

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2471

As Amended by House Committee on Aging and
Long-term Care

Brief*

HB 2471 would establish requirements for the appointment of the three state-licensed administrator members of the Board of Adult Care Home Administrators. Each of the three administrator members would represent one of the following groups in the state: the not-for-profit adult care home industry, the for-profit adult care home industry, and the professional association for the adult home care industry.

The bill would require that at least 30 days prior to the expiration of each administrator member's term, at least one but not more than three names of persons of recognized ability and qualification would be submitted to the Governor for consideration in making appointments to the Board. The names would be submitted for the not-for-profit representative by LeadingAge Kansas, for the for-profit representative by the Kansas Health Care Association, and for the professional association representative by the Kansas Adult Care Executives.

In addition, the administrator members of the Board would be required to have been actively engaged in the administration of adult care homes within the state for the three years immediately preceding appointment and would not have had any published disciplinary action taken against them by the Board.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Aging and Long-term Care Committee at the request of Representative Geraldine Flaherty. The House Aging and Long-term Care Committee heard testimony in favor of the bill from representatives of LeadingAge Kansas and the Kansas Adult Care Executives Association (KACE). The proponents testified that the original bill would preserve in statute the long-standing informal practice by which the licensed adult care home administrator members of the Board of Adult Care Home Administrators are selected by the Governor from nominations submitted by the professional and trade associations that serve adult care homes and adult care home administrators. The representative of KACE stated that by requiring that the proposed Board members must represent the not-for-profit homes and the for-profit homes, the Board is assured of a balanced and equitable representation of the industry. A representative of Kansas Advocates for Better Care testified in opposition to the bill, requesting the bill be amended to increase consumer and professional representation on the Board to match administrator representation and that a specific standard for administrators nominated to the Board be set. Written testimony in opposition to the bill from a representative of American Association of Retired Persons (AARP) Kansas requested equal consumer representation on the Board. Neutral testimony was heard from a representative of the Board of Adult Care Home Administrators who asked the Committee to consider the changes made by the original bill and the possible impact of those changes on Board membership.

The House Aging and Long-term Care Committee amended the bill to eliminate the requirement that the Governor select the adult care home administrator members

of the Board from a list provided by the three specifically named trade associations, and instead provide that the Governor may consider these lists in appointing administrator members to the Board. The amendment was made due to constitutional questions raised with regard to the separation of powers. The Committee also amended the bill to: eliminate the requirement that administrator members of the Board maintain current membership with the Kansas Adult Care Executive Association; prohibit administrator members of the Board from having had any published disciplinary action taken against them by the Board; and require that, on or after the effective date of this act, Board member vacancies be appointed in compliance with the bill. Technical amendments also were made. The Committee recommended the bill be passed as amended.

The fiscal note on the original bill states that the Department of Health and Environment indicated the passage of the bill would have no fiscal effect.