 4 YR. COLLEGE DEGREES

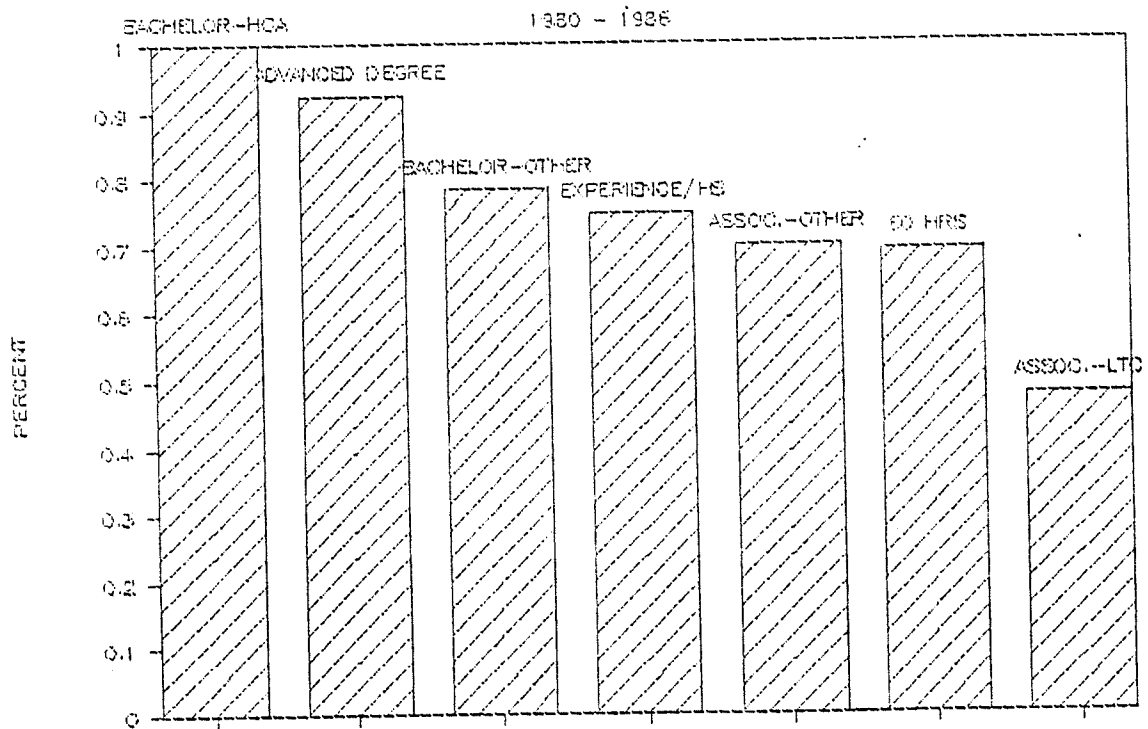
1980 THROUGH 1988



CHANCE OF PASSING BY EDUCATION

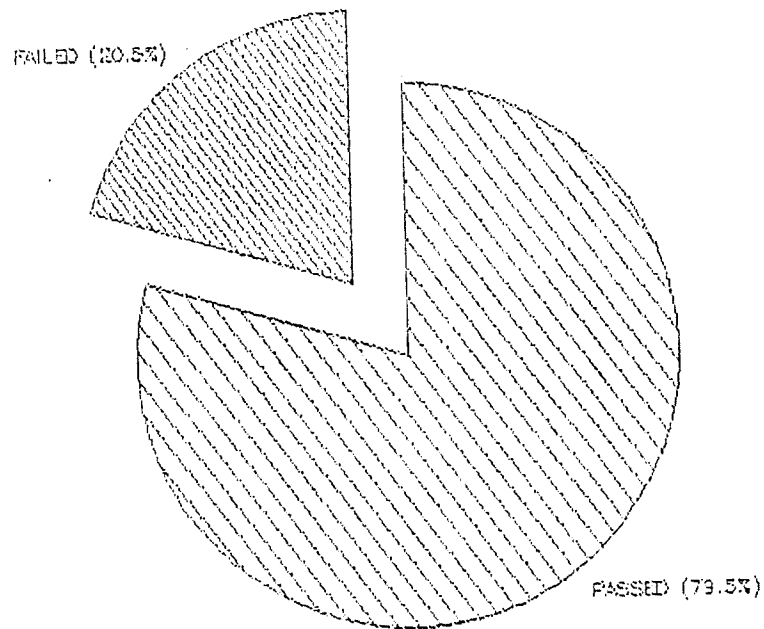


CHANCE OF PASSING BY EDUCATION



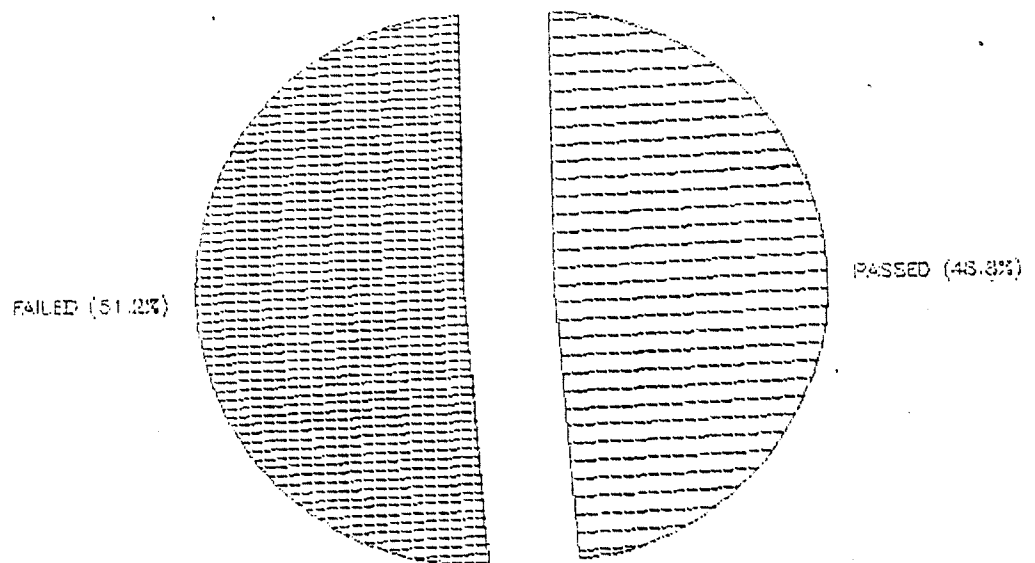
CANDIDATES WITH 4 YR. COLLEGE DEGREES

1988



CANDIDATES WITHOUT 4 YR. COLLEGE DEGREES

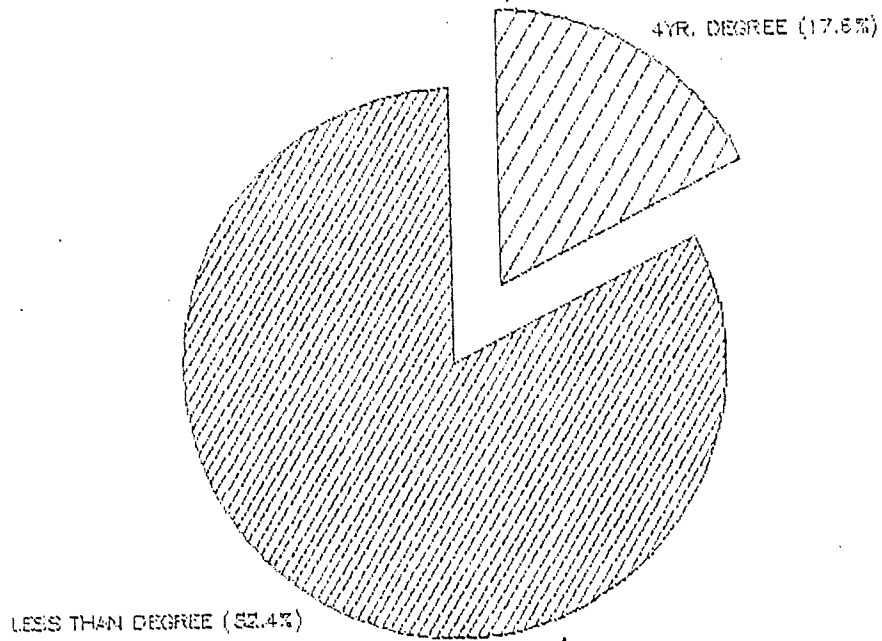
1988



ATTACHMENT 5

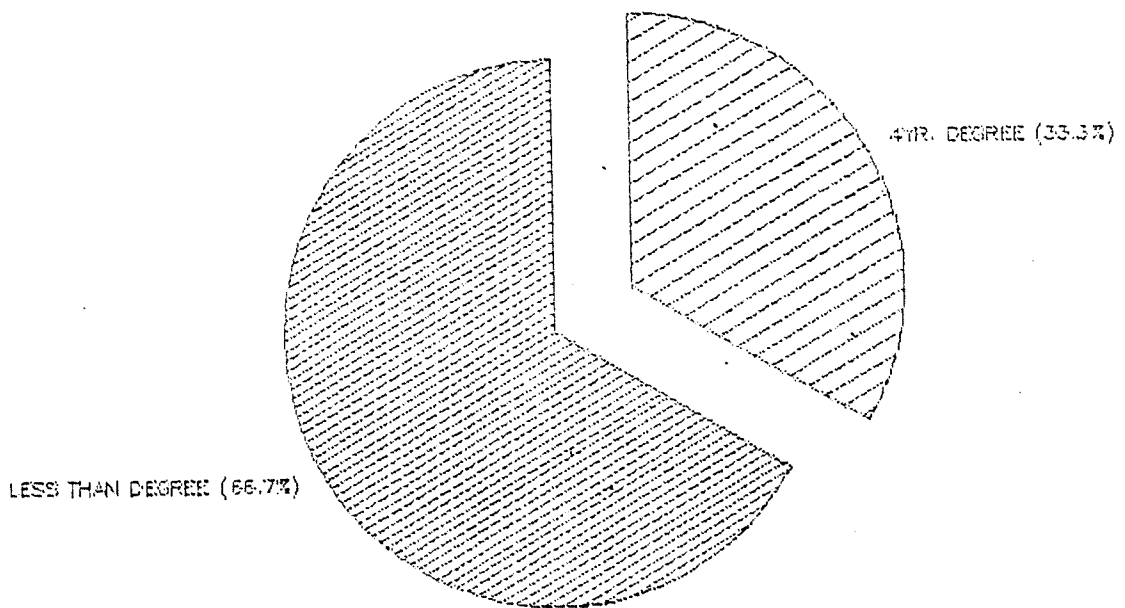
RELATIONSHIP: EDUCATION--ADM. PERFORMANCE

1985-86 FACIL. DISCIPLINARY ACTIONS

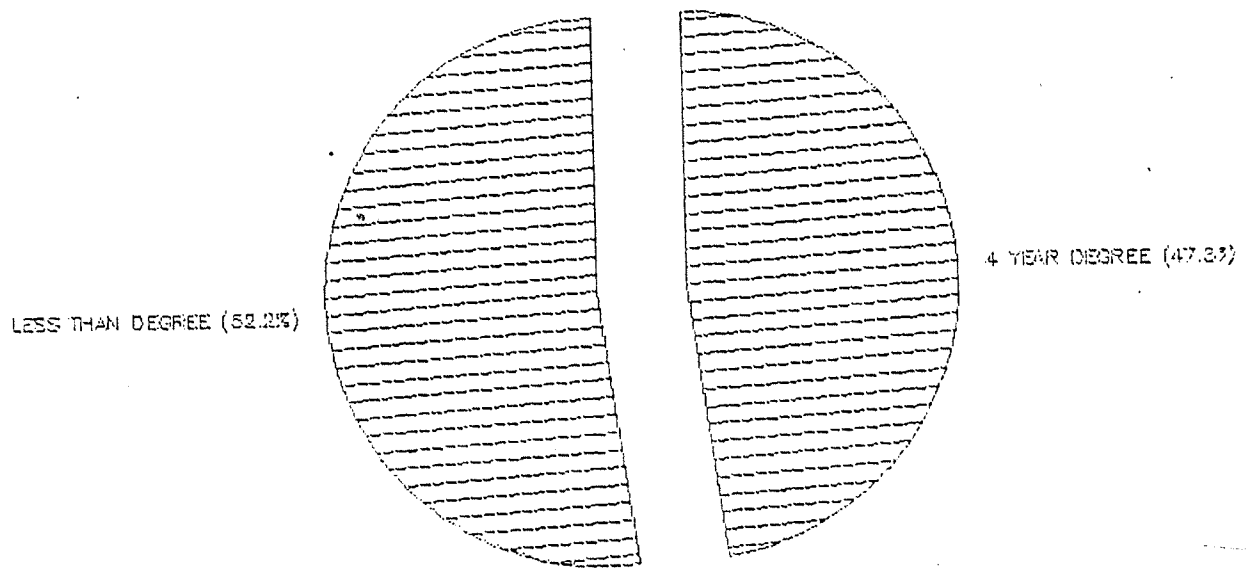


RELATIONSHIP: EDUCATION--ADM. PERFORMANCE

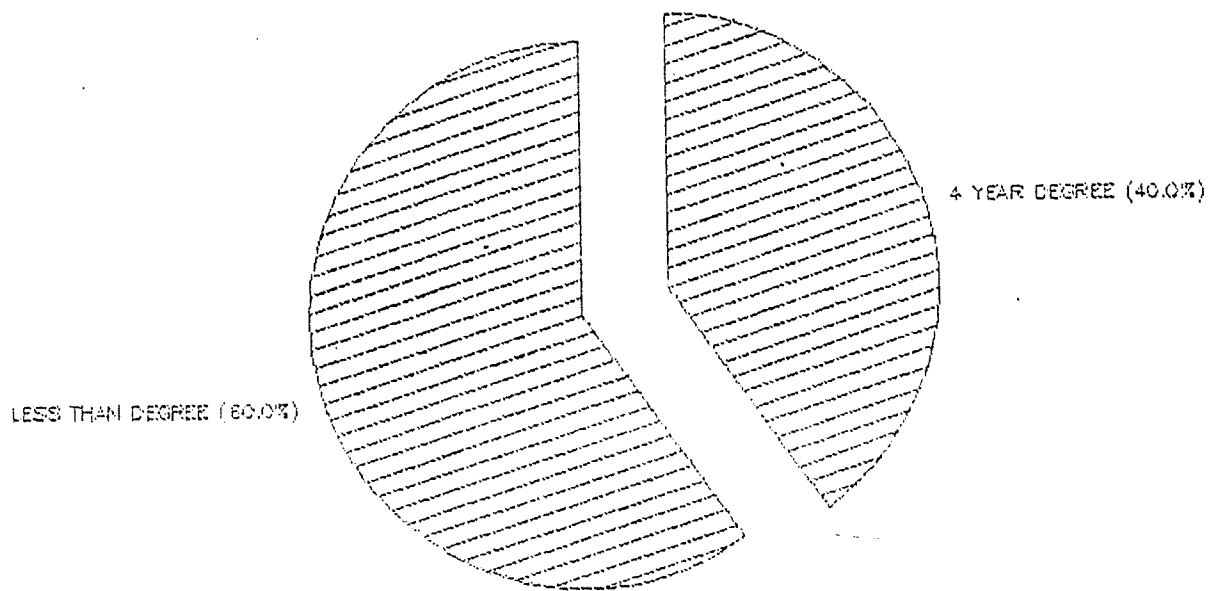
1980/88 ADM. DISCIPLINARY ACTIONS



EDUCATION OF JUNE 1987/88 RENEWALS
KANSAS A.C.H. ADMINISTRATORS



EDUCATION REQUIREMENTS OF STATES
NATIONWIDE A.C.H. ADMINISTRATORS



CANDIDATES FOR EXAMINATION ON FEBRUARY 20, 1987
BY EDUCATION

60 college semester hours	2
Associate degree	1
Baccalaureate degree	12
BA - health care administration	1
Master's degree	<u>6</u>
	22

Nineteen of 22 (86 percent) have at least a baccalaureate degree.

ADDENDUM TO TESTIMONY ON HOUSE BILL 2339

Presented to the House Public Health and Welfare Committee

February 24, 1987

This is background information on the examination given candidates for licensure as adult care home administrators.

As a result of the U.S. Senate hearings referred to in the written testimony and the requirement for establishment of state licensure boards, a nine-member National Advisory Council on Nursing Home Administration was established to advise the federal government and states on minimum requirements for nursing home administrators. This council was instrumental in the development of the first licensure examination which has evolved to the current examination tool used by the majority of states. The first examination was constructed by the Department of Health, Education, and Welfare in contract with the Professional Examination Service. The original consisted of 150 multiple-choice items which closely followed nine areas of knowledge it was deemed necessary an administrator should have. Closely following, the National Association of Boards of Examiners for Nursing Home Administrators developed and made available its own examination.

On July 1, 1982, the Professional Examination Service and National Association of Boards of Examiners entered into a contract to jointly develop the examination. Two examinations are developed for each year. The examination service has a bank of 1,500 items to be interchanged on various test forms. Items for the examination are written by practicing administrators and educators. Each item is reviewed and revised by psychometricians, editorial experts, and experts in the field of nursing home administration. From these items the examination committee selects for inclusion in the test those items that tap the knowledge and skills essential for minimally competent entry level practice.

At present the licensure examination contains 150 multiple-choice items. The content of the examination covers four categories: (1) patient care, (2) personnel management, (3) finance marketing and public relations, and (4) fiscal resource management and government laws and codes.

Kansas currently administers the administrator examination four times each year to approximately 100 candidates.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL 2339

PRESENTED TO THE HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

FEBRUARY 24, 1987

This is the official position taken by the Kansas Department of Health and Environment on House Bill 2339.

BACKGROUND INFORMATION:

By recent change to regulation, the Board of Adult Care Home Administrators has established that candidates for licensure as adult care home administrators hold a baccalaureate degree which includes a practicum in long-term care. This new entry level requirement would be effective for candidates sitting for examination after July 1, 1990.

This requirement is another step in the evolution of upgrading the minimum standards to become a licensed administrator in this state. In 1980 the Board of Adult Care Home Administrators was expanded from three to seven members. This was in response to recognition by both the Board of Adult Care Home Administrators and the Kansas Department of Health and Environment (KDHE) that the minimum standards for licensure needed to be immediately enhanced and that future enhancements should be the result of long range planning.

The board has long recognized that the modern complexities of administering a long-term care program would require a bachelor's degree in the 1990s. A basic policy decision was made in 1980 to make the move from a GED to a bachelor's degree in incremental steps. To this end, the regulations were modified in 1980 to require 60 college credit semester hours with a provision to substitute certain work experience for college semester hours. In 1984 the provision to substitute work experience for the required college credit hours was removed. In March 1985 the board directed KDHE to draft the necessary regulations that would require, at a minimum, an associate degree in long-term care by 1987 and a bachelor's degree in long-term care by 1990. This directive, proposing an associate degree in long-term care by 1987 and a bachelor's degree in long-term care by 1990, was shared with industry, institutions of higher education, and interested parties for input. Upon consideration of input received, KDHE recommended to the board that the requirement for an associate degree in long-term care by 1987 should not be pursued and that a bachelor's degree in 1990 would be appropriate. During the fall of 1986, the necessary language was drafted, submitted for public hearing, modified, and, subsequently, adopted by the board.

STRENGTHS: We identify no strengths in this bill.

WEAKNESSES: The legislature has historically allowed the Board of Adult Care Home Administrators to establish minimum education

*P.H.W.
2-24-87
Att #2*

requirements by regulation. Establishing minimum requirements by statute, in response to adopted regulatory change by the board, strips the board of one of its most vital responsibilities.

In addition to policy issues, there are two "technical" weaknesses which appear in the bill. The first is found in Subsection (c) where the requirement to be 18 years old has been replaced by "has attained legal age." Our legal office has advised that there is no statutory or case law definition of "legal age" and it is recommended that Subsection (c) be either deleted or age specific. The second technical weakness relates to Subsection (d) which ties the effective date of new requirements to a calendar date as opposed to the time the candidate sits for examination. It is our experience that applying new minimal level requirements to the actual taking of examination is a much more practical and understandable way to implement new requirements.

DEPARTMENT'S POSITION:

The Department of Health and Environment recommends that House Bill 2339 not be passed.

TESTIMONY PRESENTED BEFORE THE HOUSE
PUBLIC HEALTH AND WELFARE COMMITTEE

By
Paul Wurth, President
Kansas Health Care Association

February 24, 1987

HOUSE BILL NO. 2339

Mr. Chairman and Committee Members:

As President of the Kansas Health Care Association representing nearly 250 proprietary, non-proprietary, urban and rural nursing homes, I thank you for the opportunity to speak in favor of H.B. 2339.

KHCA agrees with this proposed legislation that a structured college curriculum is a key part of the overall credentials necessary to be an adult care home administrator. Further, the degree process leading to an Associates of Arts is offered at all community colleges throughout the state. The availability of this program allows persons interested in obtaining an administrators license to stay within driving distance during the course of study.

Secondly, the A.A. degree will require candidates to follow a structured academic program rather than get 90 college credits from several different sources. College degree programs can be modified and monitored to insure that basic educational objectives are met. In other words, a student has to be accountable to an institution over a specific period of time instead of hit and miss.

The practicum requirements in this legislation is paramount to improving the skill levels of administrator candidates. If conducted correctly, candidates would have the "on hands" look at administration, rather than purely a "theoretical" look portrayed in a classroom. KHCA urges that the practicum be monitored and evaluated by people knowledgeable in adult care

QHM # 3
2-24-87
PH+W

"We Care"

home operations. The worst thing to have happen is for the practicum to become a waiting period for candidates. Successful practicums should provide the opportunity for unqualified candidates to be identified and prohibited from taking the exam.

In summary, KHCA feels strongly that adding the Associate degree and practicum criteria will advance the professionalism for future Kansas adult care home administrators.

H.B. 2339 is a reasonable and sensible approach in the advancement of the professionalism of adult care home administrators.

The regulatory proposal for a four-year degree, (modified by H.B. 2339) has many problems, including:

- limiting the opportunity for many individuals, especially in rural areas, from pursuing a career in administration.
- adding additional costs to the consumer, public and the Medicaid program.

Thank you for this opportunity.



MEDICALODGES, INC.

Health Care Facilities

316-251-6700 • P.O. BOX 509 • COFFEYVILLE, KANSAS 67337

I am Mike Noel and I am here representing Medicalodges, Inc., that owns and operates 24 long-term care facilities in Kansas.

I would like to take this opportunity to testify in favor of House Bill #2339 that would require an Associate Degree in order to become licensed as a nursing home administrator. This bill is a compromise of the original intention of the Board of Adult Care Home Administrators regulation that would require a Bachelor's degree.

We in the industry felt the Board's original intention of improving the quality of care in nursing homes throughout the state is an admirable goal and we wholeheartedly support them in their efforts. However, we were concerned with their proposed regulation that would require a bachelor's degree in order to become licensed as an administrator. Through the course of the various hearings on the proposed regulation change we voiced our concern that the new regulation would eliminate many caring and compassionate people from the field of nursing home administration and we urged that a compromise, such as the one present in House Bill #2339, be substituted for the restrictive regulation that would require a bachelor's degree. We support this bill and ask that the committee act favorably towards it because the alternative could have an adverse affect on the quality of care in our nursing homes.

P #4 W
Attn #4
2-24-87



For Further Information Contact

Terri Rosselot, R.N.
Executive Director
(913) 233-8638

February 24, 1987

H.B. 2339

Mr. Chairman, and Committee members, my name is Carolyn Middendorf, R.N., M.N. and I am presently a nursing instructor at Washburn University School of Nursing. I have been in the field of Gerontological nursing for 12 years, including working as a Consultant to the Bureau of Nursing Homes; Kansas Department of Health and Environment, and consulting for several nursing homes. I represent KSNA on the Kansas Coalition on Aging, serve on the Advisory Board of the NAMFE project for Frail Elderly out of KU's School of Nursing and am currently the Chairperson of the KSNA Conference Group on Gerontological Nursing.

I am here today to support the concept of H.B. 2339 that institutes a minimum level of educational preparation for Nursing Home Administrators. Kansas has a very progressive nursing home industry, including those that own and manage such facilities and the various organizations that monitor and support high quality of care in them. The institution of 24 hour licensed care in Kansas Nursing Homes after the inception of DRG reimbursement has been a positive move for the older citizens of Kansas. It has provided the appropriately educated personnel to care for the higher acuity patients that are returning or being placed in the nursing home settings. The influence of the prospective payment system has been the "QUICKER AND SICKER" syndrome. Hospitals are discharging patients that are not completely well, much faster and consequently they have greater nursing needs and require a higher level of nursing care than had previously been required.

*PKW
Attn #5
2-24-87*

Nurses employed in the nursing home industry in Kansas have some concerns about the educational preparation of the Nursing Home Administrators. Nursing Home Administrators that are responsible for the overall philosophy and operation of the nursing home have difficulty appreciating the nature of the clients needs, particularly those entering or returning from the acute care facilities. It is often very difficult for nurses to communicate, educate or effectively demonstrate to their employers who have less educational preparation than themselves about the clients medical and nursing needs.

KSNA supports the institution of a minimum educational preparation for Nursing Home Administrators at the baccaluateate or higher degree level. The requirements on line 0033 indicates an associate degree as the minimal preparation. Currently in regulation there is a requirement of 60 hours from an accredited college. The baccaluateate degree would assure that nursing home administrators would have educational credentials greater than or equal to the Registered Nurses currently supervising the care in these institutions.

Additionally, we are concerned that individuals graduate with a working knowledge of the health care field in order to become nursing home administrators. We would support a qualifying statement that the degree decided on by this committee be in a health related field.

Thank you for listening.

Testimony on HB 2339
to
Public Health and Welfare Committee
by
Kansas Department on Aging
February 24, 1987

Bill Summary

This is an act increasing the educational requirements for adult care home administrators.

Bill Brief:

The present law provides only that a person desiring to be an adult care home administrator be "of good moral character ... at least 18 years of age" and pay a fee of not more than \$100. The proposed bill strikes the provisions of good moral character and that a person be at least 18 years of age. This bill requires that on or after January 1, 1990, the person obtain an associate degree or higher degree from an accredited college and completed a practicum and attained legal age.

Bill Testimony:

The complexities of nursing home management and patient care demand higher educational requirements. Studies reviewed all indicate that more and more nursing home residents will be sicker and require more technical care. This change in the health level of nursing home residents has been the result, in part, of the initiation of prospective payment of hospitals that in turn forces earlier discharge of patients, many to nursing homes.

An administrator must be able to organize physicians, social workers, nurses, restorative aides, physical therapists, dietitians, and aides into a multidisciplinary team to give care; coordinate housekeeping and dietary departments; use complex reimbursement systems; assure a steady cash flow and see that all financial systems concerning the facility are operating appropriately. A good education in health care and/or gerontology with appropriate practicums is a must.

Dr. Harold Hirsh has said, "the nature of nursing home care is going to be vastly different - younger patients, patients requiring greater care and more frequent discharges."

We cannot continue to lay these heavy burdens on untrained people. We must be assured that they have sufficient education to assure the well-being of residents and the financial stability of the institution they serve.

We believe that there are sufficient numbers of educational programs in Kansas that offer an associate or higher degree so that it should be possible for persons to meet these requirements. According to an incomplete survey, five universities and six community colleges offer programming at the associate degree or higher level.

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Perhaps the most important point in favor of this bill is related to the amount of State resources spent each year on nursing home care. Not including private pay patients, federal funds, or state regulatory costs, all of which are significant, the State of Kansas spends \$50 million a year on nursing home care. It seems inconceivable that the State would not want assurance that those who manage these funds are appropriately trained and educated.

Recommended Action:

That the bill be amended to require an Associate Degree in Long Term Care Administration or a Bachelor's Degree and an appropriate practicum.

DS:bms



The Organization of
Nonprofit Homes and
Services for the Elderly

Kansas Association of Homes for the Aging
One Townsite Plaza
Fifth and Kansas Avenue
Topeka, Kansas 66603

913-233-7443

TESTIMONY BEFORE THE HOUSE
PUBLIC HEALTH AND WELFARE COMMITTEE
VICE CHAIRMAN, FRANK BUEHLER

February 24, 1987

RE: House Bill No. 2339

Presented by John Grace, Executive Director of the Kansas Association of Homes for the Aging; a nonprofit organization, representing the church, governmental, and community sponsored homes, housing and services for the elderly of Kansas.

Thank you Mr. Chairman and Good Afternoon members of the committee.

We oppose House Bill No. 2339

For the past two years our members have supported the upgrading of educational requirements for newly licensed Administrators in Kansas. At the meeting of the Joint Committee on Administrative Rules and Regulations in January 1987 we supported the departments proposed regulation requiring a Bachelors Degree plus a practicum for newly licensed Administrators beginning July 1, 1990.

Numerous studies have concluded that the quality of the Administrator is probably the single most important variable in the quality of adult care homes. Although the educational level is only one component in the make up of the skills and abilities of the Administrator, it is a basic standard of training recognized by our society.

Most organizations and corporations require a bachelors degree as a minimum in their recruitment and hiring policies. They have found that because of the changing requirements in this field a more highly trained and educated Administrator is needed for successful operations.

Organizations may be required to pay a higher salary for these persons, however, any additional costs should be offset by the skills of that person in operating a facility in a economic and efficient manner.

Thank you, Mr. Chairman and members of the committee.

Handwritten notes:
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AKW



Kansans for Improvement of Nursing Homes, Inc.

913 Tennessee, suite 2 Lawrence, Kansas 66044 (913) 842 3088

TESTIMONY PRESENTED TO
THE HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE
CONCERNING HB 2339

Mr. Chairman and Members of the Committee:

Over a period of several years KINH has followed the efforts of the Board of Adult Care Home Administrators to upgrade the educational qualifications and training of nursing home administrators. Last summer those efforts culminated in a proposal for new regulations that we believe would produce better trained administrators more nearly adequate to the increasingly difficult task of administering a Skilled or Intermediate Care nursing home.

The cost of care for the state's older, sicker nursing home population has risen. Kansas now pays over \$110 million annually for Medicaid reimbursement to nursing homes. To safeguard the taxpayers' considerable investment in Medicaid dollars as well as that of private paying nursing home residents by requiring administrators to be well trained and fully equal to the task seems essential. There is a clear need for excellent financial and personnel skills to make the available resources stretch to cover the needs of the frail elderly in nursing homes. Further, there is a growing awareness that a more sophisticated understanding of both the physical and psycho-social components of nursing home care is required of nursing home administrators.

The regulations proposed by the Board of Adult Care Home Administrators require candidates for licensure as adult care home administrators to hold a baccalaureate degree from an accredited college or university and to have completed a practicum of 480 hours under the supervision of an approved educational institution. HB 2339 would require no more than an associate of arts degree of candidates for the licensure examination. That is very few hours more than the present requirement of 60 hours of college credit; it represents, in our opinion, no improvement of any significance. We do support the 480 hour practicum required by both the regulation and by HB 2339.

It is clear from information we have gathered over several years of following the effort to improve administrator licensure standards that the passing rate of candidates taking the licensure examination who have a baccalaureate degree is significantly higher than those having an associate degree, and that

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candidates having a baccalaureate in a health-related field have a passing rate higher than any other category of educational qualification.

KINH would have preferred that the required baccalaureate degree be in a health-related field. In fact, we recommended to the Joint Committee on Administrative Rules and Regulations that an additional step be added to the regulation which would require a baccalaureate in health care administration by 1994. However, we do support a general, undesignated baccalaureate degree, believing that it is a reasonable step in the right direction.

We urge you to defeat HB 2339 and to let stand the regulations as proposed by the Board of Adult Care Home Administrators.

0046 body if there is no next of kin available and no legal representa-
0047 tive qualified to act;

0048 (8) or the agent, employee or representative thereof, has
0049 advertised, solicited or sold merchandise or services in a manner
0050 which is fraudulent, deceptive or misleading in form or content;

0051 (9) or the agent, employee or representative thereof, has
0052 engaged in the uninvited, in-person solicitation of an actual or
0053 potential customer, who, because of the customer's particular
0054 circumstances, was vulnerable to undue influence, intimidation,
0055 coercion or overreaching;

0056 (10) or the agent, employee or representative thereof, has
0057 knowingly engaged in at-need solicitation;

0058 (11) has employed, directly or indirectly, any representative
0059 or person, for the purpose of contacting individuals or institu-
0060 tions by whose influence dead human bodies may be turned over
0061 to a particular licensee or funeral establishment;

0062 (12) has aided or abetted an unlicensed person to practice
0063 any licensed activity;

0064 (13) has had a license to practice embalming or funeral
0065 directing revoked or suspended, has been censured or has had
0066 other disciplinary action taken against oneself;

0067 (14) has had an application for a license denied by the proper
0068 licensing authority of another state, territory, District of Colum-
0069 bia or other country, a certified copy of the record of the action of
0070 the other jurisdiction being conclusive evidence thereof;

0071 (15) has cheated on or attempted to subvert the validity of the
0072 examination for a license;

0073 (16) has been found to be mentally ill, disabled, not guilty by
0074 reason of insanity or incompetent to stand trial by a court of
0075 competent jurisdiction;

0076 (17) has failed to furnish the board, or its investigators or
0077 representatives, any information legally requested by the board;

0078 (18) has failed to report to the board any adverse action taken
0079 against the licensee by another state or licensing jurisdiction, a
0080 professional association or society, a governmental agency, by a
0081 law enforcement agency or a court for acts or conduct similar to
0082 acts or conduct which would constitute grounds for disciplinary

or has violated a provision of section 2.

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Sec. 2. (a) A licensee or the licensee's representative may initiate contact with a client or prospective client in the following manner:

- (1) Through general advertising;
- (2) by direct mail;
- (3) by telephone; or
- (4) as an invited guest of a charitable, social, civic, religious, fraternal or employee or trade association.

(b) A licensee or the licensee's representative shall not initiate contact with a client or prospective client if:

- (1) The licensee or the licensee's representative reasonably should know that the physical, emotional or mental state of the person solicited is such that the person could not exercise reasonable judgment;
- (2) the person solicited has made known a desire not to receive the communication; or
- (3) the solicitation involves coercion, duress or harrasment.

Strike