

SESSION OF 2015

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2043**

As Agreed to March 31, 2015

Brief*

Senate Sub. for HB 2043 would, by changing the definition of “secretary,” allow the Secretary for Aging and Disability Services to request criminal background information from the Kansas Bureau of Investigation for determining eligibility for employment, initial and continuing, or for participation in programs involving vulnerable children or adults administered by the Kansas Department for Aging and Disability Services (KDADS) since the enactment of 2012 Executive Reorganization Order (ERO) No. 41. The bill would make technical amendments to update KDADS statutory and agency references related to ERO No. 41, including a change to the title of the bill.

Additionally, the bill would exclude from the statutory definition of the term “adult care home” any center approved by the Centers for Medicare and Medicaid Services as a Program for All-inclusive Care for the Elderly (PACE), which provides services only to PACE participants. The bill would exempt PACE programs from the requirements, standards, and rules and regulations established under the Adult Care Home Licensure Act.

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

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The Conference Committee agreed to the Senate amendments to the bill, with the following addition and revisions:

- Insert the provisions of SB 142 relating to PACE programs;
- Delete technical amendments in SB 39, as amended by the Senate Committee on Judiciary, that were added to the bill by the Senate Committee on Public Health and Welfare and would have updated Kansas Department for Children and Families (DCF) statutory and agency references related to ERO No. 41;
- Change the effective date of the bill to publication in the *Kansas Register*; and
- Change the title of the bill to “an act relating to the Secretary for Aging and Disability Services.”

Background

The Senate Committee on Public Health and Welfare added the contents of SB 39, as amended by the Senate Committee on Judiciary, to HB 2043 and created a substitute bill. Both bills relate to ERO No. 41.

ERO No. 41. The ERO was issued by Governor Sam Brownback on July 1, 2012. The ERO changed the name of the Department of Aging to the Kansas Department for Aging and Disability Services and changed the name of the Department of Social and Rehabilitation Services (SRS) to the DCF. Under the ERO, certain services were transferred or consolidated within these departments and the Department of Health and Environment.

HB 2043. In the House Committee on Health and Human Services, a representative from KDADS testified as a proponent of the original bill. She stated administration for State hospitals and other institutions serving vulnerable adults and children was transferred from DCF to KDADS by ERO No. 41. She further stated amending the bill would give KDADS the authority to request background checks on employees or potential employees of those hospitals and institutions. No opponent or neutral testimony was provided.

In the Senate Committee on Public Health and Welfare, a representative of KDADS testified in favor of the original bill. She stated statutory language authorizing SRS to complete background checks was amended in 2013 to replace SRS with DCF, reflecting administrative changes made by the ERO. The proponent noted KDADS has relied on the existing statute for authority to complete background checks since the ERO transferred administration of the State hospitals and other institutions from SRS to KDADS. She further stated an audit of the program by the Federal Bureau of Investigation noted KDADS needed express statutory authority to complete the background checks. No neutral or opponent testimony was submitted.

According to the fiscal note on the original bill prepared by the Division of the Budget, in consultation with DCF and KDADS, the bill would not have a fiscal effect on the state revenues or expenditures of either agency.

SB 39. The bill was introduced by the Senate Committee on Public Health and Welfare.

In the Senate Committee on Judiciary, a KDADS representative submitted written testimony in support of the bill. No neutral or opponent testimony was submitted.

The Senate Committee on Judiciary made an additional technical amendment to the bill suggested by KDADS.

In an informational hearing before the Senate Committee on Public Health and Welfare, a representative of

KDADS provided written testimony in favor of the bill. No other testimony was submitted.

According to the fiscal note on the original bill prepared by the Division of the Budget, SB 39 would have no fiscal effect.

SB 142. The bill was introduced by the Senate Committee on Public Health and Welfare at the request of Senator Kelly. At the Senate Committee hearing, representatives of Bluestem PACE, KDADS, Midland Care Connection, Inc., and Via Christi HOPE PACE Programs spoke in favor of the bill. The proponents generally stated the bill would assist in the expansion of PACE programs in new regions, streamline the process for developing new PACE centers in Kansas by removing the requirement that landlords who lease to PACE programs be co-holders of licenses (resulting in extending liability for adult care home operations to the landlords), and reduce duplications in the state inspection process. Written proponent testimony was provided by a representative of LeadingAge Kansas. No neutral or opposition testimony was provided.

The fiscal note prepared by the Division of the Budget indicates SB 142 would have no fiscal effect on KDADS.

Kansas Department for Aging and Disability Services; 2012 Executive Reorganization Order No. 41; criminal background check

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