

KANSAS ADVOCATES FOR BETTER CARE
2018 LEGISLATIVE SUMMARY

Bill Number	Description	KABC Position	Status
HB 2232	This bill allows a resident of an adult care home, or their guardian/legal, to electronically monitor their living area to prevent or detect abuse or to monitor care. The bill becomes law upon publication in the statute book.	Supported	Signed into law
Sub HB 2427	<p>The bill expands the classes of persons who cannot be employed by an adult care homes, hospitals, and home health agencies to include persons who have had adverse findings on any State or national registry, as defined by KDADS. The inclusion of a national database search will improve safety.</p> <p>Issues of concern with Provisional Employment we will work to correct: 60 days work in adult care homes for employees without a cleared background check, without “eyes on“ supervision and with full access to residents, their belongings, and health information. Facilities don’t have to advise residents about provisional employment or identify provisional employees. Facilities are held harmless for any harm to resident from provisional employment. Residents are denied their right to recover damages from facilities for harm from provisional employees.</p>	KABC advocated for additional changes because as amended, this bill increases the risk of harm to older adults by allowing “provisional employment.”	Signed into law
HB 2458	The new law merges the previous two categories of crimes of mistreatment of a dependent adult and mistreatment of an elder person into a single crime of mistreatment of a dependent adult or an elder person. Under previous law, the two crimes included the same list of acts against their victims, with the exception of the act of committing mistreatment of a dependent adult by infliction of physical injury, unreasonable confinement or unreasonable punishment of the adult. Under this legislation these acts also become a crime when committed against an elder person. The bill also adds an additional act applicable to all victims; taking the personal property or financial resources of a victim through a violation of the Act for Obtaining a Guardian or Conservator.	Supported	Signed into law

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HB 2530	Includes Emergency Service Personnel among those required to report suspected adult abuse, neglect and exploitation	Supported	Signed into law
HB 2590	Aligns KS State Long Term Care Ombuds Program requirements with new federal rule which governs the program. Includes provisions to prevent conflict of interest in appointing or hiring ombuds directly from the adult care home industry	Supported	Signed into law
S Sub HB 2600 (originally was HB 2031)	Included in this legislation, is the creation of a 13-member council responsible for developing recommendations and advising the Kansas Department of Health and Environment on matters related to the establishment, maintenance, operation, outcomes and the evaluation of palliative care initiatives in the state and program effectiveness. The program is charged with maximizing the effectiveness of palliative care initiatives by ensuring comprehensive and accurate information and education about care available to the public, health care providers and facilities.	Supported	Signed into law
HB 2674	Establishes a licensure category of midlevel oral health providers.	Supported	Died in conference committee.
HB 2704	Requires written informed consent by a resident before administering an antipsychotic medication to a resident of an adult care home	Supported	Died in committee
SB 38	Bridge to a healthy Kansas (Medicaid expansion)	Supported	Died in committee
SB 300	Set a three-year delay to substantial changes as proposed under KanCare 2.0. This was one of several bills that attempted to delay the implementation of KanCare 2.0 and establish stronger legislative oversight of the program.	Supported	Died in conference committee but delay language was included as a proviso in the budget bill
SB 311	Adds emergency medical service attendants to the list of mandatory reporters of abuse, neglect, exploitation or need of protective services as it pertains to a resident in adult care homes or certain other adults.	Supported	Signed into law
SB 109	State budget appropriations for FY 2018 and FY 2019		
	<ul style="list-style-type: none"> • An additional \$4.9 million (\$4.8 million State General Fund) allocated to the Kansas Department on Aging and Disability Services (KDADS) to provide 		

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	<p>administrative case management services for persons being served by the frail elderly, physically disabled and the traumatic brain injury waivers under KanCare. This amount includes \$4.4 million, including \$2.2 million from the State General Fund, for individuals on the PD waiver; \$589,462, including \$294,731 from the State General Fund, for individuals on the TBI waiver; and \$4.5 million, including \$2.3 million from the State General Fund, for individuals on the FE waiver for FY 2019.</p>		
	<ul style="list-style-type: none"> Requires KDADS to implement a change to the Medicaid Home and Community Based Services (HCBS) Traumatic Brain Injury Waiver to allow overage for individual with a documented brain injury acquired from a cause not already covered under the waiver, eliminate the requirement that individuals on the waiver must be at least 16 years old, and allow expenditures within existing resources to provide coverage for new individuals on the waiver. 		
	<ul style="list-style-type: none"> Funded the second year of a two-year increase in HCBS provider rates. Implemented in the FY 2018 budget, HCBS reimbursement rates were increased by 7% over fiscal years 2018 and 2019. 		
	<ul style="list-style-type: none"> Add \$433,778, including \$138,574 from the State General Fund, for a salary increase for nursing facility surveyors for FY 2019. This amount would be above the salary increase totaling \$501,333, including \$160,425 from the State General Fund, which is included in the Governor's recommendation for FY 2019. 138,574 295,204 433,778 0.03. 		
	<ul style="list-style-type: none"> Add language notwithstanding KSA 75-5958, which requires yearly rebasing of nursing facility reimbursement rates using the three most current years of actual costs, to allow the Secretary of KDADS to provide an adjusted rate increase for nursing facilities in FY 2018. 		
	<ul style="list-style-type: none"> Add \$200,000, all from the State General Fund, to provide funding for additional meals through grants to the senior nutrition program (Meals on Wheels) for FY 2019. 		
	<ul style="list-style-type: none"> Add \$22.1 million, including \$10.0 million from the State General Fund, for an increase in nursing facility reimbursement rates for FY 2019. 		

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	<p>KanCare proviso: The 2018 legislature made it clear that it intends to apply more oversight of the state’s Medicaid program, KanCare. The one-year proviso prohibits the State from substantially changing the KanCare program from policies in place as of Jan. 1, 2018. This includes but is not limited to imposing any new eligibility requirements or limitations, without legislative approval. The proviso allows exceptions for the implementation of new telehealth services and the expansion of behavioral health services if they don’t impose new eligibility requirements or limitations on recipients</p> <p>.</p> <p>The proviso allows KDHE to continue to negotiate three-year contracts with potential KanCare managed care organizations but may not enter into those contracts without prior legislative approval. The State may also continue to negotiate with the federal Centers for Medicare and Medicaid Services (CMS) for the implementation of a work requirement but must receive approval from the Kansas legislature before implementation. KDHE must report back to the 2019 legislature.</p>		
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