

**State of Kansas
Department of Health and Environment**

Notice of Hearing on Proposed Administrative Regulation

The Kansas Department of Health and Environment, Division of Health, Bureau of Family Health, will conduct a public hearing at 2 p.m. Wednesday, April 8, 2015, in Room 530 of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider adoption of new regulation K.A.R. 28-4-94, background check requests for residential centers, group boarding homes, and child placement agencies.

A summary of the proposed regulation and the estimated economic impact follows:

Summary of Regulation:

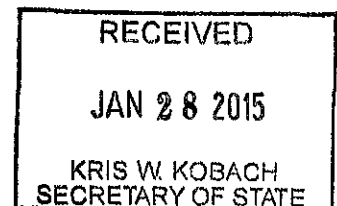
K.A.R. 28-4-94. Background check requests for residential centers, group boarding homes, and child placement agencies. The proposed regulation describes requirements for submitting requests for background checks to the department to meet the requirements in K.S.A. 2014 Supp. 65-508 and K.S.A. 2014 Supp. 65-516. The significant change is the timing of requests.

Residential centers and group boarding homes currently report the identifying information on individuals over 10, at the time of license application and reapplication and then within one week of a new individual residing, working, or regularly volunteering at the facility. Child placement agency regulations do not describe a process. The proposed regulation will require that facilities and child placement agencies submit a request before any individual at least 10 years old begins residing, working, or regularly volunteering at the facility or agency.

Individuals admitted for care are excluded. Documentation of requests must be kept on file.

Economic Impact:

Cost to the agency: There is no additional cost to the agency. Requests for background checks will be processed in the same way as they are currently processed.



Proposed

Cost to licensees: There is no cost to the licensees.

Costs to other governmental agencies or units: There is no additional cost to other governmental agencies or units.

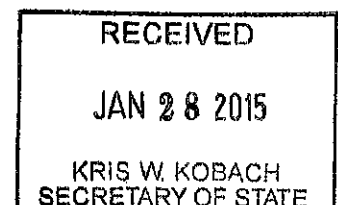
The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulation. At any time during the public comment period any interested parties may submit written comments to Dorothy Tenney, KDHE, Child Care Licensing Program, 1000 S.W. Jackson, Suite 200, Topeka, 66612-1274, by fax at 785-296-0803, or by e-mail to dtenney@kdheks.gov. Written comments will be accepted until 5 p.m. on the day of the hearing. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit any oral presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained on the Child Care Licensing website at www.kdheks.gov/kidsnet/ or by contacting Dorothy Tenney at the address above, (785) 296-1270, or fax (785) 296-0803.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Dorothy Tenney.

Susan Mosier, M.D.

Acting Secretary of Health and Environment



Proposed

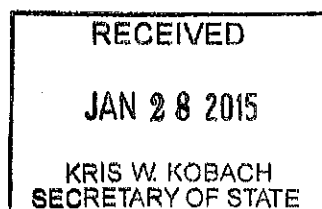
K.A.R. 28-4-94. Background check requests for residential centers, group boarding homes, and child placement agencies. (a) Initial and renewal background check requests. Each applicant submitting an initial application and each licensee submitting a renewal application shall submit a background check request on a form provided by the department. The request form shall be submitted with the application and shall include the name and all other required information for each individual who is at least 10 years old and is residing, working, or regularly volunteering in the residential center, group boarding home, or child placement agency.

(b) Additional background check requests. Each applicant with a temporary permit and each licensee shall submit a background check request on a form provided by the department before any individual who is at least 10 years old begins residing, working, or regularly volunteering in the residential center, group boarding home, or child placement agency.

(c) Background check not required. No background check request form shall be submitted for any individual admitted for care.

(d) Documentation. A copy of each background check request form shall be kept on file at the residential center, group boarding home, or child placement agency. (Authorized by K.S.A. 2014 Supp. 65-508; implementing K.S.A. 2014 Supp. 65-516; effective

P-_____.)



ATTORNEY GENERAL

JAN 07 2015

APPROVED BY 8F

APPROVED

JAN 05 2015

DEPT. OF ADMINISTRATION

Date: 1-12-15

Kansas Department of Health and Environment
Economic Impact Statement

Pursuant to the requirements of K.S.A. 2014 Supp. 77-416, the Kansas Department of Health and Environment submits the following economic impact statement concerning a new general regulation for residential centers, group boarding homes, and child placement agencies. The proposed regulation is needed to clarify requirements for criminal history and child abuse and neglect registry background checks for these programs.

1. Regulation to be implemented:

K.A.R. 28-4-94. Background check requests for residential centers, group boarding homes, and child placement agencies.

2. Brief description of each regulation and what is intended to be accomplished by adoption.

K.A.R. 28-4-94. Background check requests for residential centers, group boarding homes, and child placement agencies.

Residential centers and group boarding are currently required to report to the department the identifying information on individuals at the time of license application, application renewal, and within one week of a new individual residing, working, or regularly volunteering at the facility, pursuant to K.S.A. 2014 Supp. 65-508 and 2014 Supp. 65-516 and as required in K.A.R. 28-4-125. Child placement agencies submit requests for background checks pursuant to K.S.A. 2014 Supp. 65-516.

The proposed regulation revises the timing of the requests for background checks of new individuals, from being submitted within one week to being submitted prior to that individual residing, working, or regularly volunteering at any of the three settings. This change has been requested by the Kansas Department for Children and Families as a result of the most recent audit of the Title IV-E funding program, concerning placements in residential centers and group boarding homes.

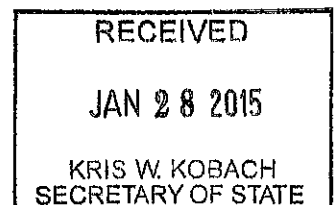
In addition, the proposed regulation establishes a procedure for the submission of background check requests by licensed child placement agencies. Current regulations for those agencies do not include the procedure.

3. Are these regulations mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes _____

No X

If yes, please explain.



Proposed

4. Do the proposed regulations exceed the requirements of applicable federal law?

Yes _____

No X

5. Description of Costs:

- (a) Cost to the agency:

There is no additional cost to the agency. Requests for background checks will be processed in the same way as they are currently processed.

- (b) Cost to persons who will bear the costs and those who will be affected (i.e., private citizens and consumers of the products or services) and are subject to the proposed rules and regulations or the enforcement:

There is no cost to the licensees.

- (c) Costs to other governmental agencies or units:

There is no additional cost to other governmental agencies or units.

6. Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.

No less costly or intrusive methods were identified.

7. Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.

The above mentioned regulation was determined as appropriate for consultation as to the economic impact with the League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards, pursuant to K.S.A. 2014 Supp. 77-416.

Yes X

No _____

If yes:

Date contacted and by what means (i.e., letter, FAX, etc.): The three organizations will be contacted electronically with attached copies of the proposed regulation, economic impact statement and notice of hearing at the time the notice of hearing is published in the *Kansas Register*.

Response and comments received by:

League of Kansas Municipalities:

Kansas Association of Counties:

Kansas Association of School Boards:

