

# **Kansas Administrative Regulations**

## **Department of Health and Environment**

### **Article 51.—Home Health Agency Licensure**

#### **28-51-101. Licensing procedure.**

(a) Initial license application and fees.

(1) Each person applying for an initial home health agency license shall submit the following to the department:

(A) A completed application on forms provided by the department;

(B) one of following nonrefundable fees based on the total unique patient and client count:

(i) \$500.00 for each person that indicates on the application that the person intends to provide home health services or HCBS with a total unique patient and client count of less than 100;

(ii) \$750.00 for each person that indicates on the application that the person intends to provide home health services or HCBS with a total unique patient and client count of 100 or more;

(iii) \$250.00 for each person that indicates on the application that the person intends to provide only supportive care services with a total unique patient and client count of less than 100; or

(iv) \$500.00 for each person that indicates on the application that the person intends to provide only supportive care services with a total unique patient and client count of 100 or more; and

(C) a copy of the policies and procedures applicable to the home health agency as required by K.A.R. 28-51-103, 28-51-104, 28-51-117, and 28-51-118.

(2) No person shall provide home health services, HCBS, or supportive care services before the person is issued a license.

(b) Annual license renewal application and fees. Each licensee renewing a license shall file the following at least 30 days before the expiration of the license:

(1) A completed renewal application on forms provided by the department; and

(2) one of the following fees based on the total unique patient and client count:

(A) \$350.00 for each licensee that submits a renewal application for a license to provide home health services or HCBS and that indicates on the renewal application that the licensee had a total unique patient and client count of less than 100;

(B) \$600.00 for each licensee that submits a renewal application for a license to provide home health services or HCBS and that indicates on the renewal application that the licensee had a total unique patient and client count of 100 or more;

(C) \$100.00 for each licensee that submits a renewal application for a license to provide only supportive care services and that indicates on the renewal application that the licensee had a total unique patient and client count of less than 100; or

(D) \$350.00 for each licensee that submits a renewal application for a license to provide only supportive care services and that indicates on the renewal application that the licensee had a total unique patient and client count of 100 or more.

(c) License issuance or renewal. A license shall be issued or renewed if the following requirements are met:

(1) The applicant shall be in substantial compliance with this article of the department's regulations.

(2) The applicant shall submit an acceptable plan of correction for any deficiencies cited during an inspection.

(d) Terms of license.

(1) Each license shall remain in effect for one year unless suspended or revoked by the department.

(2) Each home health agency shall offer only the home health services, HCBS, or supportive care services specified on the home health agency's initial application or renewal application.

(e) Change of administrator or alternate administrator. Each licensee shall notify the department, in writing, within five days following the effective date of a change of administrator or alternate administrator. The notification shall include the name, address, and qualifications of the new administrator or alternate administrator.

(f) Notifications. Each licensee shall notify the department before establishing a new location of the parent office and before changing the home health agency's telephone number.

(g) Change of address or name. Each licensee shall notify the department, in writing, within five days following the change of address or name of the home health agency. The home health agency shall forward the previously issued license to the department with a request for an amended license reflecting the new address or new name.

(h) Change of ownership. Each licensee involved in a change of ownership shall comply with the provisions of K.S.A. 65-5104, and amendments thereto. Each new owner of a home health agency shall file an application for a license with the department upon the effective date of the sale, transfer, or change in corporate status. Any new owner may request a temporary operating permit to allow continued operations of the home health agency for a limited period while the owner is applying for a license.

(i) Inspections. The administrator or alternate administrator shall provide all clinical records or client records and all administrative records, including all complaints, meeting minutes, quality assurance, and annual program review documents, to the department surveyor within 30 minutes of a request from the surveyor. The time for producing the documents may be extended at the secretary's discretion. The licensee shall provide accurate and truthful information to the department during inspections.

(j) Staffing. If home health services are provided during after-hours, each licensee shall establish a policy for staff coverage during after-hours, holidays, and weekends, including a schedule for staff that are on-call.

(k) Closure.

(1) Each licensee shall notify the department in writing at least 30 days before the permanent closure of the home health agency. The notice shall include the reason for the closure, the date the home health agency is closing, the location of active and inactive patient or client records, and the name and address of the custodian of the records.

(2) If the home health agency closes, the licensee shall make provision for the retention of clinical records or client records.

(3) If the home health agency closes with current patients or clients, the licensee shall notify each patient or client, and any guardian of the patient or client, within 30 days before the closure and develop an effective discharge or transfer plan in coordination with the needs outlined in the patient's or client's plan of care. The licensee shall transfer a copy of the client record or clinical record with the client or patient to the receiving home health agency to ensure continuity of home health services, HCBS, or supportive care services to the client or patient.

(4) The licensee shall mail the license to the department at the end of the day that home health services, HCBS, or supportive care services are discontinued.

(5) A licensee shall not operate the home health agency after the closing date provided to the department.

(l) In-operation status. Each licensee shall maintain in-operation status to be eligible for license renewal.

(m) Service area. Each licensee shall provide home health services, HCBS, or supportive care services only to patients or clients in the service area of the home health agency.

(n) Service area exceptions.

(1) Any licensee that provides home health services may request an exception to the licensee's service area restriction by applying for an exception on forms provided by the department, which shall include the following:

(A) A statement from the licensee that there is a need for a specific home health service in an area outside the licensee's service area; and

(B) a statement from the licensee that the geographic area where the specific home health service is to be provided is not served by another home health agency that provides the specific home health service.

(2) If an exception is granted, the exception shall be effective for one year.

(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5103, 65-5104, 65-5105, and 65-5106; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994; amended May 20, 2022.)