

## 2021 Kansas Statutes

75-7303. **Definitions.** As used in the long-term care ombudsman act:

- (a) "Ombudsman" means the state long-term care ombudsman, any regional long-term care ombudsman or any individual designated as an ombudsman under K.S.A. 75-7306(h), and amendments thereto, who has received the training required under K.S.A. 75-7306(f), and amendments thereto, and who has been designated by the state long-term care ombudsman to carry out the powers, duties and functions of the office of the state long-term care ombudsman.
- (b) "Volunteer ombudsman" means an individual who has satisfactorily completed the training prescribed by the state long-term care ombudsman under K.S.A. 75-7306(f), and amendments thereto, who is a volunteer assisting in providing ombudsman services and who receives no payment for such service other than reimbursement for expenses incurred in accordance with guidelines adopted therefor by the state long-term care ombudsman.
- (c) "Facility" means an adult care home as such term is defined in K.S.A. 39-923, and amendments thereto, except that facility does not include any nursing facility for mental health or any intermediate care facility for people with intellectual disability, as such terms are defined in K.S.A. 39-923, and amendments thereto.
- (d) "Resident" means a resident as such term is defined in K.S.A. 39-923, and amendments thereto.
- (e) "State long-term care ombudsman" means the individual appointed by the governor to administer the office of the state long-term care ombudsman.
- (f) "Regional long-term care ombudsman" means an individual appointed by the state long-term care ombudsman under K.S.A. 75-7304, and amendments thereto.
- (g) "Office" means the office of the state long-term care ombudsman.
- (h) "Conflict of interest" means: (1) Having a pecuniary or other interest in a facility, but not including interests that result only from having a relative who is a resident or from being the guardian of a resident; (2) being actively employed or otherwise having active involvement in representation of or advocacy for any facility or group of facilities, whether or not such representation or advocacy is individual or through an association or other entity, but not including any such active involvement that results only from having a relative who is a resident or from being the guardian of a resident; (3) being employed by or having an active association with any entity that represents any resident or group of residents, including any area agency on aging, but not including any such active association that results only from having a relative who is a resident or from being the guardian of a resident; or (4) receipt of gifts, gratuities, money or compensation from a long-term care facility, its management, a resident or the resident's representative, in which the ombudsman or ombudsman's representative provides services.
- (i) "Resident representative" means:
  - (1) An individual chosen by the resident to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;
  - (2) a person authorized by state or federal law, including, but not limited to, agents under power of attorney, representative payees and other fiduciaries, to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;
  - (3) the resident's legal representative, as used in the older Americans act; or
  - (4) the court-appointed guardian or conservator of a resident.

Nothing in the definition of "resident representative" shall be construed to expand the scope

of authority of any resident representative beyond that authority specifically authorized by the resident, state or federal law or a court of competent jurisdiction.

**History:** L. 1980, ch. 291, § 1; L. 1990, ch. 328, § 6; L. 1998, ch. 101, § 4; L. 2012, ch. 91, § 67; L. 2018, ch. 38, § 2; July 1.