

SENATE BILL NO. _____

AN ACT concerning adult care homes; relating to the minimum nursing care hours required of nursing facilities.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) As used in this section:

(1) "Adult care homes," "nursing facility" and "resident" are as defined in K.S.A. 39-923, and amendments thereto;

(2) "qualified nursing personnel" shall include:

(A) Registered professional nurses or licensed practical nurses pursuant to the Kansas nurse practice act, and amendments thereto;

(B) nurse aides, nurse aide trainees or medication aides as defined in K.A.R. 26-39-100; or

(C) paid nutrition assistants as defined in K.S.A. 39-923, and amendments thereto;

(3) "nurse aide personnel" shall include nurse aides, nurse aide trainees, medication aides or paid nutrition assistants; and

(4) "resident day" means that period of service rendered to a resident between census-taking hours on two successive days and all other days in a Kansas nursing facility. Census-taking hours shall consist of 24 hours beginning at midnight.

(b) (1) Beginning July 1, 2011, the required hours of qualified nursing personnel per resident day in nursing facilities shall be at least 2.83 hours, of which at least 40 minutes shall be allocated to registered professional nurse time, at least 27 minutes shall be allocated to licensed practical nurse time, and at least one hour and 43 minutes shall be allocated to nurse aide personnel time;

(2) Effective July 1, 2012, the required hours of qualified nursing personnel per resident day in nursing facilities shall be at least 3.65 hours, of which at least 51 minutes shall be allocated to registered professional nurse time, at least 35 minutes shall be allocated to licensed practical nurse time, and at least two hours and 13 minutes shall be allocated to nurse aide personnel time; and

(3) Effective July 1, 2013, the required hours of qualified nursing personnel per resident day in nursing facilities shall be at least 4.44 hours, of which at least 62 minutes shall be allocated to registered professional nurse time, at least 42 minutes shall be allocated to licensed practical nurse time, and at least two hours and 42 minutes shall be allocated to nurse aide personnel time.

(c) (1) For nursing facilities of 60 residents or less, registered professional nurse time may include the director of nursing;

(2) for nursing facilities of 61 residents or more registered professional nurse time shall not include the director of nursing; and

(3) for nursing facilities of 101 residents or more, registered professional nurse time shall not include the director of nursing or the assistant director of nursing.

(d) Except as otherwise provided in subsections (b) and (c), nothing in this section shall be interpreted to change existing standards, rules or regulations established by the secretary of aging pursuant to K.S.A. 39-936, and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.