

As Amended by House Committee

As Amended by Senate Committee

Session of 2013

SENATE BILL No. 121

By Committee on Public Health and Welfare

2-4

1 AN ACT concerning ~~state institutions~~ **medical care facilities**; regarding
2 licensure and renewal of licenses; amending K.S.A. 65-429 **and 65-433**
3 and repealing the existing ~~section~~ **sections**.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 65-429 is hereby amended to read as follows: 65-
7 429. **(a)** Upon receipt of an application for license, the licensing agency
8 shall issue with the approval of the state fire marshal a license provided the
9 applicant and the physical facilities of the medical care facility meet the
10 requirements established under this act. A license, unless suspended or
11 revoked, shall be renewable annually without charge upon the filing by the
12 licensee, and approval by the licensing agency, of an annual report upon
13 such uniform dates and containing such information in such form as the
14 licensing agency prescribes by rules and regulations.

15 **(b)** A medical care facility which has been licensed by the licensing
16 agency and which has received certification for participation in federal
17 reimbursement programs and which has been accredited by ~~the joint~~
18 ~~commission on accreditation of health care organizations or, the American~~
19 ~~osteopathic association or DNV healthcare~~ **a healthcare accrediting**
20 **organization approved by the secretary** may be granted a license
21 renewal based on such certification and accreditation.

22 **(c)** The cost of administration of the medical care facilities licensure
23 and risk management program provisions of this act pursuant to K.S.A.
24 65-433 and 65-4921 et seq., and amendments thereto, shall be funded by an
25 annual assessment from the health care stabilization fund, which
26 assessment shall not exceed \$200,000 in any one fiscal year. The licensing
27 agency shall make an annual report to the health care stabilization fund
28 regarding the use of these funds.

29 **(d)** Each license shall be issued only for the premises and persons or
30 governmental units named in the application and shall not be transferable
31 or assignable except with the written approval of the licensing agency.
32 *Except for ~~Osawatimie~~ **Osawatomie** state hospital and rainbow mental*
33 *health facility*, a separate license is ~~not~~ required for two separate
34 establishments ~~which~~ *unless those establishments* are located in the same

1 or contiguous counties, ~~which~~ provide the services required by K.S.A. 65-
2 431, and amendments thereto, and ~~which~~ are organized under a single
3 owner or governing board with a single designated administrator and
4 medical staff. **Osawatomic state hospital and rainbow mental health**
5 **facility shall be issued jointly a single license and shall not be issued a**
6 **separate license for each facility.** Licenses shall be posted in a
7 conspicuous place on the licensed premises.

8 **Sec. 2. K.S.A. 65-433 is hereby amended to read as follows: 65-**
9 **433. The licensing agency shall make or cause to be made such**
10 **inspections and investigations as deemed necessary. The authorized**
11 **agents and representatives of the licensing agency shall conduct**
12 **inspections of each medical care facility not accredited by the joint**
13 ~~commission on accreditation of health care organizations or the American~~
14 ~~osteopathic association~~ *a healthcare accrediting organization approved by*
15 *the secretary and at such intervals as the secretary determines*
16 **necessary to protect the public health and safety and to carry out the**
17 **risk management provisions of K.S.A. 65-4921 et seq., and**
18 **amendments thereto. The licensing agency may prescribe by rules and**
19 **regulations that any licensee or applicant desiring to make specified**
20 **types of alteration or additions to its facilities or to construct new**
21 **facilities shall before commencing such alteration, addition or new**
22 **construction, submit plans and specifications therefor to the licensing**
23 **agency for preliminary inspection and approval or recommendations**
24 **with respect to compliance with the rules and regulations and**
25 **standards herein authorized. Necessary conferences and consultations**
26 **may be provided.**

27 ~~Sec. 2 3.~~ K.S.A. 65-429 ~~is~~ and 65-433 are hereby repealed.

28 ~~Sec. 3 4.~~ This act shall take effect and be in force from and after its
29 publication in the statute book.