

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF ON  
HOUSE BILL NO. 2658**

As Agreed to April 1, 2004

**Brief\***

HB 2658 creates a new law that sets out an informal dispute resolution procedure when deficiencies are found as the result of an inspection of an adult care home for the purpose of state licensing or federal certification. The bill sets out a procedure for informal dispute resolution when an adult care home administrator disagrees with deficiencies cited in the inspection report.

Pursuant to the provisions of HB 2658, a request to the Secretary of Aging from an adult care home administrator for informal dispute resolution by a review panel must be made within 10 calendar days from receipt of a statement of deficiencies. The request must set out the specific deficiencies in dispute, the basis of the dispute, and supporting documentation, including any information not available at the time of the inspection. Upon receipt of the request, the Secretary of Aging is required to appoint a three-person independent review panel. One member is to be an employee of the Department on Aging Adult Care Home Survey Unit who did not participate in the disputed survey. Two members are to be appointed from outside the Survey Unit and may be employees of the Department on Aging or may be a consumer or health care professional not employed by the Department. Any proposed resolutions resulting from the informal dispute resolution process are to be advisory only, and all costs connected with the panel are to be paid by the Department on Aging.

A request for dispute resolution may not delay timely correction of any deficiencies, and a facility may not seek to delay any enforcement action on the grounds that the informal dispute resolution process has not been completed before the date of the enforcement action.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

The Secretary of Aging is authorized by HB 2658 to adopt rules and regulations to implement the provisions of the bill.

### **Conference Committee Activity**

The Conference Committee agreed to strike the amendment added to the bill in the Senate Committee of the Whole which would have created a new law providing that any prohibition against locating an adult care home within specified distances of a confined feeding facility or other concentrated livestock operation would not apply to a public livestock market.

### **Background**

HB 2658 was requested by Representative Bethell and supported by representatives of the Kansas Association of Homes and Services for the Aging, the Kansas Health Care Association, the Kansas Adult Care Executives Association, and the Caring Heart LLC. Representatives of the Kansas Trial Lawyers Association and the Secretary of Aging opposed the bill. Kansas Advocates for Better Care recommended caution in adopting legislation of this type and raised questions about federal approval. The fiscal note on the original bill indicated the cost of the panels would be an additional cost to the Department on Aging not included in the agency's budget.