

Approved 3-31-87  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at  
Chairperson

10:00 a.m./~~p.m.~~ on March 24, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research  
Norman Furse, Revisor of Statutes Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Stan Teasley, Executive Director, Kansas Commission on Veteran Affairs  
Norman Durmaskin, Chairman, Board of Adult Care Home Administrators  
Nadine Burch, Kansas Coalition on Aging and member, Board of Adult Care Home Administrators  
Mike Noel, Medicalodges, Coffeyville, Kansas  
Paul Wurth, President, Kansas Health Care Association  
Richard Morrissey, KDHE  
Marilyn Bradt, Kansans for Improvement of Nursing Homes  
John Grace, Kansas Association Homes For Aged  
Doris Stout, Department On Aging  
Lila Paslay, Association of Retarded Citizens  
Yo Bestgen, Kansas Association Rehabilitation Services  
Al Nemas, SRS

Others attending: see attached list

Stan Teasley spoke in support of HB-2205 stating there were empty beds at the Kansas Soldier's Home and it was felt that with changes in regulations such as admitting peacetime veterans better use could be made of this facility. (attachment 1)

Norman Durmaskin spoke in opposition to HB-2339. Mr. Durmaskin reviewed for the committee the makeup of the Board of Adult Care Home Administrators and presented a number of graphs included in the written testimony. It was stated that the Board felt it was necessary to make entry level minimum requirements for the protection and well being of residents in our adult care homes. (attachment 2)

Nadine Burch spoke to the committee as a senior advocate for the Kansas Coalition on Aging and opposed HB-2339. Ms. Burch stated that adult care home administrators need wide and varied knowledge to cover all aspects of the operation of such homes and the requirements in HB-2339 fall short in many areas. (attachment 3)

Mike Noel, Medicalodges, Inc. testified in favor of HB-2339 stating that 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. (attachment 4)

Dick Hummel introduced Paul Wurth who spoke in support of HB-2339 as amended stating that this bill is a reasonable and sensible approach in the advancement of the professionalism of adult care home administrators. Mr. Wurth also stated it was felt the regulatory proposal for a four-year degree would limit the opportunity for many individuals, especially in rural areas, from pursuing a career in administration and would also add additional costs to the consumer, public and Medicaid program. (attachment 5)

Richard Morrissey testified in opposition to HB-2339 stating that the legislature has historically allowed the Board of Adult Care Home

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 526-S, Statehouse, at 10:00 a.m. ~~4:30~~ on March 24, 1987.

Administrators to establish minimum education requirements by regulation and that by establishing them by statute strips the board of one of its most vital responsibilities. (attachment 6)

Marilyn Bradt spoke in opposition of HB-2339 stating that her organization was firmly convinced that the level of expertise now needed in nursing home administration requires the baccalaureate degree proposed by the Board and would have preferred that the required degree be in a health related field. (attachment 7)

John Grace presented written testimony to the committee in which opposition to HB-2339 was expressed. Mr. Grace stated that numerous studies have concluded that the quality of the Administrator is probably the single most important variable in the quality of adult care homes. (attachment 8)

Doris Stout presented written testimony opposing HB-2339 as it now reads or that the bill should be amended to require a Bachelor's Degree with a practicum. (attachment 9)

Written testimony was presented to the committee by Lila Paslay concerning HB-2019. Ms. Pasley stated her organization supported the concept of HB-2019, but were concerned with the inclusion of verbage addressing the waiting list problem. (attachment 10)

Written testimony was presented to the committee by Yo Bestgen supporting the concept of HB-2019 but concern was expressed over lines 0053-0063 addressing waiting list requirements. (attachment 11)

Al Nemac presented written testimony by Robert C. Harder concerning HB-2019. This testimony supported HB-2019 as amended by the House Committee. (attachment 12)

The committee will continue hearings on HB-2339 March 25, 1987, as time did not permit all conferees to be heard. The meeting adjourned at 11:00 a.m.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE March 24, 1987

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

JOSEPH F. KROLL

KDHE

RICHARD MORRISSEY

KDHE

NORMAN DURMASKIN

BD. ADULT CARE HOME ADMIN.

NADINE BUNCH

" KCOR " " "

MARILYN BRADT

KINH

DOIS R. STOUT (DOIS R. STOUT)

LONG TERM CARE OMBUDSMAN  
KANSAS DEPARTMENT ON AGING

CHERISE SHUBELY

Kansas NARAL

KEITH R. LANDIS

CHRISTIAN SCIENCE COMMITTEE  
ON PUBLICATION FOR KANSAS

MARK INTERMILL

Kansas Coalition on Aging  
Melvin Neuffer

MIKE HOOVER

STAN TEASLEY

Ks. Comm. on Veterans Affairs

RANDALL SCOTT

" " " "

DICK HUMMEL

KS HEALTH CARE ASSN.

PAUL WIRTH

"

MIKE NOEL

Medical Adges, Inc.

CAROLYN MULDENDORF

KSNHA

PROPOSED LEGISLATION

Section 1. K.S.A. 76-1908 is hereby amended to read as follows: 76-1908. (a) The following, subject to the rules and regulations that may be adopted by the Kansas Commission on Veterans Affairs for the management and government of the Kansas Soldiers Home shall be eligible to admission to the Kansas Soldiers Home:

(1) Any person who served in the active military service of the United States during any period of war, or who served in the active military service of the United States during peacetime and is entitled to VA hospitalization or domiciliary care under Title 38, U.S. Code and Veterans Administration rules and regulations, and who has been discharged or relieved therefrom under conditions other than dishonorable, who may be disabled by disease, wounds, old age, or otherwise disabled, and who, by reason of such disability, is incapacitated from earning a living.

(2) The widow, mother, widower, father or minor child of any person who qualified under Sub-Section 1, if such widow, mother, widower, father or minor child is incapable of self-support because of physical disability.

(b) No person shall be admitted to the soldiers home except upon application to the commission and approval of the application by the commission. No applicant shall be admitted to the soldiers' home who has not been an actual resident of the state of Kansas for at least two years next

*SPH/W*  
*3-24-87*  
*attachment 1*

preceding the date of application.

(c) No person shall be admitted to or retained in the soldiers' home:

(1) Who has been convicted of a felony, unless the commission finds that such person has been adequately rehabilitated and is not dangerous to oneself or to the person or property of others; or

(d) No child shall be admitted to or retained in the soldiers' home who is 16 years of age or over, unless such child is incapable of supporting oneself.

(e) No child properly a member of the home shall be discharged under 16 years of age.

(f) The Kansas commission on veterans affairs shall have authority by resolution to discharge any member from the soldiers' home on a showing that the member has gained admittance into the soldiers' home by misrepresentation of the member's financial or physical condition, or a showing that the financial or physical condition of such member has been so altered since admittance so that the further maintenance of the member in the soldiers' home is not justified. No such member shall be discharged without notice and opportunity to be heard by the commission.

(g) The rules and regulations for admission of members to the Kansas soldiers' home shall require that an applicant for admission be given priority over patients transferred from state institutions under the provisions of K.S.A. 76-1936 and amendments thereto.

Sec. 2. K.S.A. 76-1908 is hereby repealed.

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

BOARD OF ADULT CARE HOME ADMINISTRATORS

TESTIMONY ON HOUSE BILL 2339

PRESENTED TO THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

MARCH 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.

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3-24-87  
attachment 2

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

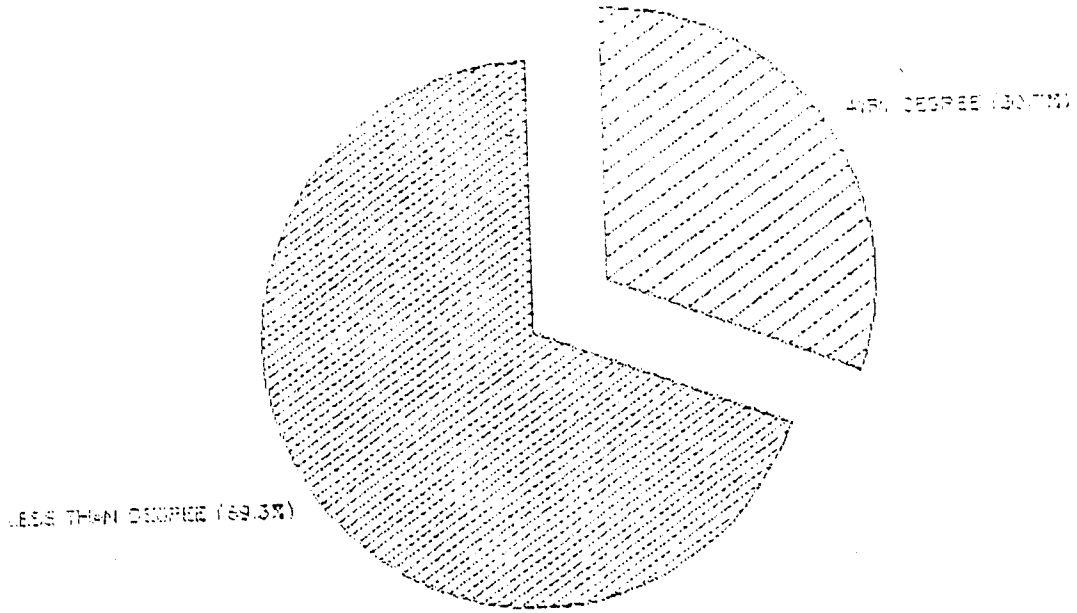
ATTACHMENTS 1 THROUGH 7

Testimony Before the Senate Committee on Public Health and Welfare

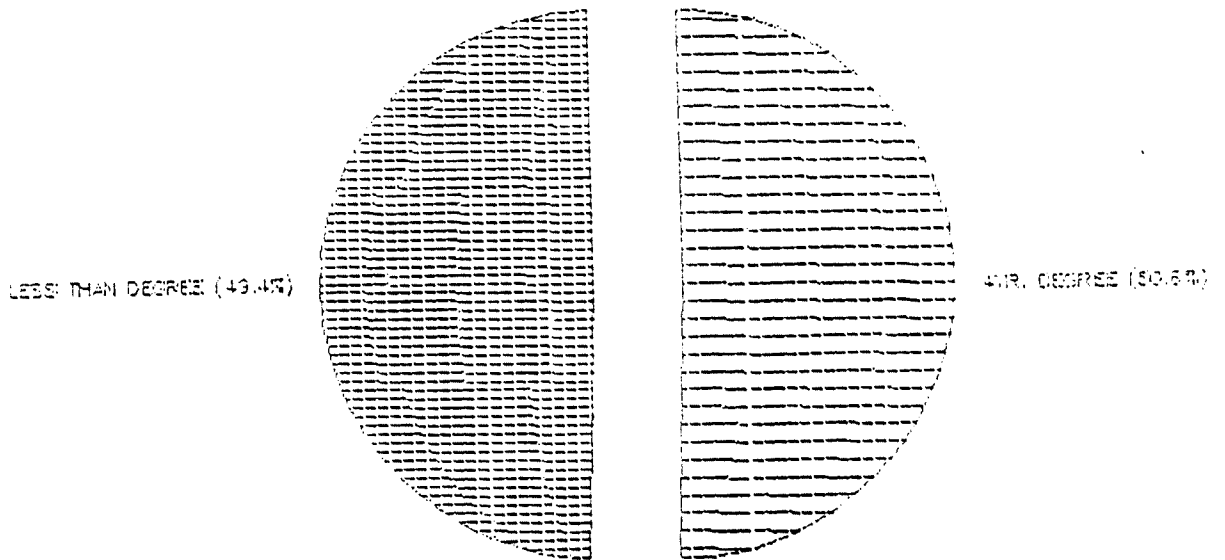
March 24, 1987

ATTACHMENT 1

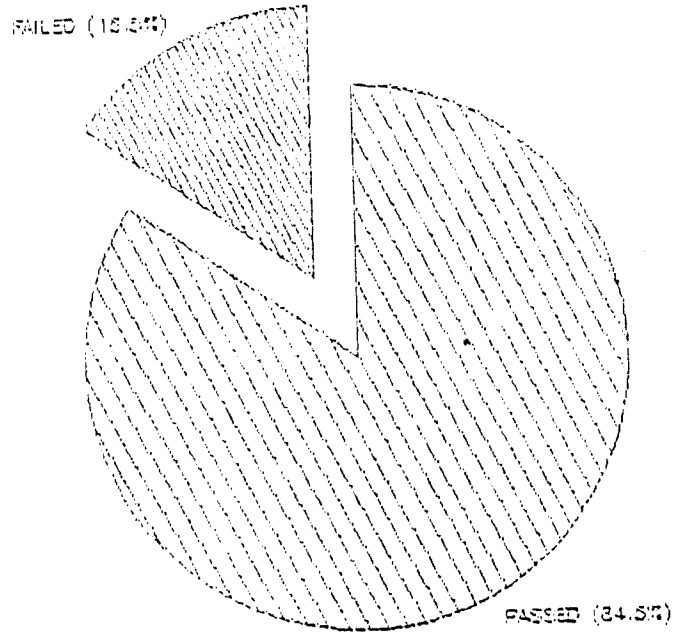
1980 CANDIDATES BY EDUCATION



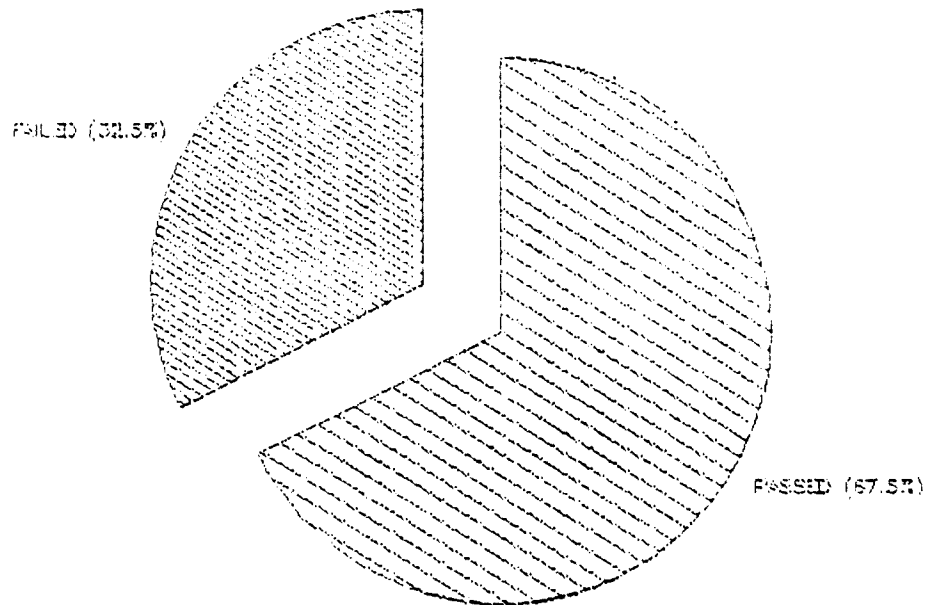
1985 CANDIDATES BY EDUCATION



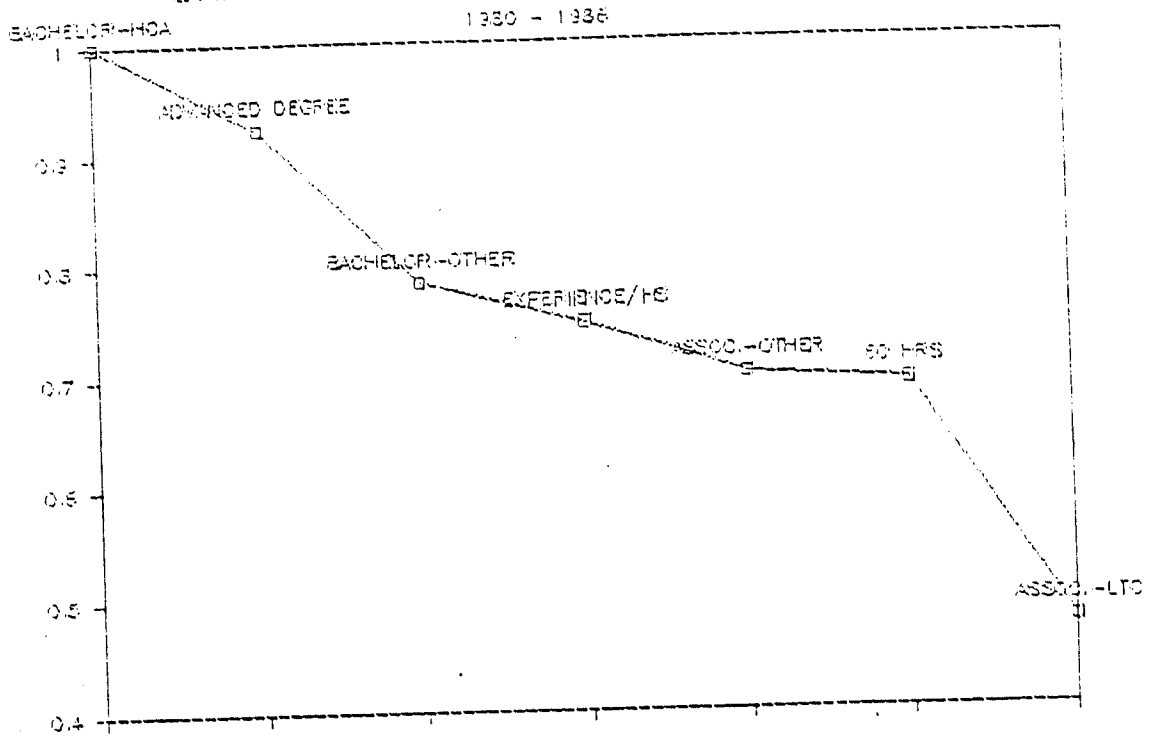
CANDIDATES WITH 4 YR. COLLEGE DEGREES  
1980 THROUGH 1988



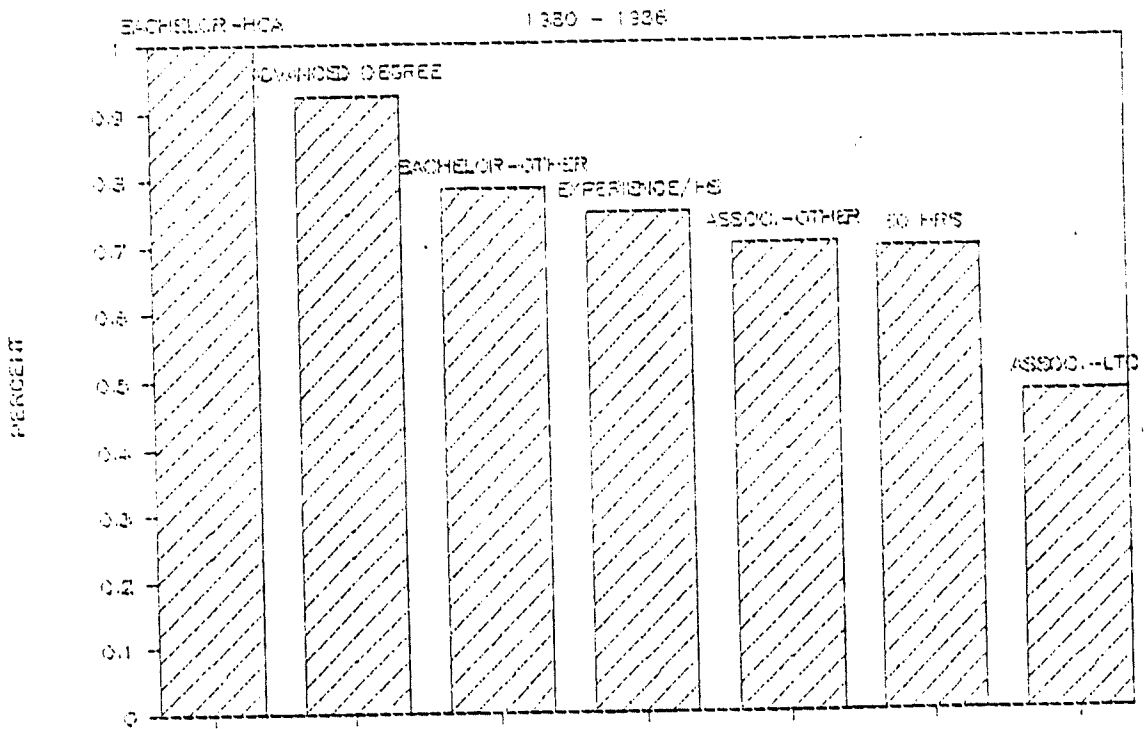
CANDIDATES WITHOUT 4 YR. COLLEGE DEGREES  
1980 THROUGH 1988



CHANCE OF PASSING BY EDUCATION

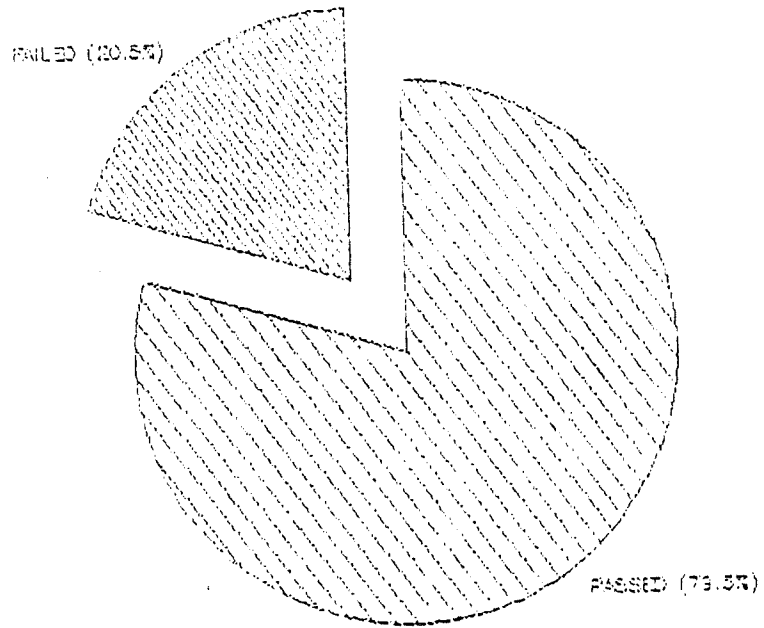


CHANCE OF PASSING BY EDUCATION



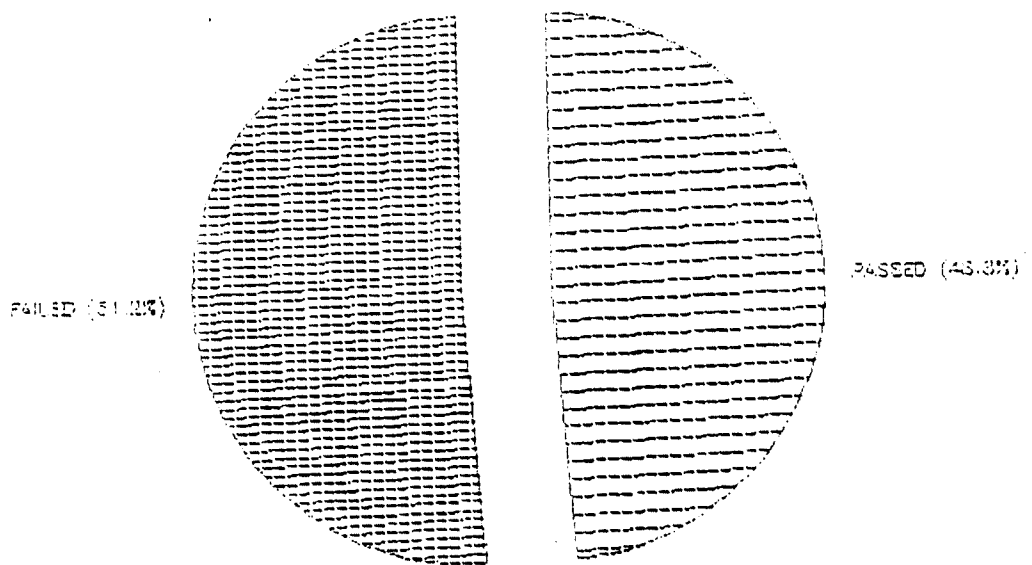
CANDIDATES WITH 4 YR. COLLEGE DEGREES

1998



CANDIDATES WITHOUT 4 YR. COLLEGE DEGREES

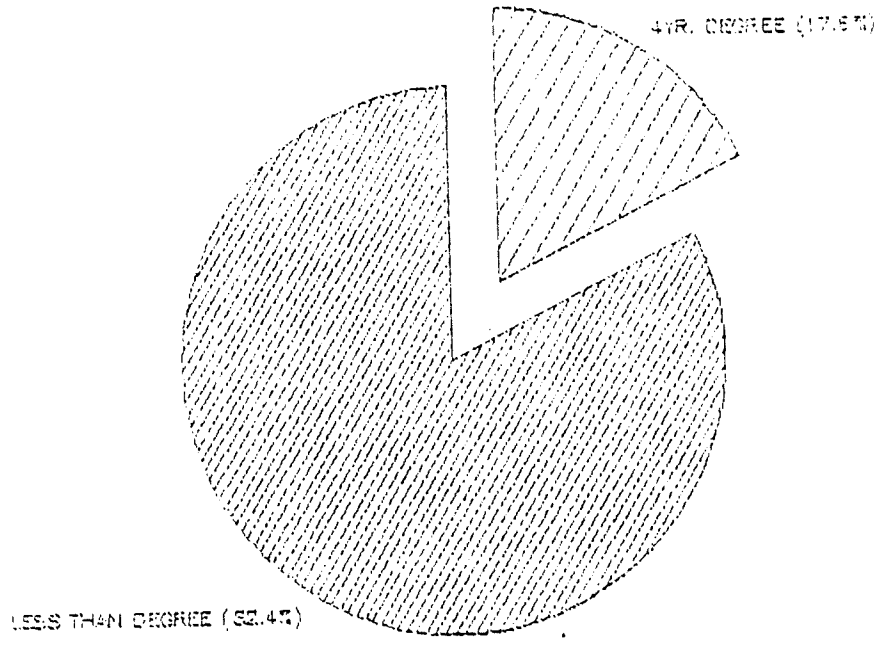
1998



ATTACHMENT 5

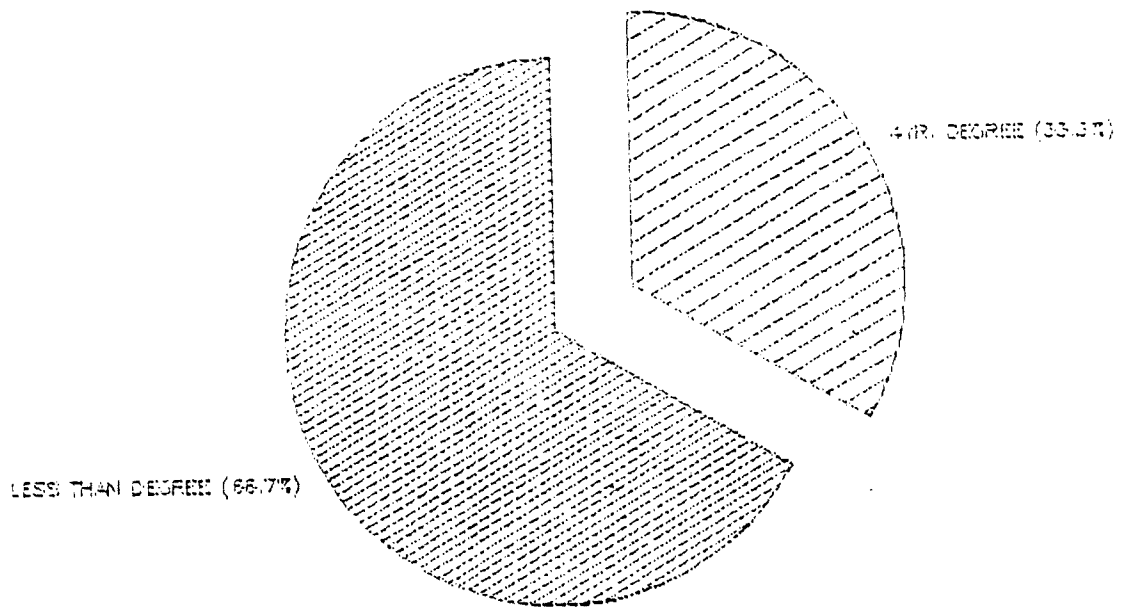
RELATIONSHIP: EDUCATION--ADM. PERFORMANCE

1935-36 FACIL. DISCIPLINARY ACTIONS

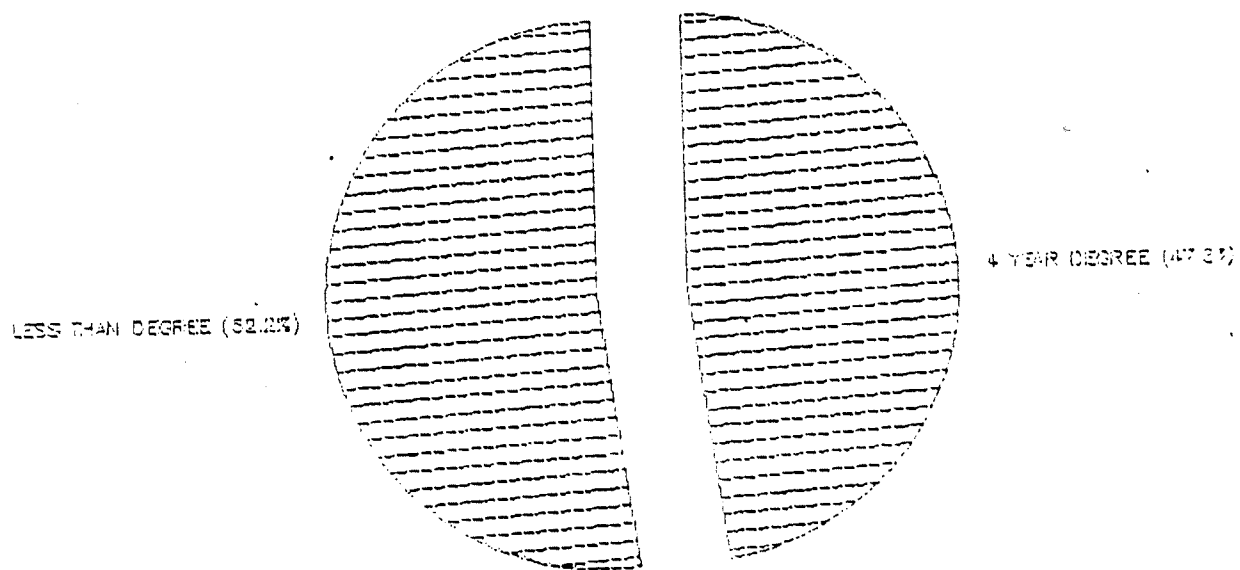


RELATIONSHIP: EDUCATION--ADM. PERFORMANCE

1930/35 ADM. DISCIPLINARY ACTIONS

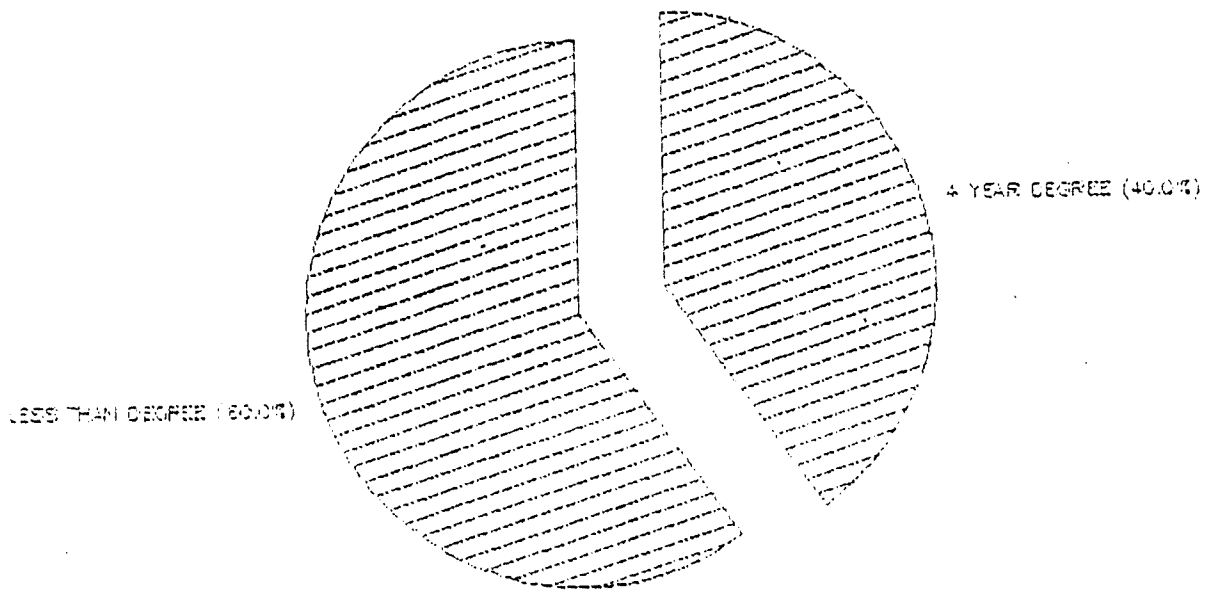


EDUCATION OF JUNE 1987/88 RENEWALS  
KANSAS A.O.H. ADMINISTRATORS





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



ADDENDUM TO TESTIMONY ON HOUSE BILL 2339

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.

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.

BOARD OF ADULT CARE HOME ADMINISTRATORS

John D. Atkin, M.D. (ACH)  
111 East Madison  
Yates Center, KS 66783  
(316) 625-2312 (Office)  
(316) 625-3364 (Home)  
Term Expires 12/31/87

Jose A. de la Torre (CON)  
805 Bertrand  
Manhattan, KS 66502  
(913) 776-8653 (Office)  
Term expires 6/30/88

Norman Durmaskin (ACH)  
2006 White Oak  
Wichita, KS 67202  
(316) 799-2182 (Office)  
Term Expires 12/31/89

Howard Funston (ADM)  
Valley View Professional Care Center  
1417 Ash  
Junction City, KS 66441  
(913) 762-2162 (Office)  
Term Expires 6/30/87

Nadine Burch (CON)  
5520 S.W. 10th  
Topeka, KS 66604  
(913) 273-2296 (Home)  
Term Expires 6/30/88

Barbara R. Schroeder (ADM)  
Trinity Manor  
510 Frontview  
Dodge City, KS 67801  
(316) 227-8551 (Office)  
Term Expires 6/30/88

Betty Taliaferro, R.N. (ACH)  
Wyandotte County Dept. of Health  
619 Ann Avenue  
Kansas City, KS 66101  
(913) 321-4803 (Office)  
(913) 596-1213 (Home)  
Term Expires 12/31/89

ACH = Advisory Commission on Health  
CON = Consumer  
ADM = Licensed Adult Care Home Administrator

ACH members are appointed for the length of their term on the ACH  
CON and ADM members are appointed for two year terms

A new chairman of the board is elected each year at the last scheduled meeting  
of the fiscal year. The elected chairman takes office effective July 1.

TESTIMONY IN OPPOSITION TO HB 2339  
NADINE BURCH  
KANSAS COALITION ON AGING  
SENATE PUBLIC HEALTH & WELFARE  
MARCH 24, 1987

My name is Nadine Burch. I am the Senior Advocate for the Kansas Coalition on Aging. I am also a member of the Board of Adult Care Home Administrators. I am here today to speak in opposition to HB 2339.

The Kansas Coalition on Aging has as one of its priorities the assurance of appropriate education and training of personnel who are responsible for providing services to the elderly. HB 2339, which addresses the licensure of adult care home administrators, establishes the educational requirements of persons who take the examination for licensure.

An adult care home administrator has an unenviable task. In addition to being responsible for the care provided to residents within a nursing home, he or she must manage all personnel within the facility, manage the financial affairs of the home and assure that the physical facility is maintained. In a statement presented at a hearing of the National Advisory Committee on Nursing Home Administration, Dr. Jerome Kaplan, Executive Director of Mansfield, Ohio Memorial Homes noted that an education in nursing home administration should include "an education in understanding the philosophy and working techniques of the multiple professions involved in serving people through the nursing home...the core of knowledge should include a base of personnel and/or public administration, financial management and purchasing, the essence of medical sociology including health planning principles, public relations' concepts, basic medical and psychological terminology, among others."

HB 2339 falls short in assuring an educational background which would be necessary to conduct the day-to-day operation of a nursing home. HB 2339 requires only an associate degree plus a practicum. According to the Kansas State University General Catalog, an associate of arts degree at Kansas State University can be attained by taking 60 credit hours, 57 of which are required general education courses. This would not allow for the provision of didactic education in nursing home management. It is debatable whether adequate nursing home administration education could be assured through a course of general education. Educational requirements for a nursing home administrator should be in a field related to nursing home administration.

HB 2339 does not address the nature of nursing home administration education. It does not require coursework in

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*attachment 3*

gerontology, health care administration or a related field of study. The minimal requirement of an associate degree will in some cases ensure that the applicant for licensure will not have a strong background in gerontological or managerial education. Nursing home administrators will be responsible for a growing nursing home population. Those whose care is entrusted to them are likely to be sicker, due to the impact of DRG reimbursement of hospital care and as home services are utilized to a greater extent. We must take steps to assure that those persons have the best possible background for the task before them.



# 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 amended 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 amended, 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.

03/23/87 lcg

*SAP/CO  
3-24-87  
attachment 4*





TESTIMONY PRESENTED BEFORE THE SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

By  
Paul Wurth, President  
Kansas Health Care Association

March 24, 1987

HOUSE BILL NO. 2339 AMENDED

Senator Ehrlich 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.

The bill establishes the requirement that a candidate for licensure as an adult care home administrator in 1990 hold an associate degree which includes a practicum in administration. The bill would over-ride a regulation which has already been adopted by the Department of Health and Environment which would require a four-year bachelors degree in 1990.

The amendment appearing on line 0035, "or is a licensed professional nurse" would permit a diploma level nurse (three years of training but may not have an associate degree) to qualify for the examination.

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 Associates of Arts degree will require candidates to follow a structured academic program rather

*"We Care"*



than get 60 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 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.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL 2339

PRESENTED TO THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

MARCH 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 the 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

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attachment 6*

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.



**KINH** Kansans for Improvement of Nursing Homes, Inc.

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

TESTIMONY PRESENTED TO  
THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE  
CONCERNING HB 2339  
EDUCATIONAL QUALIFICATIONS OF ADULT CARE HOME ADMINISTRATORS

March 24, 1987

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 that candidates for licensure as adult care home administrators, after July 1, 1990, hold a baccalaureate degree from an accredited college or university and have completed a practicum of 480 hours under the supervision of an approved educational institution. HB 2339 would require of the candidates no more than an Associate of Arts degree plus the practicum. 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 documented by the Department of Health and Environment 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 candidates having a baccalaureate in a health

*SPH/W*  
*3-24-87*  
*attachment 7*

related field have a passing rate higher than any other category of educational qualification. It seems evident also that, once licensed, administrators holding a BA degree perform better.

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 the regulation as proposed, believing that it is a reasonable step in the right direction. We would point out that the regulation proposed by BACHA applies only to those persons applying to take the licensure examination after July, 1990. Persons who have already been licensed as administrators do not take the examination again; they would continue to hold a valid administrators license.

Those who support the lesser standards set forth in HB 2339 have indicated that it would be difficult for small, rural areas to attract baccalaureate level administrators. That contention does not appear to be borne out by the facts. Taking information collected by the Department of Health and Environment documenting the present location of practicing licensed administrators categorized by level of education, KINH has plotted the geographic distribution of administrators having a baccalaureate degree or higher (see attachment). This information includes 394 of the 627 administrators currently licensed by the state -- or nearly 2/3 of the total roster of licensed administrators. Of the 394 reported, the ratio of BA to non-BA levels of education is very nearly the same as in the total list, so it appears to be a fair sample. It shows clearly that there are BA administrators to be found in every part of the state -- rural, urban, populous counties and thinly populated counties. Nor does there appear to be any relationship of BA degree distribution to the proximity of four-year colleges. We cannot agree with the suggestion that rural communities cannot be served by BA level administrators.

KINH is firmly convinced that the level of expertise now needed in nursing home administration requires the baccalaureate degree proposed by the Board of Adult Care Home Administrators and that the standard can be met throughout the state by July 1, 1990. We urge you to report HB 2339 unfavorably, thereby upholding the standards recommended by the regulatory Board.



CHEYENNE  
3,700  
1-1  
①

Cheyenne County  
population - 3,700

1 BA administrator out of total administrators (1) reporting

① nursing home in the county

CHEYENNE 3,700 1-1 ①	RAWLINS 4,000 1-1 ①	DECATUR 4,600 1-1 ①	NORTON 6,600 0-1 ①	PHILLIPS 7,300 1-2 ③	SMITH 5,700 2-3 ②	JEWELL 5,000 no facility	REPUBLIC 7,200 0-3 ②	WASHINGTON 8,000 0-1 ②	MARSHALL 13,100 1-3 ④	NEMAHA 11,200 1-3 ⑤	BROWN 11,700 1-3 ③	DONIPHAN 9,100 0-2 ②		
SHERMAN 7,500 2-2 ②	THOMAS 9,000 1-1 ②	SHERIDAN 3,500 no facility	GRAHAM 4,200 0-1 ①	ROOKS 7,000 0-3 ②	OSBORNE 5,700 0-2 ②	MITCHELL 7,900 1-3 ①	CLOUD 12,100 1-3 ⑥	CLAY 9,600 2-6 ④	RILEY 15,700 5-3 1-1 ④	POTTAWATOMIE 11,500 0-2 ②	JACKSON 18,000 1-2 ②	ATCHISON 18,000 1-2 ②		
WALLACE 2,100 0-1 ①	LOGAN 3,500 1-1 ①	GOVE 3,700 no facility	TREGO 4,400 0-1 ①	ELLIS 28,400 3-3 ④	RUSSELL 9,300 0-1 ③	LINCOLN 3,900 0-1 ①	OTTAWA 5,900 1-3 ②	DICKINSON 20,000 1-5 ⑤	GEARY 29,400 1-3 ③	WABAUNSEE 6,800 2-2 ②	SHAWNEE 15,900 22-35 ②⑤	JEFFERSON 15,900 2-5 ③	LEAVENWORTH 58,200 5-6 ⑤	WYANDOTTE 172,400 6-1 ⑫
GREELEY 1,900 1-1 ①	WICHITA 2,800 1-1 no facil	SCOTT 5,900 0-1 ①	LANE 2,500 no facility	NESS 4,700 no facility	RUSH 4,500 1-1 ①	BARTON 33,100 4-6 ④	ELLSWORTH 6,400 0-1 ④	SALINE 50,200 4-7 ⑦	MORRIS 6,300 1-1 ①	LYON 37,700 3-6 ⑤	DOUGLAS 68,900 1-5 ⑦	JOHNSON 296,400 14-26 ⑮	FRANKLIN 22,300 1-3 ④	MIAMI 22,200 0-5 ⑥
HAMILTON 2,500 1-1 ①	KEARNY 3,800 1-1 ①	FINNEY 28,800 1-2 ②	HODGEMAN 2,300 1-1 no facility	PAWNEE 8,300 1-1 ①	EDWARDS 4,100 ①	STAFFORD 5,900 0-1 ③	RICE 11,700 1-2 ③	MC PHERSON 27,600 3-7 ⑨	MARION 13,400 2-3 ⑦	CHASE 3,300 1-1 ①	COFFEY 10,000 1-3 ②	ANDERSON 8,900 1-1 ②	LINN 8,300 0-3 ④	
STANTON 2,400 no facility	GRANT 6,800 1-1 ①	HASKELL 3,900 no facility	GRAY 5,300 1-2 ②	FORD 26,200 3-5 ③	KIOWA 4,000 1-1 ②	PRATT 11,100 0-2 ②	RENO 64,900 6-11 ⑩	HARVEY 31,000 7-9 ⑦	BUTLER 47,100 5-10 ⑦	GREENWOOD 8,700 0-1 ③	WOODSON 4,600 0-1 ①	ALLEN 16,000 3-5 ⑤	BOURBON 15,900 0-4 ④	
MORTON 3,500 1-1 no facil.	STEVENS 4,800 2-2 ①	SEWARD 18,100 1-1 ①	MEADE 4,700 1-2 ②	CLARK 2,700 1-1 ②	COMANCHE 2,600 1-1 ②	BARBER 7,200 3-5 ④	KINGMAN 9,100 1-2 ②	SEDGWICK 381,500 6-18 ⑫	SUMNER 25,400 1-6 ⑧	COWLEY 37,300 2-5 ⑧	ELK 3,700 0-1 ②	WILSON 11,800 0-3 ③	NEOSHO 19,500 2-7 ⑥	CRAWFORD 38,000 3-6 ⑧
							HARPER 7,800 0-1 ②				CHAUTAUQUA 5,000 0-1 ②	MONTGOMERY 42,300 3-9 ⑨	LABETTE 25,700 2-6 ⑧	CHEROKEE 22,300 1-3 ⑤



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 SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE  
CHAIRMAN ROY EHRlich

March 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 Morning 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. Numerous studies have concluded that the quality of the Administrator is probably the single most important variable in the quality of adult care homes.

In a recent survey of our membership, 73% of the Members employ an administrator with a minimum of a Bachelor's Degree. In the last 11 administrator positions that were filled in our membership during 1986, 82% of the persons employed had at least a Bachelor's Degree.

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.

The proposed rules by the Department would allow until July 1, 1990 persons to achieve a Bachelor's Degree. We believe that three years is a reasonable and adequate period of time to allow persons to achieve their educational requirements.

As to the issue of availability, the fact of the matter is that "Good people are hard to find". The requirement for a person to have a Bachelors Degree plus an internship would not present any undue hardship on adult care home providers to find capable and qualified people.

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

*SP&W*  
*3-24-87*  
*attachment 8*

Testimony on HB 2339  
to  
Senate Public Health and Welfare Committee  
by  
Kansas Department on Aging  
March 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, complete a practicum and must have 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 diagnostic group related (DRG) payment plan in hospitals that 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.

From 1970 to 1980 there was an increase of 40% in the 85 and over population and an increase of 46.7% in the 75 and over population. One out of three persons 85 and over and one in four persons 75 and over are in nursing homes. In addition to this age group we are going to have younger residents as well. 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."

As the medical needs of residents become more complex and our financial systems to pay for care more convoluted and intricate, we must prepare well-trained, educated nursing home administrators to manage these systems.

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*attachment 9*



As more patients with difficult medical problems are brought to the nursing home, it is important that all reasonable steps are taken to mitigate tort liability. An educated administrator with the minimum of a Bachelor's degree with a practicum in nursing home care is essential to cope with the legal and ethical issues which must be confronted as we move into the 1990's.

Perhaps the most important point concerning 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 trained and educated appropriately.

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.

Recommended Action:

That the bill be amended to require a Bachelor's Degree with a practicum or report the bill unfavorably.

DS:bms

THE ASSOCIATION FOR  
RETARDED CITIZENS OF KANSAS, INC.



1111 W. 59th TERRACE  
SHAWNEE, KANSAS 66203 • (913) 268-8200

*Hope through understanding*

CAROL A. DUCKWORTH  
*President*  
*Lawrence*

ROBERT ATKISSON  
*Vice President*  
*Stockton*

MARIE LEACH  
*Secretary*  
*Wichita*

VIRGINIA LOCKHART  
*Treasurer*  
*Topeka*

GINGER CLUBINE  
*Past President*  
*Wichita*

March 24, 1987

BRENT GLAZIER  
*Executive Director*

TO: Sen. Roy Ehrlich, Chairman  
Members of Senate Public Health and  
Welfare Committee

FROM: Lila Paslay, Chairperson  
Legislative Affairs

RE: HB 2019

I am speaking to you today on behalf of the Association for Retarded Citizens of Kansas and in support of the concept of HB 2019.

We do want the extension of the Kansas Community Mental Retardation Facilities Act and we do support the House amendments with the exception of lines 0053-0063.

Our attention is drawn to the 1185 persons with mental retardation in our communities waiting for services as well as the many resident of our state institutions who are inappropriate to reside there. That causes us to be very concerned about legislation which addresses the waiting list problem. We do support the concept of a single waiting for both those in the community and those in state institutions.

We do support the purpose of the amendment added in the House which would allow exceptions to the first-come, first-served procedures. We do have problems with whose responsibility it is to establish the policies and procedures regarding those exceptions. We believe the boards of directors of the facilities should have the responsibility for determining those policies. The policies regarding exceptions could speak to the needs of both those in the community and those in the state institutions.

We would ask you to consider this change and support the passage of HB 2019.

*SP/AV*  
*3-24-87*  
*attachment 10*



# Kansas Association of Rehabilitation Facilities

Jayhawk Tower • 700 Jackson • Suite 802  
Topeka, Kansas 66601 • 913-235-5103

TO: Senate Public Health and Welfare Committee

FROM: Kansas Association of Rehabilitation Facilities (KARF)

RE: HB2019. AN ACT concerning the Kansas Community Mental Retardation Facilities.

DATE: March 24, 1987

- 1.0 The Kansas Association of Rehabilitation Facilities supports the concept of HB2019, an act concerning Kansas Community Mental Retardation Facilities.
- 1.1 KARF supports the House amendments with exception to lines 0053-0063.
- 1.2 We support the single waiting list concept for the mentally retarded/developmentally delayed as reflected in the bill. This allows the opportunity for all, the 1136 waiting in communities and those in state institutions, to have equal access to community based services.
- 1.3 We support the amendment added in the House which would allow exceptions to the first-come, first serve in case of family crisis. However, we recommend that the board of directors of the facilities should have the responsibility for determining those policies. The liability for the appropriateness of the placement and the delivery of service is at the local level.

KARF would ask your support of the recommended change and the passage of HB2019.

*SPg/ncw*  
*3-23-87*  
*attachment 11*

STATE DEPARTMENT OF SOCIAL & REHABILITATION SERVICES

Statement Regarding H.B. 2019  
(As Amended by House Committee)

- 1) Title - This is a bill concerning the Kansas community mental retardation centers; amending K.S.A. 1986 Supp. 65-4411, 65-4413, and repealing existing sections.
- 2) Purpose - H.B. 2019, as amended by the House Committee, continues the authority for the Kansas Community Mental Retardation Facilities System Act until July 1, 1990. In addition, the Bill states that a client shall constitute a full-time equivalent status for the purpose of reimbursement when the client is served from the top of the center's waiting list or when a family crisis necessitates admission. This legislation requires that standards, guidelines, rules and regulations be established by the secretary relative to defining and ruling on crises admissions.
- 3) Background - During the 1986 Legislature, a long standing formula grant program (called 649) created in 1975 was changed by the passage of legislation, H.B. 3127. During the Summer of 1986, a Special Committee on Public Health and Welfare was created to consider ways to reduce the waiting lists for community facilities for the mentally retarded. The committee recommended that the statute be amended to allow for state financial assistance to community facilities only if clients were served on a first-come, first-serve basis. SRS believes that the amended version which allows crises admissions is appropriate for dealing with the extensive waiting lists. It also establishes 1983 as the base year for client counts which also relates to hold-harmless funding eligibility.
- 4) Effect of Passage - Passage of this legislation supports the philosophy of first-come, first-served with a provision that certain crises situations can justify waiver of the first-come, first-served admissions policy. This legislation also clarifies client count years relating to per diem funding and provides a tentative sunset date of July 1, 1990.
- 5) SRS Recommendation - The Department of Social and Rehabilitation Services supports H.B. 2019 as amended by the House Committee.

Robert C. Harder, Secretary  
Social & Rehabilitation Services  
296-3271

*S P A / S W  
3-24-87  
attachment 12*