

HOUSE BILL No. 2110

By Committee on Aging and Long Term Care

1-27

1 AN ACT concerning the state long-term care ombudsman; relating to the
2 Kansas soldiers' home and Kansas veterans' home; establishing an
3 advisory committee on advocacy options within the home; amending
4 K.S.A. 2010 Supp. 75-7303 and repealing the existing section.
5

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

7 Section 1. K.S.A. 2010 Supp. 75-7303 is hereby amended to read as
8 follows: 75-7303. As used in the long-term care ombudsman act:

9 (a) "Ombudsman" means the state long-term care ombudsman, any
10 regional long-term care ombudsman or any individual designated as an
11 ombudsman under subsection (h) of K.S.A. 2010 Supp. 75-7306, and
12 amendments thereto, who has received the training required under
13 subsection (f) of K.S.A. 2010 Supp. 75-7306, and amendments thereto,
14 and who has been designated by the state long-term care ombudsman to
15 carry out the powers, duties and functions of the office of the state long-
16 term care ombudsman.

17 (b) "Volunteer ombudsman" means an individual who has
18 satisfactorily completed the training prescribed by the state long-term
19 care ombudsman under subsection (f) of K.S.A. 2010 Supp. 75-7306, and
20 amendments thereto, who is a volunteer assisting in providing
21 ombudsman services and who receives no payment for such service other
22 than reimbursement for expenses incurred in accordance with guidelines
23 adopted therefor by the state long-term care ombudsman.

24 (c) "Facility" means an adult care home as such term is defined in
25 K.S.A. 39-923, and amendments thereto, *and includes the Kansas*
26 *soldiers' home and Kansas veterans' home*, except that facility does not
27 include any nursing facility for mental health or any intermediate care
28 facility for the mentally retarded, as such terms are defined in K.S.A. 39-
29 923, and amendments thereto.

30 (d) "Resident" means a resident as such term is defined in K.S.A.
31 39-923, and amendments thereto.

32 (e) "State long-term care ombudsman" means the individual
33 appointed by the governor to administer the office of the state long-term
34 care ombudsman.

35 (f) "Regional long-term care ombudsman" means an individual
36 appointed by the state long-term care ombudsman under K.S.A. 2010

1 Supp. 75-7304, and amendments thereto.

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

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

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

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

43 (c) The advisory committee shall study and analyze the following

1 advocacy options within the home: The current living situation, costs,
2 funding options, staffing recommendations, travel, specific HCBS waiver
3 coverage, duplication of services, access to private homes or other
4 nonlicensed settings, collection and recordation of medical information,
5 administration on aging national ombudsman reporting system (NORS)
6 requirements, confidentiality issues, policy and procedure development,
7 scope of responsibilities (quality of care versus all complaints), new
8 training considerations, conflict of interest and systems advocacy and
9 such other matters as the advisory committee deems appropriate. The
10 advisory committee shall hold public hearings on these options.

11 (d) On or after January 15, 2012, and each January 15 thereafter, the
12 advisory committee and state long-term care ombudsman shall present a
13 report to the house committee on aging and long-term care and to the
14 senate committee on public health and welfare its findings and
15 recommendations concerning advocacy options within the home.

16 Sec. 3. K.S.A. 2010 Supp. 75-7303 is hereby repealed.

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