

Kansas Administrative Regulations

Department of Health and Environment

Article 51.—Home Health Agency Licensure

28-51-103. Organization and administration.

(a) Governing body. Each home health agency shall have a governing body having legal authority to operate the home health agency. The governing body shall meet the following requirements:

- (1) Have bylaws or an operating agreement, which shall be renewed annually;
- (2) employ a qualified administrator and alternate administrator;
- (3) adopt, revise, and approve policies and procedures for the operation and administration of the home health agency as needed;
- (4) provide the name and address of each officer, director, and owner of the home health agency to the department;
- (5) disclose each corporate ownership interest of five percent or more to the department; and
- (6) disclose past home health agency ownership or management, including the name of the home health agency, its location, and current status, to the department.

(b) Administrator.

- (1) Each administrator shall have at least the following responsibilities:
 - (A) Organize and direct the home health agency's ongoing functions;
 - (B) act as a liaison between the governing body and staff;
 - (C) employ qualified personnel in accordance with job descriptions;
 - (D) provide written personnel policies and procedures and job descriptions that are made available to all employees;
 - (E) maintain appropriate personnel records, administrative records, and all policies and procedures of the home health agency;
 - (F) provide orientation for new staff, regularly scheduled in-service education programs, and opportunities for continuing education of the staff;

(G) ensure the completion, maintenance, and submission of reports and records as required by the department; and

(H) ensure that each patient or client admitted to the home health agency receives, in writing, the patients' and clients' bill of rights specified in K.A.R. 28-51-111.

(2) The administrator shall reside within the service area.

(3) For each home health agency that provides home health services or HCBS, the administrator shall meet the following requirements:

(A) Be at least 21 years of age;

(B) have a baccalaureate degree; and

(C) meet one of the following requirements:

(i) Have at least one year of experience as an administrator;

(ii) be a physician;

(iii) be a registered nurse; or

(iv) be a qualified health professional, other than a physician or a registered nurse, currently licensed in Kansas who has at least two years of experience in direct health care delivery and at least one year of supervisory experience in health care.

(4) For each home health agency providing only supportive care services, the administrator shall meet the following requirements:

(A) Be at least 21 years of age;

(B) have at least one year of experience as an employee of a home health agency or in a related health care service; and

(C) have one of the following:

(i) A baccalaureate degree;

(ii) an associate's degree; or

(iii) a certificate from a home health administrator course approved by the department.

(c) Alternate administrator. The alternate administrator shall meet all the requirements of an administrator. An alternate administrator shall be available at any time the administrator is not available and be responsible for all duties of the administrator in the administrator's absence.

(d) Personnel records. Current personnel records shall be maintained for each employee. The personnel records for each employee shall include the following:

- (1) The title of the employee's position;
- (2) a signed and dated job description that includes the qualifications for the position;
- (3) evidence of licensure or certification if required. Each degree shall be supported by official transcripts. Licensure or certification within Kansas or authorization to practice in Kansas for any qualified health professional, certified nurse aide, home health aide, licensed practical nurse, occupational therapy assistant, or physical therapy assistant shall be provided upon request;
- (4) performance evaluations made within six months of employment and annually thereafter;
- (5) documentation of reference checks for each employee before employment;
- (6) a health record, including the following:
 - (A) A self-reported health history;
 - (B) a current health assessment performed by a physician, nurse practitioner, clinical nurse specialist, physician assistant, or registered nurse certifying that the employee is physically able to perform job functions as listed in the employee's job description before working with clients or patients; and
 - (C) a current two-step tuberculosis skin test following the U.S. centers for disease control and prevention testing guidelines for healthcare workers taken before working with clients or patients;
- (7) a subsequent periodic health assessment performed by a physician, nurse practitioner, clinical nurse specialist, physician assistant, or registered nurse in accordance with home health agency policies and procedures and a subsequent health assessment at least every two years or following a significant health event;
- (8) a copy of the eligibility determination request submitted to the department for aging and disability services regarding adult and juvenile convictions and adjudications pursuant to K.S.A. 65-5117, and amendments thereto; and
- (9) results of the state and national criminal history record check pursuant to K.S.A. 65-5117, and amendments thereto, and the findings of any state or national registry, as

defined in regulations adopted by the secretary of the department for aging and disability services.

(e) Provisional employment. Any home health agency may hire an applicant for provisional employment on a one-time basis for 60 calendar days pending the results from the department for aging and disability services regarding adult and juvenile convictions and adjudications. Each applicant provisionally hired by a home health agency shall be supervised by an employee who has completed all training required by federal regulations, department regulations, and the home health agency's policies and procedures.

(f) Personnel under hourly or per visit contracts. There shall be a written contract between the home health agency and any individuals or businesses who contract with the home health agency under hourly or per visit arrangements. The contract shall include the following provisions:

(1) A statement that patients or clients will be provided home health services, HCBS, and supportive care services by the home health agency;

(2) a description of the home health services, HCBS, and supportive care services to be provided by each individual or business;

(3) a statement that each individual or business shall conform to all applicable agency policies and procedures, including those related to qualifications;

(4) a statement that each individual or business shall be responsible for participating in the development of plans of care;

(5) a description of the manner in which home health services, HCBS, and supportive care services provided by each individual or business shall be controlled, coordinated, and evaluated by the home health agency;

(6) the procedures for submitting progress notes, scheduling patient care, and conducting periodic patient evaluations; and

(7) the procedures for determining charges and reimbursement to each individual or business.

(g) Abuse, neglect, or exploitation. Each home health agency shall meet the following requirements:

(1) Provide in-service training recognizing the signs and symptoms of abuse, neglect, or exploitation to home health agency employees and contracted personnel at the time of hire or contract and annually thereafter and document all training provided in each personnel file;

(2) develop written policies and procedures that include the reporting process for reporting abuse, neglect, and exploitation; and

(3) immediately report if there is reasonable cause to believe that a patient or client is being or has been abused, neglected, or exploited or is in need of protective services in accordance with home health agency policies and procedures pursuant to K.S.A. 39-1431, and amendments thereto.

(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5104; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994; amended May 20, 2022.)

***** Authenticated Kansas Administrative Regulation *****