

SENATE BILL No. 445

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning the client assessment, referral and evaluation
2 program; amending K.S.A. 2015 Supp. 39-968 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 39-968 is hereby amended to read as
7 follows: 39-968. (a) To achieve a quality of life for Kansans with long-
8 term care needs in an environment of choice that maximizes independent
9 living capabilities and recognizes diversity, this act establishes a program
10 which is intended to encourage a wide array of quality, cost-effective and
11 affordable long-term care choices. This program shall be known as client
12 assessment, referral and evaluation (CARE). The purposes of CARE is for
13 data collection and individual assessment and referral to community-based
14 services and appropriate placement in long-term care facilities.

15 (b) As used in this section:

16 (1) "Assessment services" means evaluation of an individual's health
17 and functional status to determine the need for long-term care services and
18 to identify appropriate service options which meet these needs utilizing the
19 client assessment, referral and evaluation (CARE) form.

20 (2) "Health care data governing board" means the board abolished by
21 K.S.A. 65-6803, and amendments thereto.

22 (3) "Medical care facility" shall have the meaning ascribed to such
23 term under K.S.A. 65-425, and amendments thereto.

24 (4) "Nursing facility" shall have the meaning ascribed to such term
25 under K.S.A. 39-923, and amendments thereto.

26 (5) "Secretary" means the secretary for aging and disability services.

27 (c) There is hereby established the client assessment, referral and
28 evaluation (CARE) program. The CARE program shall be administered by
29 the secretary for aging and disability services and shall be implemented on
30 a phased-in basis in accordance with the provisions of this section.

31 (d) All rules and regulations adopted by the health care data
32 governing board relating to client assessment, referral and evaluation
33 (CARE) data entry form shall be deemed to be the rules and regulations of
34 the *Kansas* department of health and environment until revised, revoked or
35 nullified pursuant to law. The purpose of this form is for data collection
36 and referral services. Such form shall be concise and questions shall be

1 limited to those necessary to carry out the stated purposes. The client
2 assessment, referral and evaluation (CARE) data entry form shall include,
3 but not be limited to, the preadmission screening and annual resident
4 review (PASARR) questions. ~~Prior to the adoption of the client~~
5 ~~assessment, referral and evaluation (CARE) data entry form by the health~~
6 ~~care data governing board,~~ The secretary for aging and disability services
7 shall approve the *client assessment, referral and evaluation (CARE) data*
8 *entry* form. The client assessment, referral and evaluation (CARE) data
9 entry form shall be used by all persons providing assessment services.

10 (e) (1) Each individual prior to admission to a nursing facility as a
11 resident of the facility shall receive assessment services to be provided by
12 the secretary for aging and disability services, with the assistance of ~~area~~
13 ~~agencies on aging~~ *aging and disability resource centers*, except: (A) Such
14 assessment services shall be provided by a medical care facility to a
15 patient of the medical care facility who is considering becoming a resident
16 of a nursing facility upon discharge from the medical care facility; and (B)
17 as authorized by rules and regulations adopted by the secretary for aging
18 and disability services pursuant to subsection (i).

19 (2) The provisions of this subsection ~~(e)~~ shall not apply to any
20 individual exempted from preadmission screening and annual resident
21 review under ~~42 code of federal regulations~~ *C.F.R. 483.106*.

22 (f) The secretary for aging and disability services shall cooperate with
23 the ~~area agencies on aging~~ *aging and disability resource centers* providing
24 assessment services under this section.

25 (g) The secretary for aging and disability services shall assure that
26 each ~~area agency on aging~~ *aging and disability resource center* shall
27 compile comprehensive resource information for use by individuals and
28 agencies related to long-term care resources including all area offices of
29 the Kansas department for children and families and local health
30 departments. This information shall include, but not be limited to,
31 resources available to assist persons to choose alternatives to institutional
32 care.

33 (h) Nursing facilities and medical care facilities shall make available
34 information referenced in subsection (g) to each person seeking admission
35 or upon discharge as appropriate. Any person licensed to practice the
36 healing arts as defined in K.S.A. 65-2802, and amendments thereto, shall
37 make the same resource information available to any person identified as
38 seeking or needing long-term care. Each senior center and each ~~area~~
39 ~~agency on aging~~ *aging and disability resource center* shall make available
40 such information.

41 (i) The secretary shall adopt rules and regulations to govern such
42 matters as the secretary deems necessary for the administration of this act.

43 (j) (1) There is hereby established an eleven-member voluntary

1 oversight council which shall meet monthly for the purpose of assisting the
2 secretary for aging and disability services in restructuring the assessment
3 and referral program in a manner consistent with this act and shall meet
4 quarterly thereafter for the purpose of monitoring and advising the
5 secretary regarding the CARE program. The council shall be advisory
6 only, except that the secretary for aging and disability services shall file
7 with the council each six months the secretary's response to council
8 comments or recommendations.

9 (2) The secretary for aging and disability services shall appoint two
10 representatives of hospitals, two representatives of nursing facilities, two
11 consumers and two representatives of providers of home and community-
12 based services. The secretary of health and environment and the secretary
13 for children and families, or their designees, shall be members of the
14 council in addition to the eight appointed members. The secretary for
15 aging and disability services shall serve as chairperson of the council. The
16 appointive members of the council shall serve at the pleasure of their
17 appointing authority. Members of the voluntary oversight council shall not
18 be paid compensation, subsistence allowances, mileage or other expenses
19 as otherwise may be authorized by law for attending meetings, or
20 subcommittee meetings, of the council.

21 (k) The secretary for aging and disability services shall report to the
22 governor and to the legislature on or before December 31, 1995, and each
23 year thereafter on or before such date, an analysis of the information
24 collected under this section. In addition, the secretary for aging and
25 disability services shall provide data from the CARE data forms to the
26 *Kansas* department of health and environment. Such data shall be provided
27 in such a manner so as not to identify individuals.

28 Sec. 2. K.S.A. 2015 Supp. 39-968 is hereby repealed.

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