

HOUSE BILL No. 2039

By Committee on Health and Human Services

Requested by Representative Buehler on behalf of Fox Rehabilitation

1-21

1 AN ACT concerning healthcare; relating to the Kansas credentialing act;
2 amending definitions to provide that certain entities providing physical
3 therapy, occupational therapy and speech-language pathology are not
4 home health agencies; amending K.S.A. 65-5101 and repealing the
5 existing section.
6

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

8 Section 1. K.S.A. 65-5101 is hereby amended to read as follows: 65-
9 5101. As used in this act, unless the context otherwise requires:

10 (a) "Attendant care services" means basic and ancillary services
11 provided under home and community based services waiver programs;

12 (b) "council" means the home health services advisory council
13 created by this act;

14 (c) (1) "home health agency" means a public or private agency or
15 organization or a subdivision or subunit of such agency or organization
16 that provides for a fee one or more: (A) Home health services; (B)
17 supportive care services; or (C) attendant care services provided under
18 home and community based services waiver programs at the residence of a
19 patient ~~but~~; and

20 (2) "home health agency" does not include: (A) Local health
21 departments ~~which~~ that are not federally certified home health agencies;
22 (B) durable medical equipment companies ~~which~~ that provide home health
23 services by use of specialized equipment; (C) independent living
24 agencies; (D) entities that are not reimbursed by medicare part A and
25 only provide services of persons licensed or certified under the physical
26 therapy practice act, persons licensed under the occupational therapy
27 practice act and persons licensed as speech-language pathologists; (E) the
28 Kansas department for aging and disability services; and (F) the
29 department of health and environment;

30 (d) "home health services" means any of the following services
31 provided at the current residence of the patient on a full-time, part-time or
32 intermittent basis: Nursing, physical therapy, speech therapy, nutritional or
33 dietetic consulting, occupational therapy, respiratory therapy, home health
34 aide or medical social service;

35 (e) "home health aide" means an employee of a home health agency

1 who is a certified nurse aide, is in good standing on the public nurse aide
2 registry maintained by the Kansas department for aging and disability
3 services and has completed a 20-hour home health aide course approved
4 by the Kansas department for aging and disability services who assists,
5 under registered nurse supervision, in the provision of home health
6 services and ~~who provides assigned health care~~ *healthcare* to patients ~~but~~
7 ~~shall~~. "*Home health aide*" does not include employees of a home health
8 agency providing only supportive care services or attendant care services;

9 (f) "independent living agency" means a public or private agency or
10 organization or a subunit of such agency or organization whose primary
11 function is to provide at least four independent living services, including
12 independent living skills training, advocacy, peer counseling and
13 information and referral as defined by the rehabilitation act of 1973, title
14 VII, part B, and such agency shall be recognized by the secretary for aging
15 and disability services as an independent living agency. Such agencies
16 include independent living centers and programs ~~which~~ *that* meet the
17 following quality assurances:

18 (1) Accreditation by a nationally recognized accrediting body such as
19 the commission on accreditation of rehabilitation facilities; or

20 (2) receipt of grants from the state or the federal government and
21 currently meets standards for independent living under the rehabilitation
22 act of 1973, title VII, part B, sections (a) through (k), or comparable
23 standards established by the state; or

24 (3) compliance with requirements established by the federal
25 government under rehabilitation services administration standards for
26 centers for independent living;

27 (g) "part-time or intermittent basis" means the providing of home
28 health services in an interrupted interval sequence on the average of not to
29 exceed three hours in any ~~twenty-four-hour~~ *24-hour* period;

30 (h) "patient's residence" means the actual place of residence of the
31 person receiving home health services, including institutional residences as
32 well as individual dwelling units;

33 (i) "secretary" means secretary of health and environment;

34 (j) "subunit" or "subdivision" means any organizational unit of a
35 larger organization ~~which~~ *that* can be clearly defined as a separate entity
36 within the larger structure, ~~which can~~ meet all of the requirements of this
37 act independent of the larger organization, ~~which can~~ be held accountable
38 for the care of patients it is serving and ~~which~~ provides to all patients care
39 and services meeting the standards and requirements of this act;

40 (k) "supportive care services" means services that do not require
41 supervision by a healthcare professional, such as a physician assistant or
42 registered nurse, to provide assistance with activities of daily living that
43 the consumer could perform if such consumer were physically capable,

1 including, but not limited to, bathing, dressing, eating, medication
2 reminders, transferring, walking, mobility, toileting and continence care,
3 provided in the consumer's temporary or permanent place of residence so
4 that the consumer can remain safely and comfortably in the consumer's
5 temporary or permanent place of residence. "Supportive care services"
6 does not include any home health services; and

7 (l) "supportive care worker" means an employee of a home health
8 agency who provides supportive care services.

9 Sec. 2. K.S.A. 65-5101 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.