

{As Amended by Senate Committee of the Whole}
As Amended by Senate Committee
(Corrected)
As Amended by House Committee

Session of 2012

HOUSE BILL No. 2471

By Committee on Aging and Long-term Care

1-18

1 AN ACT concerning adult care homes; relating to the board of adult care
2 home administrators; amending K.S.A. 2011 Supp. 65-3506 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2011 Supp. 65-3506 is hereby amended to read as
7 follows: 65-3506. (a) There is hereby established the board of adult care
8 home administrators. The board shall be attached to the department of
9 health and environment and shall be within the department as a part
10 thereof. All budgeting, purchasing and related management functions of
11 the board shall be administered under the direction and supervision of the
12 secretary of health and environment. The department shall serve as the
13 administrative agency of the board in all respects and shall perform such
14 services and duties as it may be legally called upon to perform. The
15 attorney for the board shall be an assistant attorney general appointed by
16 the attorney general. The office of the attorney general shall serve as the
17 enforcement agency for the board. All vouchers for expenditures and all
18 payrolls of the board shall be approved by the chairperson of the board and
19 by the secretary of health and environment.

20 (b) The board of adult care home administrators shall be composed of
21 seven members appointed by the governor, ~~two of whom are as follows:~~

22 (1) *Two members shall be* representatives of professions and
23 institutions concerned with the care and treatment of chronically ill or
24 infirm elderly patients;;

25 (2) *two members shall be* consumer representatives who have no
26 current or previous involvement in the financial affairs or as a member of
27 the governing body of any adult care home or any association directly
28 concerned with the regulation or licensure of adult care homes in the
29 state; and

30 (3) *three members shall be licensed in Kansas as licensed* adult care
31 home administrators ~~who, at the time of their appointment, are licensed by~~
32 ~~the state and who, subject to the following requirements:~~

33 (A) (i) *One such member shall be a representative of the not-for-*

1 *profit adult care home industry in Kansas. At least 30 days prior to the*
2 *expiration of such member's term, **LeadingAge Kansas, or the successor***
3 ***of such entity**, shall submit at least one but not more than three names of*
4 *persons of recognized ability and qualification to the governor; who ~~shall~~*
5 *~~select one name from~~ **may consider** such list in making appointments to*
6 *the board under subsection (b)(3){. **No such member shall be required to***
7 ***be a member of the Leading Age Kansas, or the successor of such entity,***
8 ***to be considered};***

9 (ii) *one such member shall be a representative of the for-profit adult*
10 *care home industry in Kansas. At least 30 days prior to the expiration of*
11 *such member's term, the Kansas health care association, **or the successor***
12 ***of such entity**, shall submit at least one but not more than three names of*
13 *persons of recognized ability and qualification to the governor; who ~~shall~~*
14 *~~select one name from~~ **may consider** such list in making appointments to*
15 *the board under subsection (b)(3){. **No such member shall be required to***
16 ***be a member of the Kansas health care association, or the successor of***
17 ***such entity, to be considered}; and***

18 (iii) *one such member shall be a representative of the professional*
19 *association for the adult care home industry in Kansas. At least 30 days*
20 *prior to the expiration of such member's term, the Kansas adult care*
21 *executives association, **or the successor of such entity**, shall submit at*
22 *least one but not more than three names of persons of recognized ability*
23 *and qualification to the governor; who ~~shall select one name from~~ **may***
24 ***consider** such list in making appointments to the board under subsection*
25 *(b)(3){. **No such member shall be required to be a member of the Kansas***
26 ***adult care executives association, or the successor of such entity, to be***
27 ***considered};***

28 (B) *all such members shall have been actively engaged for the three*
29 *years immediately preceding appointment and who are currently actively*
30 *engaged in the administration of adult care homes within the state of*
31 *Kansas for the three years immediately preceding appointment;*

32 (C) *all such members shall be actively engaged in the administration*
33 *of adult care homes within the state of Kansas; and*

34 ~~(D) all such members shall maintain current memberships with the~~
35 ~~Kansas adult care executives association.~~ (D) *no such members shall*
36 *have had or shall have any published disciplinary action taken by the*
37 *board of adult care administrators against such members.*

38 (c) *No more than three members of the board may be licensed adult*
39 *care home administrators. Members of the board, other than the licensed*
40 *adult care home administrators, shall have no direct financial interest in*
41 *adult care homes. Members of the board shall serve on the board for terms*
42 *of ~~two~~ **three** years or until otherwise disqualified from serving on the*
43 *board. **On the effective date of this act, the current expiration date of the***

1 ***term of office of each existing board member shall be extended by one***
2 ***year from such expiration date. On and after the effective date of this***
3 ***act, no member shall serve more than two consecutive terms.*** The
4 provisions of ~~this act or the act of which this section is amendatory~~ *article*
5 *35 of chapter 65 of the Kansas Statutes Annotated* shall not affect the
6 office of any member of the board of adult care home administrators
7 appointed prior to the effective date of this act. ~~All members of the board~~
8 ~~appointed after the effective date of this act shall be appointed by the~~
9 ~~governor~~ ***section. On and after the effective date of this act,*** as positions
10 become vacant on the board, appointments shall be made in a manner so as
11 to comply with the provisions of this section.

12 (e) (d) Members of the board of adult care home administrators shall
13 meet at such times as may be appropriate but in no case less than once
14 each four months. The chairperson of the board shall be elected annually
15 from among the members of the board. All final orders shall be in writing
16 and shall be issued in accordance with the Kansas administrative
17 procedure act.

18 (d) (e) Members of the board who attend meetings of such board, or
19 attend a subcommittee meeting thereof authorized by such board, shall be
20 paid compensation, subsistence allowances, mileage and other expenses as
21 provided in K.S.A. 75-3223, and amendments thereto.

22 Sec. 2. K.S.A. 2011 Supp. 65-3506 is hereby repealed.

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