

State of Kansas
Board of Adult Care Home Administrators
Notice of Public Hearing on Proposed Administrative Regulation

October 31, 2019

A public hearing will be conducted at 9:00 a.m. on Friday, January 3, 2020 at the Kansas Department of Aging and Disability Services Basement Conference Room Northeast, 503 S. Kansas Ave., Topeka, to consider the adoption of proposed regulations and the revocation of existing regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Board of Adult Care Home Administrators c/o Health Occupations Credentialing, 503 S. Kansas Ave., Topeka KS 66603-3404 or by email to wendy.davis@ks.gov. Interested parties will also be given a reasonable opportunity during the public hearing to present their views orally regarding the adoption of the proposed regulations. In order to provide all parties an opportunity to present their views, it may be necessary to require that each participant limit any oral presentation to an appropriate amount of time.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by calling (785) 296-4986 or emailing kdads.facilities@ks.gov.

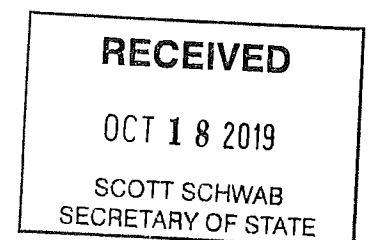
A summary of the proposed regulations, the revocations, and their estimated economic impact follow.

K.A.R. 26-38-1 through -11 reorganize and update the Board's regulations to reflect modern drafting standards, comply with changes to state law regarding the use of an applicant's criminal history, and move the regulations to the KDADS chapter.

K.A.R. 28-38-18 through -23, -26, and -28 through -30 revoke the existing regulations.

Economic Impact Statement: The proposed amendments are not anticipated to have any appreciable economic impact on the agency, other agencies, licensees or applicants for licensure, or the general public.

Copies of the complete texts of the regulations and their respective economic impact statements may be obtained by writing the Board of Adult Care Homes at the address above.



Article 38. Licensure of Adult Care Home Administrators

26-38-1. Definitions. Each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Accredited college or university" means a college or university that is accredited by an accrediting body recognized by the council on postsecondary accreditation or by the secretary of the U.S. department of education.

(b) "Administrator of record" means the licensed adult care home administrator on record with the Kansas department for aging and disability services as the administrator of the facility in which a trainee completes a practicum.

(c) "Clock-hour" means at least 50 minutes of direct instruction, exclusive of registration, breaks, and meals.

(d) "Continuing education" means a formally organized learning experience that has education as its explicit, principal intent and that is oriented toward the enhancement of adult care home administration values, skills, knowledge, and ethics.

(e) "Core of knowledge" means the educational training content for the field of adult care home administration, as established in section 252.20 (b)(2) and (i), excluding the phrase "as recommendations for appropriate use by State agencies and boards," published at 37 fed. reg. 6451-6452 (1972) and hereby adopted by reference.

(f) "Direct supervision" means the process by which an on-site preceptor directs and monitors the day-to-day activities of a trainee to ensure that these activities are performed without risk or harm to residents.

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(g) "Disciplinary action" means any final action taken by the board, or by a board or agency in another jurisdiction that is responsible for licensing adult care home administrators, that affects or relates to professional licensing.

(h) "Domains of practice" means the knowledge, skills, and abilities listed in table 1, "domains of nursing home administrator practice," on page 4 and outlined in exhibit 1 on pages 7 through 13 of the "summary report of the job analysis of nursing home administrators," prepared for the national association of boards of examiners of long term care administrators and by the professional examination service, department of research and development, dated November 2007, and hereby adopted by reference.

(i) "Good character" means the moral standards and fitness that are required in an applicant for a license as an adult care home administrator. This term shall include good judgment, integrity, honesty, fairness, credibility, reliability, respect for others, respect for the laws of the state and nation, self-discipline, self-evaluation, initiative, and commitment to the profession of adult care home administration and its values and ethics.

(j) "Licensure period" means the period of time between the date on which a license is issued and the date it expires. All licenses shall expire biennially on June 30. Each license shall be valid for a period of not less than 12 months and not more than 24 months.

(k) "Preceptor" means a person who meets the following qualifications:

(1) Holds a current license in Kansas as an adult care home administrator that is not under suspension or limited; and

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(2) within the preceding five years, has had either three years of full-time experience or a total of 5,000 hours of experience as a licensed adult care home administrator of a nursing facility, a nursing facility for mental health, or an intermediate care facility for people with intellectual disability. This experience shall have consisted of direct responsibility for, or active assistance and advising on, the general administration of the facility, including responsibility for planning, organizing, directing, and controlling the operation of the facility.

(1) "Relative" means an individual's family member or a member of an individual's household. For the purposes of this definition, "a member of an individual's household" shall mean any person sharing the individual's place of residence, and "family member" shall mean any of the following:

- (1) A spouse, parent, child, or sibling;
- (2) a sibling as denoted by the prefix "half";
- (3) a parent, child, or sibling as denoted by the prefix "step";
- (4) a foster child;
- (5) an uncle, an aunt, a nephew, or a niece;
- (6) any parent or child of a preceding or subsequent generation as denoted by the prefix "grand" or "great-"; or

(7) a parent, child, or sibling related by marriage as denoted by the suffix "-in-law."

(m) "Sponsorship" means an approved, long-term provision of programs for the purpose of fulfilling the continuing education requirements for license renewal or reinstatement.

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(n) "Trainee" means an individual who has enrolled in a long-term care administration practicum conducted by an accredited college or university or an equivalent educational training program. (Authorized by and implementing K.S.A. 65-3503 and 65-3504; effective P-
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26-38-2. Educational requirements for licensure. (a)(1) Each individual seeking initial licensure as an adult care home administrator shall meet the following requirements:

(A) Hold a baccalaureate or higher degree from an accredited college or university; and

(B) successfully complete a long-term care administration practicum that is conducted by an accredited college or university or an equivalent educational training practicum.

(2) Successful completion of a long-term care administration practicum that is conducted by an accredited college or university and terminates with a baccalaureate degree or postbaccalaureate degree shall satisfy the requirements of paragraphs (a)(1)(A) and (B).

(b) Before participating in a practicum, each individual seeking initial licensure shall meet the following requirements:

(1) Be at least 18 years of age; and

(2) request that the college, university, or provider of the equivalent educational training practicum submit the practicum curriculum and preceptor qualifications for the board's approval.

(c) Each practicum shall meet the following requirements:

(1) Consist cumulatively of at least 480 hours and be completed in not more than three practice settings;

(2) incorporate the core of knowledge, as defined in K.A.R. 26-38-1, or the domains of practice, as defined in K.A.R. 26-38-1;

(3) provide the training in either a licensed adult care home or long-term care unit of a licensed hospital, or both, but excluding assisted-living and residential health care facilities;

(4) pair each trainee with a preceptor in the adult care home or in the hospital long-term care unit;

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(5) use each trainee's preceptor to provide additional training and supervision during the practicum; and

(6) ensure that the preceptor meets the following requirements:

(A) Is responsible for the training, knowledge, and professional activities within the facility and for the development and refinement of the trainee as a prospective adult care home administrator;

(B) does not supervise more than two trainees at a time;

(C) is a full-time administrator of record or a licensed administrator who directly supervises the administrator of record; and

(D) maintains direct supervision of the trainee in the facility in which the training is to be provided.

(d) Any trainee may substitute a portion of the 480 practicum hours as follows:

(1) Completion of an adult care home operator course shall count for 20 hours.

(2) Each year of work experience, not to exceed six years, shall count for 40 hours if the experience meets either of the following conditions:

(A) The experience was obtained as an administrator of a Kansas-licensed hospital who also served as the administrator of the hospital's long-term care unit.

(B) The experience was obtained as an adult care home administrator while licensed in another state. (Authorized by and implementing K.S.A. 65-3503 and 65-3504; effective P-_____.)

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26-38-3. Application for initial licensure. (a) Each applicant for initial licensure shall submit an application on forms provided by the board and shall furnish the fee specified in K.A.R. 26-38-11 and evidence satisfactory to the board of having met the requirements specified in K.A.R. 26-38-2. Documents verifying that the applicant successfully completed the educational requirements shall be submitted no later than 30 days following the date of the national examination specified in K.A.R. 26-38-4.

(b) Each applicant shall submit, on forms provided by the board, one letter of reference from a licensed adult care home administrator, in state or out of state, and one letter of reference from another person who is not a relative of the applicant.

(c) Each applicant shall provide the board with academic transcripts and proof of receipt of a baccalaureate or a postbaccalaureate degree. The applicant shall arrange for transcripts to be provided directly to the board by the accredited college or university.

(d) Each applicant who has received a baccalaureate or postbaccalaureate degree outside the United States or its territories and whose transcript is not in English shall submit an officially translated English copy of the applicant's transcript and, if necessary, supporting documents. The transcript shall be translated by a source and in a manner acceptable to the board. Each applicant shall pay all transcription fees directly to the transcriber.

(e) Each applicant who has received a baccalaureate or postbaccalaureate degree outside the United States or its territories shall obtain an equivalency validation from a board-approved agency that specializes in educational credential evaluations. Each applicant shall pay the required equivalency validation fee directly to the validation agency. (Authorized by K.S.A. 65-3503; implementing K.S.A. 65-3503 and 65-3504; effective P-_____.)

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26-38-4. Licensing examinations. (a) Each applicant for initial licensure as an adult care home administrator shall be required to pass a national examination and a state law examination for adult care home administration approved by the board.

(1) Each applicant shall take the national examination within 12 months of completing an administrator-in-training practicum, unless for good cause the board grants an extension. For the purpose of this subsection, "good cause" shall mean any reason that does not reflect unfavorably on the applicant's good character, qualifications, or ability to comply with the board's regulations.

(2) Each applicant shall pay the required examination fee for the national examination directly to the testing agency. An examination fee shall be required each time an applicant takes the national examination.

(b) The national association of long term care administrator boards (NAB) examination shall be the approved national examination for licensure.

(c) The minimum passing scaled score for each portion of the the national examination shall be 113. The minimum passing raw score for the state law examination shall be 75 percent.

(d) Each applicant who has been disqualified for failing any portion of the national examination shall have the right to receive written notification by the board of the disqualification and each reason for failing, including a breakdown of the subject areas passed and failed.

(e) An applicant who has failed a portion of the national examination three times shall not submit a new application to take that portion of the examination until the applicant has received board approval for a course of additional education or training, or both, signed by the applicant,

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the preceptor, and the applicant's practicum coordinator and has completed the approved course of additional education or training, or both. The course of additional education or training, or both, shall include the following at a minimum:

(1) A specific number of additional hours of administrator-in-training instruction, proposed by the applicant and agreed to by the board, in each of the domains of practice, as defined in K.A.R. 26-38-1; and

(2)(A) At least 100 hours of administrator-in-training instruction targeting the subjects of the line of service exam, if the applicant failed that portion of the national examination; and

(B) at least 100 hours of administrator-in-training instruction in the core of knowledge, as defined in K.A.R. 26-38-1, if the applicant failed that portion of the national examination.

(f) Each applicant who completes the required hours of additional administrator-in-training education or training, or both, shall be eligible to submit a new application for the portion of the national examination that the applicant previously failed three times. If the applicant fails the fourth attempt, the applicant shall remain eligible to submit an application for a fifth attempt to pass the national examination.

(g) An applicant who has failed a portion of the national examination five times shall not submit a new application to take that portion of the examination until the applicant has completed an additional 480-hour administrator-in-training practicum that is conducted by an accredited college or university or an equivalent educational training practicum, as specified in K.A.R. 26-38-2.

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(h) Each applicant who has completed a second 480-hour administrator-in-training practicum shall be given three additional attempts to pass the portion of the national examination that the applicant previously failed five times. An applicant who has failed a portion of the national examination three times after completing a second 480-hour administrator-in-training practicum shall not be allowed to submit an additional application for examination.

(i) Each applicant shall be given 36 months from the date the applicant completed an initial administrator-in-training practicum or a second practicum under subsection (g) to take and pass the national examination.

(j) Any applicant who fails the state law examination may retake the state law examination until the applicant passes this examination. (Authorized by K.S.A. 65-3503; implementing K.S.A. 65-3503 and 65-3504; effective P-_____.)

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26-38-5. Potentially disqualifying civil and criminal records; advisory opinion; fee. (a) Each applicant shall provide, and shall authorize the board to request, disciplinary action information and criminal history records. If adverse information is received from the applicant or from any other source, the applicant shall provide all necessary records, sworn affidavits, or other documentation required by the board concerning the disciplinary action or criminal conviction, including any evidence that all sentencing requirements have been completed. The applicant shall pay all costs for the acquisition of these documents.

(b) The following criminal records may disqualify an applicant from receiving a license:

(1) Conviction of any felony;

(2) conviction of any class A misdemeanor that includes any of the following:

(A) A crime involving violation of any state or federal drug, narcotic, or controlled substances law;

(B) a crime against persons, as defined in K.S.A. 2018 Supp. 21-5401 et seq. and amendments thereto;

(C) a sex offense, as defined in K.S.A. 2018 Supp. 21-5501 et seq. and amendments thereto;

(D) a crime affecting family relationships and children, as defined in K.S.A. 2018 Supp. 21-5601 et seq. and amendments thereto, excluding criminal nonsupport, as defined in K.S.A. 2018 Supp. 21-5606 and amendments thereto;

(E) a crime promoting the sale of sexual relations, as defined in K.S.A. 2018 Supp. 21-6420 and amendments thereto;

(F) a crime of theft, as defined in K.S.A. 2018 Supp. 21-5801 and amendments thereto;

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(G) an attempt, conspiracy, or solicitation to commit any offense described in this subsection; or

(H) any similar criminal offense defined by another state or by the federal government; and

(3) conviction of any other misdemeanor that meets both of the following conditions:

(A) The crime involved at least one of the circumstances described in paragraph (b)(2); and

(B)(i) Fewer than five years have passed since the applicant completed that individual's sentence, including any term of incarceration, probation, or community supervision; or

(ii) the applicant has been convicted of another crime in the five years immediately preceding the date of application for license.

(c) If an applicant has been subject to disciplinary action or has been convicted of any crime described in this regulation, the applicant shall have the burden of proving that the applicant has been rehabilitated and warrants the public trust.

(d) Civil records that may disqualify an applicant from receiving a license shall be the records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of K.S.A. 65-3501 et seq., and amendments thereto, or any of the board's regulations. Those records may disqualify an applicant from receiving a license for no more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement.

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(e) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, written advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including at least one copy of the court records or the settlement agreement;

(2) an explanation of the circumstances that resulted in the civil or criminal record; and

(3) a check or money order in the amount of \$50.00. (Authorized by K.S.A. 65-3503 and 74-120; implementing K.S.A. 65-3503, 65-3508, and 74-120; effective P-_____.)

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26-38-6. Temporary license. (a) Each applicant for a 60-day temporary license shall identify the facility seeking to hire the applicant on a temporary basis and shall arrange for that facility to provide the board with written documentation that a current licensee is not available to serve as administrator in the facility. Each applicant shall also meet each of the following requirements:

(1) Submit an application on board-approved forms accompanied by the applicable fee specified in K.A.R. 26-38-11;

(2) be endorsed in writing to be the most qualified person available to be employed by the facility. The endorsement shall be made by an authorized representative of the governing body of the facility where the applicant is to be employed; and

(3)(A) Have a baccalaureate or postbaccalaureate degree from an accredited college or university and have passed an examination on state law pursuant to K.A.R. 26-38-4;

(B) have completed a degree-conferring program from an accredited college or university and either be participating or will participate in a long-term care administration or educational training practicum in compliance with K.A.R. 26-38-2;

(C) have been previously licensed in Kansas as an adult care home administrator and otherwise be eligible for reinstatement pursuant to K.A.R. 26-38-8; or

(D) hold a license as an adult care home administrator in another state and otherwise be eligible for reciprocity pursuant to K.A.R. 26-38-7.

(b) Any applicant granted a temporary license may request not more than two 60-day extensions of that license.

(c) If an applicant for initial licensure has been issued a temporary license and fails the national examination, the applicant's temporary license shall expire on the date indicated on the

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license. The applicant shall not be eligible for an extension of the temporary license and shall not be eligible to reapply for a temporary license. (Authorized by and implementing K.S.A. 65-3502; effective P-_____.)

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26-38-7. Licensure by reciprocity. (a) Each applicant for licensure by reciprocity shall submit an application on board-approved forms accompanied by the application fee for licensure by reciprocity and the license application fee specified in K.A.R. 26-38-11. Each applicant for licensure by reciprocity shall authorize the board to submit the application to the Kansas bureau of investigation for the purpose of obtaining criminal history records information to be considered by the board in its determination of the applicant's eligibility for licensing.

(b) Each applicant for licensure by reciprocity whose license was issued by another jurisdiction shall provide documentation to the board of both of the following:

(1) The applicant is favorably recommended by the state in which the applicant is licensed. To meet this requirement, the applicant shall arrange for that state to provide the board with a written affirmation that the applicant is in good standing. The applicant shall ensure that the letter of good standing is sent directly to the board from the issuing agency and shall not take possession of or tamper with the letter. For the purposes of this paragraph, "good standing," in reference to an applicant, shall mean that the individual's license has not been limited, suspended, or revoked.

(2)(A) The licensing criteria of the license-issuing jurisdiction are substantially equivalent to the current Kansas examination, education, training, and experience requirements in K.A.R. 26-38-2 and K.A.R. 26-38-4; or

(B) the applicant has been continuously licensed during the preceding five years, during which time the applicant annually attained at least 2,080 hours of experience as an administrator of record of a licensed adult care home or a licensed long-term care unit of a hospital.

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(c) Each applicant for licensure by reciprocity who has a current health services executive certification shall provide documentation to the board of both of the following:

(1) The applicant has a current health services executive certification.

(2) The applicant has not had any disciplinary action of a serious nature brought by a licensing board or agency against the candidate. (Authorized by K.S.A. 65-3503; implementing K.S.A. 65-3503 and 65-3505; effective P-_____.)

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26-38-8. Licensing renewal and license reinstatement; continuing education; sponsorship.

(a) Each application for renewal of a license shall be submitted on or before June 30 of the year in which the license expires.

(b) Each licensee shall submit an application on forms provided by the board and accompanied by the license renewal fee specified in K.A.R. 26-38-11. Each licensee whose application is received with a postmark later than June 30 of the year in which the license expires shall also pay the late renewal fee specified in K.A.R. 26-38-11. The application and all applicable fees shall be received within the 30-day period following the license expiration date. If the application and all applicable fees are not received within that 30-day period, the license shall lapse and the individual shall be required to apply for reinstatement.

(c)(1) Except as provided in paragraph (c)(2), each application for renewal shall include an attestation verifying that the licensee has completed at least 50 clock-hours of board-approved continuing education pertaining to the core of knowledge or the domains of practice, as defined in K.A.R. 26-38-1, during the licensure period immediately preceding renewal of the license.

(2) If a licensee's initial licensure period is less than 24 months, the application shall include an attestation verifying that the licensee has completed at least two clock-hours of board-approved continuing education for each month in the initial licensure period.

(d)(1) Any licensee may claim up to five clock-hours of continuing education credit for attendance at a state or national annual convention that pertains to long-term care. Each licensee claiming continuing education credit under this paragraph shall require the sponsor to verify the licensee's attendance. The licensee may claim this allowance in addition to claiming continuing education credit approved for individual sessions at a state or national annual convention, but the

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licensee shall not claim more than 10 clock-hours of continuing education credit for attending a state or national annual convention during any licensure period.

(2) Any licensee may claim 15 clock-hours of continuing education credit for each college credit semester hour earned within the renewal period if the subject matter of the course pertains to the domains of practice or to the core of knowledge.

(3) Any licensee may claim two clock-hours of continuing education credit for each clock-hour spent at an approved continuing education program. Licensees shall not claim credit for repeat presentations.

(e) Any preceptor may claim 15 clock-hours for each trainee.

(f) If a licensee's application is selected for audit, the licensee shall provide the board with sufficient documentation to verify that the licensee completed the continuing education requirement.

(g) Licensees shall not claim either of the following as continuing education for the purpose of license renewal:

(1) In-service education; or

(2) attending a food show or viewing exhibits at vendor booths at a food show designed to introduce food products to licensees or to others in the health care industry.

(h) Each application for reinstatement shall be submitted on forms provided by the board, documenting completion of 50 clock-hours of continuing education during the preceding 24 months, and shall be accompanied by the renewal fee and the reinstatement fee specified in K.A.R. 26-38-11.

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(i) Any licensee or nonapproved provider of continuing education may apply for approval of a continuing education program by submitting a request for prior approval to the board at least three weeks before the program is scheduled to be presented. The request shall provide information about the proposed program, including objectives, course content, and an agenda, and shall be submitted on a form provided by the board.

(j) Each sponsor shall meet the following requirements:

(1) Offer at least six continuing education activities, including workshops, seminars, academic courses, self-study courses, teleconferences, and educational sessions, over a two-year period;

(2) designate one person, who shall be referred to as the coordinator, to be responsible for administering all requirements and outcomes of the sponsorship. The board shall be notified in advance of any staff change involving the coordinator, including proof of that person's credentials to be the coordinator. Each coordinator shall meet one of the following requirements:

(A) Have a current license in the field of adult care home administration;

(B) have sufficient experience in a field related to adult care home administration to qualify that person to coordinate continuing education activities for licensees;

(C) serve as a staff member of a professional organization related to the field of adult care home administration; or

(D) have experience or academic preparation in adult education or training;

(3) submit an application on forms provided by the board and accompanied by the sponsorship application fee specified in K.A.R. 26-38-11. The application documents shall be

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received by the board at least 30 days before the initial continuing education offering. The application fee shall be required for each new or reinstated sponsorship application, and the terms of sponsorship renewal and reinstatement shall be the same as the terms for licenses;

(4) ensure that the educational offerings pertain to the domains of practice or the core of knowledge; and

(5) submit an annual report on board-approved forms no later than January 31 each year for the preceding calendar year. This report shall describe the approved continuing education activities provided and the quality improvement methods used, including how evaluation data is incorporated in planning future educational activities.

(k) If a sponsor fails to meet the requirements in this regulation after receiving approval or if there is a material misrepresentation of any fact with the information submitted to the board by a sponsor, approval may be withdrawn or conditions relating to the sponsorship may be applied by the board after giving the sponsor notice and an opportunity to be heard. (Authorized by K.S.A. 65-3503 and 65-3505; implementing K.S.A. 65-3501 and 65-3505; effective P-_____.)

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26-38-9. Display of license. Each person licensed as an adult care home administrator shall display that person's wall license in a conspicuous place in the licensee's office or place of business or employment. Each licensee serving as administrator in more than one facility shall display one wall license in each facility. Each request for an additional wall license shall be submitted in writing and accompanied by the fee specified in K.A.R. 26-38-11 for a duplicate wall license. (Authorized by and implementing K.S.A. 65-3503; effective P-_____.)

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26-38-10. Change of name or address; replacement licenses. (a) Each licensee shall notify the board of any name or address change within 30 days of the change. Each licensee who is found to have knowingly or repeatedly failed to comply with this regulation shall be subject to disciplinary action by the board pursuant to K.S.A. 65-3508, and amendments thereto.

(b)(1) Notice of each address change shall be submitted in writing and shall include each of the following:

- (A) The licensee's full legal name;
- (B) the licensee's license number;
- (C) the licensee's previous mailing address; and
- (D) the licensee's new mailing address.

(2) Notice of each name change shall be submitted in writing and shall include each of the following:

- (A) The licensee's previous legal name;
- (B) the licensee's new legal name;
- (C) the licensee's license number; and
- (D) a copy of a marriage certificate, court decree evidencing the change of name, or social security card or driver's license reflecting the new name.

(c) Each licensee seeking a replacement wall or wallet card license shall submit a completed board-approved form for each license, payment of the applicable replacement fee, and, if possible, the most recently issued license. (Authorized by and implementing K.S.A. 65-3503; effective P-_____.)

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26-38-11. Fees. (a)(1) The license application fee shall be \$100.00. The license application fee for an initial licensure period of less than 24 months shall be prorated at \$4.00 per month for each full or partial month.

(2) The license renewal fee shall be \$100.00.

(3) The temporary license application fee shall be \$100.00.

(4) The application fee for reinstatement of a lapsed or revoked license shall be \$120.00, in addition to the license renewal fee specified in paragraph (a)(2).

(5) The application fee for licensure by reciprocity shall be \$120.00, in addition to the application fee specified in paragraph (a)(1).

(6) The late renewal fee shall be \$50.00.

(7) The wall or wallet card license replacement fee shall be \$10.00.

(8) The fee for providing a duplicate wall license shall be \$10.00.

(9) The sponsorship application fee shall be \$150.00.

(b) All fees shall be nonrefundable. (Authorized by and implementing K.S.A. 65-3503 and 65-3505; effective P-_____.)

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28-38-18. (Authorized by K.S.A. 2010 Supp. 65-3503; implementing K.S.A. 2010 Supp. 65-3503 and 65-3504; effective May 1, 1981; amended July 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Oct. 3, 2003; amended Dec. 5, 2008; amended Oct. 14, 2011; revoked P-_____.)

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28-38-19. (Authorized by and implementing K.S.A. 2007 Supp. 65-3503 and K.S.A. 2007 Supp. 65-3504; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Oct. 3, 2003; amended Dec. 5, 2008; revoked P-_____.)

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28-38-20. (Authorized by and implementing K.S.A. 2001 Supp. 65-3503 and K.S.A. 2001 Supp. 65-3504; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; revoked P-_____.)

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28-38-21. (Authorized by and implementing K.S.A. 65-3502; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Dec. 5, 2008; revoked P-_____.)

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28-38-22. (Authorized by K.S.A. 2007 Supp. 65-3503; implementing K.S.A. 2007 Supp. 65-3503 and K.S.A. 65-3505; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Dec. 5, 2008; revoked P-_____.)

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28-38-23. (Authorized by K.S.A. 65-3501, K.S.A. 2007 Supp. 65-3503, and K.S.A. 65-3505; implementing K.S.A. 65-3501 and 65-3505; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Dec. 5, 2008; revoked P-_____.) _____.)

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28-38-26. (Authorized by and implementing K.S.A. 1999 Supp. 65-3503; effective May 1, 1981; amended May 1, 1984; amended Sept. 24, 1990; amended July 14, 2000; revoked P-_____ _____.)

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28-38-28. (Authorized by and implementing K.S.A. 2001 Supp. 65-3503; effective May 1, 1981; amended Sept. 24, 1990; amended July 14, 2000; amended Jan. 17, 2003; revoked P-_____ _____.)

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28-38-29. (Authorized by and implementing K.S.A. 2007 Supp. 65-3503; effective May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Dec. 5, 2008; revoked P-_____.) _____.)

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28-38-30. (Authorized by and implementing K.S.A. 2001 Supp. 65-3503 and 65-3505; effective July 14, 2000; amended Jan. 17, 2003; revoked P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Board of Adult Care Home Administrators
Agency

Craig Paschang, General Counsel
Agency Contact

296-4733
Contact Phone Number

26-38-1 through -11 (new); 28-38-18 through -23, 28-38-26, and 28-38-28 through -30 (revocations)
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This adoption cleans up rules and regulations that have not been updated in 8, 10, or even 16 years, for example by adding clarity to phrases such as “for good cause shown” and responding to recent legislation, such as K.S.A. 74-120. The adoption also moves the agency’s regulations from the KDHE chapter to the KDADS chapter (the Board was transferred to KDADS in 2014).

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

42 U.S.C. § 1396a(a)(20) requires states receiving Medicaid funding to “include a State program ... for the licensing of administrators of nursing homes.” The Legislature began requiring licensure of skilled nursing home administrators in 1970.

No significant policy decisions were made in the modernization of the Board’s regulations. Draft regulation K.A.R. 26-38-5 reflects existing statutes but allows an applicant to demonstrate rehabilitation consistent with the legislative mandate in K.S.A. 74-120.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These regulations should not have a significant impact on business activities or growth. They should, however, make it easier for current licensees and trainees to read and understand the Board’s existing rules and regulations, and provide clarity to potential applicants on what types of criminal and civil history records might disqualify them from being licensed.

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- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

BACHA does not employ an economist but reasonably believes that compliance costs will be minimal; these regulations primarily modernize and update the Board's existing regulations for clarity. Potential compliance costs might include printing out new copies of the Board's regulations for those current licensees who rely on paper copies.

- C. Businesses that would be directly affected by the proposed rule and regulation;**

Adult care homes.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

The benefits of this regulation package are additional clarity for current licensees and applicants. The Board believes this meets or exceeds the potential additional cost of compliance.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

The Board has not taken any steps to further minimize the cost of compliance with these regulations.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$5,000

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The total number of Board licensees in a given year is between 700 and 800. Actual printing costs for 25 pages of new regulations are estimated at \$0.12 per page, or \$3.00 per licensee. This is based on calling the OfficeMax in Topeka and asking for the price-per-page for self-service black and white printing on standard printer paper. By multiplying \$3.00 and 800 licensees, we arrived at \$2,400. We doubled our estimate to account for trainees, applicants, and other interested persons who might want to print new copies of the regulations.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when

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the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO N/A

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

N/A

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The Board did not solicit information from the above entities, but regularly invites and regularly has present at its Board meetings, including meetings at which it discussed these changes, numerous licensees and trainees.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

N/A

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