

KANSAS

Overview			
<p>The Kansas Department on Aging licenses adult day care facilities under <i>Kansas Department on Aging Regulations</i> 28-39-275 – 28-39-291. Some requirements for adult care homes (39-144, 145a, 147, and 148) apply to adult day care providers.</p> <p>The Kansas Medical Assistance Program (Medicaid) enrolls providers for adult day care authorized as part of the Frail Adult Waiver under the state licensure with a few additional requirements.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care means any adult care home facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment need supervision or assistance with activities of daily living (ADL).</p>			
Parameters for Who Can Be Served			
<p>Rules governing who providers can admit and retain are the same as those for adult care homes. Providers may not serve anyone under the age of 16 and cannot serve persons in need of specialized services for mental illness unless they can provide appropriate treatment. Individuals must be admitted under the care of a physician.</p> <p>Providers may define the target population they wish to serve, but shall not admit individuals (unless their negotiated service agreement includes resources to meet their needs) who:</p> <ul style="list-style-type: none"> ▪ are incontinent and will not participate in management of their incontinence, ▪ are immobile, ▪ have any condition requiring two-person transfer, ▪ have any behavior symptom that exceeds manageability, or ▪ have a clinical condition that requires the use of physical restraints. <p>Providers may discharge individuals if necessary for the resident's welfare, if the resident's needs cannot be met in the current setting, or if the safety or health of other individuals in the setting is endangered.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>Provisions regarding inspection are the same as for adult care homes. Adult day care facilities shall provide immediate access to any resident by any representative of the secretary of the Kansas Department of Health and Environment or the Kansas Department of Social and Rehabilitation Services.</p>			

Required and Optional Services		
	Adult Day Care	
	Required	Optional
ADL Assistance	X	
Health Education and Counseling		X
Health Monitoring/Health-Related Services	X	
Medication Administration	X	
Nursing Services	X	
Physical Therapy, Occupational Therapy, or Speech Therapy	X	
Skilled Nursing Services	X	
Social Services		X
Transportation		X
Provisions Regarding Medications		
<p>Self-administration of medications. Residents may manage and self-administer their own medications if an assessment by a physician or licensed nurse has determined that they can perform this function safely and accurately.</p> <p>Self-administration of medications with assistance. Residents can self-administer medications using a prefilled medication reminder box or prefilled syringe if an assessment performed by a licensed nurse has determined that they can do this safely and accurately without assistance.</p> <p>In both cases, staff may remind residents to take medication.</p> <p>Residents who self-administer with or without assistance can choose to have some of their medications managed by a licensed nurse employed by the facility, a home health agency or hospice, or by a medication aide employed by the facility if they don't think they can perform this function safely.</p>		
Provisions for Groups with Special Needs		
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p>Type of staff. Each adult day care facility must have an <i>administrator</i> or <i>operator</i> who may supervise more than one facility if: each facility is located within a proximate geographical location; the combined resident capacity does not exceed 100 residents; and the administrator or operator assures that the lack of full-time, on-site supervision of the facility will not adversely affect the health and welfare of residents.</p> <p>Each facility shall be responsible for assuring that a <i>licensed nurse</i> is available on-site or by telephone to provide immediate direction to medication aides and <i>nurse aides</i> for residents who have unscheduled needs. The licensed nurse may be employed by the facility or by a home health agency or a hospice.</p> <p>Staffing ratios. Each adult day care facility will provide sufficient numbers of qualified personnel to ensure that residents receive the services and care specified in the negotiated service agreement.</p>		

Training Requirements

Each adult day care facility will provide orientation to new employees and regular in-service education for all employees to ensure that the services provided assist residents to attain and maintain their individuality, autonomy, dignity, independence, and ability to make choices. Subjects for in-service education shall include: principles of adult day care, fire safety, disaster procedures, accident prevention, resident rights, infection control, and prevention of abuse. Facilities admitting residents with dementia shall provide in-service education on the treatment of behavioral symptoms.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Adult day care is covered under the Frail Adult Waiver. Providers must be licensed and provide services in accordance with the following Medicaid provisions:

Definitions. Adult day care is designed to maintain optimal physical and social functioning for HCBS customers, providing a balance of social, intellectual, cultural, economic, emotional, and physical activities to meet their interrelated needs and interests.

Services. Basic nursing as identified in the service plan, and optional daily supervision/physical assistance with ADL as identified in the individual's plan of care. Physical, occupational, and speech therapies are not covered but may be covered through regular Medicaid.

Location of Licensing, Certification or Other Requirements

1. <https://www.kmap-state-ks.us/Documents/Content/Provider%20Manuals/FEAdult%20Day%20Care%2002-23.pdf>
2. http://www.agingkansas.org/kdoa/lce/regs/adultdaycare/adult_day_care.htm
3. <http://www.agingkansas.org/kdoa/lce/regs/statutes/LicensureStatutes.pdf>
4. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-144.pdf
5. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-145a.pdf
6. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-147.pdf
7. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-148.pdf

Citations

1. *HCBS-FE Adult Day Care Provider Manual*. Kansas Medical Assistance Program. [2/23/05]
2. *Adult Day Care Regulations*. Kansas Department on Aging, (28-39-275 – 28-39-291). [3/23/2005]
3. *Adult Care Homes Definitions 39-923*. *Kansas Statutes* Annotated Chapter 39, Article 9. [2003]
4. *Adult Care Homes Definitions 39-144*. Kansas Department on Aging. [11/2001]
5. *Adult Care Homes Licensure 39-145a*. Kansas Department on Aging. [10/1999]
6. *Adult Care Homes Resident Rights 39-147*. Kansas Department on Aging. [2/1997]
7. *Adult Care Homes Admission, Transfer, Discharge 39-148*. Kansas Department on Aging. [2/1997]

REGULATORY REVIEW OF ADULT DAY SERVICES: Final Report

PDF Files Available for This Report

Cover, Table of Contents, Acknowledgments and Introduction

<http://aspe.hhs.gov/daltcp/reports/adultday.pdf>

SECTION 1. Overview of Adult Day Services Regulations

<http://aspe.hhs.gov/daltcp/reports/adultday1.pdf>

SECTION 2. State Regulatory Profiles

<http://aspe.hhs.gov/daltcp/reports/adultday2.pdf>

Each state can also be viewed separately at:

Alabama <http://aspe.hhs.gov/daltcp/reports/adultdayAL.pdf>

Alaska <http://aspe.hhs.gov/daltcp/reports/adultdayAK.pdf>

Arizona <http://aspe.hhs.gov/daltcp/reports/adultdayAZ.pdf>

Arkansas <http://aspe.hhs.gov/daltcp/reports/adultdayAR.pdf>

California <http://aspe.hhs.gov/daltcp/reports/adultdayCA.pdf>

Colorado <http://aspe.hhs.gov/daltcp/reports/adultdayCO.pdf>

Connecticut <http://aspe.hhs.gov/daltcp/reports/adultdayCT.pdf>

Delaware <http://aspe.hhs.gov/daltcp/reports/adultdayDE.pdf>

District of Columbia <http://aspe.hhs.gov/daltcp/reports/adultdayDC.pdf>

Florida <http://aspe.hhs.gov/daltcp/reports/adultdayFL.pdf>

Georgia <http://aspe.hhs.gov/daltcp/reports/adultdayGA.pdf>

Hawaii <http://aspe.hhs.gov/daltcp/reports/adultdayHI.pdf>

Idaho <http://aspe.hhs.gov/daltcp/reports/adultdayID.pdf>

Illinois <http://aspe.hhs.gov/daltcp/reports/adultdayIL.pdf>

Indiana <http://aspe.hhs.gov/daltcp/reports/adultdayIN.pdf>

Iowa <http://aspe.hhs.gov/daltcp/reports/adultdayIA.pdf>

Kansas <http://aspe.hhs.gov/daltcp/reports/adultdayKS.pdf>

Kentucky <http://aspe.hhs.gov/daltcp/reports/adultdayKY.pdf>

Louisiana <http://aspe.hhs.gov/daltcp/reports/adultdayLA.pdf>

Maine <http://aspe.hhs.gov/daltcp/reports/adultdayME.pdf>

Maryland <http://aspe.hhs.gov/daltcp/reports/adultdayMD.pdf>

Massachusetts <http://aspe.hhs.gov/daltcp/reports/adultdayMA.pdf>
Michigan <http://aspe.hhs.gov/daltcp/reports/adultdayMI.pdf>
Minnesota <http://aspe.hhs.gov/daltcp/reports/adultdayMN.pdf>
Mississippi <http://aspe.hhs.gov/daltcp/reports/adultdayMS.pdf>
Missouri <http://aspe.hhs.gov/daltcp/reports/adultdayMO.pdf>
Montana <http://aspe.hhs.gov/daltcp/reports/adultdayMT.pdf>

Nebraska <http://aspe.hhs.gov/daltcp/reports/adultdayNE.pdf>
New Hampshire <http://aspe.hhs.gov/daltcp/reports/adultdayNH.pdf>
New Jersey <http://aspe.hhs.gov/daltcp/reports/adultdayNJ.pdf>
New Mexico <http://aspe.hhs.gov/daltcp/reports/adultdayNM.pdf>
New York <http://aspe.hhs.gov/daltcp/reports/adultdayNY.pdf>
Nevada <http://aspe.hhs.gov/daltcp/reports/adultdayNV.pdf>
North Carolina <http://aspe.hhs.gov/daltcp/reports/adultdayNC.pdf>
North Dakota <http://aspe.hhs.gov/daltcp/reports/adultdayND.pdf>

Ohio <http://aspe.hhs.gov/daltcp/reports/adultdayOH.pdf>
Oklahoma <http://aspe.hhs.gov/daltcp/reports/adultdayOK.pdf>
Oregon <http://aspe.hhs.gov/daltcp/reports/adultdayOR.pdf>

Pennsylvania <http://aspe.hhs.gov/daltcp/reports/adultdayPA.pdf>

Rhode Island <http://aspe.hhs.gov/daltcp/reports/adultdayRI.pdf>

South Carolina <http://aspe.hhs.gov/daltcp/reports/adultdaySC.pdf>
South Dakota <http://aspe.hhs.gov/daltcp/reports/adultdaySD.pdf>

Tennessee <http://aspe.hhs.gov/daltcp/reports/adultdayTN.pdf>
Texas <http://aspe.hhs.gov/daltcp/reports/adultdayTX.pdf>

Utah <http://aspe.hhs.gov/daltcp/reports/adultdayUT.pdf>

Vermont <http://aspe.hhs.gov/daltcp/reports/adultdayVT.pdf>
Virginia <http://aspe.hhs.gov/daltcp/reports/adultdayVA.pdf>

Washington <http://aspe.hhs.gov/daltcp/reports/adultdayWA.pdf>
West Virginia <http://aspe.hhs.gov/daltcp/reports/adultdayWV.pdf>
Wisconsin <http://aspe.hhs.gov/daltcp/reports/adultdayWI.pdf>
Wyoming <http://aspe.hhs.gov/daltcp/reports/adultdayWY.pdf>