

Kansas Administrative Regulations

Department of Health and Environment

Article 39.—Licensure of Adult Care Homes

28-39-228. Definitions.

(a) "Activities director" means a person who meets the following requirements:

(1) Has completed the requirements for certification as a music therapist or has completed the requirements for graduation as a horticultural therapist; and

(2) has one year of experience in a patient activities program in a health care setting.

(b) "Administrator" means a person who is charged with the general administration of the nursing facility for mental health whether or not the individual has an ownership interest in the facility. Each administrator of a nursing facility for mental health shall be licensed in accordance with K.S.A. 65-3501 et seq., and amendments thereto.

(c) "Admission assessment" means that evaluation at facility admission which is used to guide the initial plan of care for the resident until the mental health plan of care is put in place.

(d) "Admitting physician" means the licensed physician who provides the order specifying the rationale for admission of a person to a nursing facility for mental health.

(e) "Behavior management program" means a therapeutic treatment regime identified by an interdisciplinary team to change or maintain a specific behavior in the behavior repertoire of a resident in a nursing facility for mental health.

(f) "Case manager" means a person in a program authorized by the Kansas department of social and rehabilitation services assigned to monitor and participate in the treatment program of a resident living in a nursing facility for mental health.

(g) "Community mental health center" means an agency licensed by the state of Kansas pursuant to K.S.A. 19-4001 et seq., and in compliance with K.S.A. 65-211 et seq. and amendments thereto.

(h) "Comprehensive assessment" means:

(1) The minimum data set plus; and

(2) all related evaluations to identify a person's current functioning level and those factors which are barriers to maintaining the current level, or achieving a higher level of functioning.

(i) "Crisis intervention" means the allowable techniques to be utilized by facility staff in situations when:

(1) A resident's inappropriate behavior escalates beyond the definitions in the individualized behavior management program; and

(2) the resident, other residents, or staff are placed in a harmful situation.

(j) "Dietitian" means a person who is licensed by the Kansas department of health and environment as a dietitian.

(k) "Direct care staff" means those persons who assist or supervise residents in meeting the objectives in the mental health plan of care.

(l) "Discharge plan" means that section of each resident's mental health plan of care that identifies what placement opportunities are available to the resident and what necessary resources, skills and behaviors are required to facilitate the placement.

(m) "Guardian" means a person who has been appointed by a court of law to provide the functions and services for a ward as defined in K.S.A. 59-3018 and amendments thereto.

(n) "Informed consent" means receiving permission from the resident, or legal representative after the person has been presented with:

(1) The specific issue;

(2) the recommended treatment or procedure;

(3) the resident's specific mental or physical status with regard to the problem issue;

(4) any attendant risks regarding treating or not treating the problem issue;

(5) acceptable alternatives of treatment to the problem issue;

(6) the right to refuse treatment; and

(7) any consequences of refusal.

(o) "Initial plan of care" means that plan which is put into place for each individual resident following the admission assessment and which is to be used until the mental health plan of care is put in place.

(p) "Interdisciplinary team" means the group of persons, including the resident or the resident's legal representative or both, who formulate, deliver and monitor the individual program plan for each resident.

(q) "Legal representative" means the person who has been appointed by a court of law as a guardian, or has been selected by a resident as a durable power of attorney for health care decisions.

(r) "Licensed mental health technician" means a person licensed by the Kansas board of nursing as a licensed mental health technician.

(s) "Licensed nurse" means a registered nurse or a licensed practical nurse.

(t) "Licensed practical nurse" means a person who is licensed by the Kansas board of nursing as a licensed practical nurse.

(u) "Living unit" means the specific section, wing, or pod where the resident is assigned to engage in the majority of activities of daily living.

(v) "Mental health plan of care" means those documents that describe for each resident:

(1) The basis for medical or mental health treatment or training;

(2) specific objectives identified for treatment or training;

(3) the staff members who formulated the plan; and

(4) the staff members who are responsible for carrying out the plan.

(w) "Mental health professional" means a physician, psychologist, social worker, or a psychiatric nurse.

(x) "Motivational system" means those procedures and intervention techniques that are applied to a resident group of residents to enhance and maintain positive behavioral change.

(y) "Nursing facility for mental health" means a facility licensed pursuant to K.S.A. 39-923 et seq. as a nursing facility and identified by the Kansas department of social and rehabilitation services as serving mentally ill persons.

(z) "Physician" means a person who is licensed by the Kansas board of healing arts as a medical doctor or a doctor of osteopathy.

(aa) "Psychiatric nurse" means a person who is licensed by the Kansas state board of nursing as a registered nurse and who has at least one year of experience as a registered nurse in the delivery of services to persons with mental illness.

(bb) "Psychiatric services" means those interventions and assessments held out to be exclusively in the practice of a physician who has completed additional training as a psychiatrist.

(cc) "Psychotropic medication" means those drugs that are used with the intent of controlling mood, mental status and behavior.

(dd) "Psychologist" means a person who is licensed or registered as a psychologist with the Kansas board of behavioral sciences.

(ee) "Registered nurse" means a person who is licensed by the Kansas board of nursing as a registered nurse.

(ff) "Resident" means a person who has been admitted to a nursing facility for mental health and who is in need of services provided by the facility.

(gg) "Restraint" means the control and limitation of a resident's movement by:

(1) Physical restraint, which is a technique involving the use of one or more staff person's arms, legs, hands or other body areas to restrict or control the movements of a resident;

(2) mechanical restraint, which is a device applied to a person's limbs, head or body, which restricts a person's movement and access to their body; or

(3) chemical restraint, which is the administration of an appropriate physician prescribed medication for the specific purpose of immediately calming a resident when there has been an assessment that the resident or others in the resident's environment are in danger.

(hh) "Seclusion" means the isolation of a resident in a locked room which cannot be opened by the resident.

(ii) "Social worker" means a person who is a social worker licensed by the Kansas board of behavioral sciences.

(jj) "Tardive dyskinesia" means an extrapyramidal syndrome characterized by rhythmic, repetitive stereotypic movements that can occur following prolonged treatment with neuroleptic medication.

(Authorized by and implementing K.S.A. 39-932; effective May 16, 1994.)

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