

Kansas Administrative Regulations

Department of Health and Environment

Article 51.—Home Health Agency Licensure

28-51-104. Home health services, HCBS, and supportive care services.

(a) Each home health agency shall provide home health services, HCBS, and supportive care services to a patient or client only when the home health agency reasonably expects that the patient's medical, rehabilitation, and social needs or the client's needs can be met adequately by the home health agency in the patient's or client's place of residence.

(b) Each home health agency shall be limited to the home health services, HCBS, and supportive care services specified by the home health agency's initial application or renewal application.

(c)(1) Each licensee issued a license that indicated on the licensee's initial application or renewal application that the licensee intends to provide home health services shall provide the following for each patient:

(A) An order from the patient's physician, nurse practitioner, clinical nurse specialist, or physician assistant;

(B) an assessment of the patient by a registered nurse or physical therapist if only physical therapy will be provided;

(C) a plan of care for the patient developed by the registered nurse or physical therapist based upon the patient's needs;

(D) training of appropriate staff to deliver the plan of care in accordance with the home health agency regulations in this article of the department's regulations;

(E) written policies and procedures regarding the provision of skilled care services and, if offered, separate written policies for supportive care services or HCBS;

(F) a written plan of care for each patient that is reviewed at least every 60 days by a registered nurse or physical therapist as required by the home health agency regulations in this article of the department's regulations;

(G) a clinical record for each patient that includes progress notes for the patient;

(H) a policy indicating who can administer medications;

(I) policies and procedures indicating that all personnel providing services to the same patient shall maintain communication with the registered nurse or physical therapist employed by the home health agency to ensure that all home health services support the plan of care;

(J) a registered nurse, who shall be available or on-call to the staff to serve patients during all hours that home health services are provided;

(K) a visit by a physician, a registered nurse, or a qualified health professional to each patient's home every two weeks to supervise home health services if nursing or therapy services, or both, are being provided to the patient. This visit may be made less often if only personal care is provided to a patient and documented in the clinical record. If only personal care is provided, a supervisory visit shall be made at least every 60 days; and

(L) written instructions for the home health services to be provided to each patient prepared by a qualified health professional.

(2) Each licensee issued a license that indicated on the licensee's initial application or renewal application that the licensee intends to provide HCBS shall provide the following for each patient:

(A) The plan of care;

(B) training of appropriate staff to deliver the plan of care in accordance with HCBS guidelines and home health agency regulations in this article of the department's regulations;

(C) written policies and procedures regarding the provision of HCBS and, if offered, separate written policies and procedures for supportive care services;

(D) documentation of the HCBS provided to the patient, which shall become part of the clinical record;

(E) policies and procedures indicating who can provide medication administration;

(F) policies and procedures indicating that all personnel providing HCBS to the same patient shall maintain communication to ensure that all HCBS support the plan of care;

(G) a registered nurse, who shall be available or on-call to the staff to serve patients during all hours that personal care is provided; and

(H) a physician, registered nurse, or other qualified health professional, who shall visit the patient's home every 60 days if personal care is provided.

(3) Each licensee issued a license that indicated on the licensee's initial application or renewal application that the licensee intends to provide supportive care services shall provide the following for each client:

(A) Written policies and procedures that indicate admission criteria for the client consistent with supportive care services, as defined in K.S.A. 65-5101 and amendments thereto, and the requirements of this regulation;

(B) written policies and procedures describing the appropriate scope of practice for the supportive care worker consistent with supportive care services, as defined in K.S.A. 65-5101 and amendments thereto, and the requirements of this regulation;

(C) an assessment of the client by a manager used to develop a plan of care for the client based upon the client's needs;

(D) training of managers and supportive care workers to deliver the plan of care in accordance with the home health agency regulations in this article of the department's regulations, including competency in the following:

(i) Communication skills, with special focus on communicating with clients with hearing deficits, dementia, or other special needs;

(ii) observation, reporting, and documentation of client status and documenting supportive care services provided to the client;

(iii) basic infection control procedures;

(iv) basic elements of body functioning and changes in body function and when to report changes in bodily functions to the manager;

(v) maintenance of a clean, safe, and healthy environment;

(vi) recognizing emergencies and knowledge of home health agency emergency procedures;

(vii) recognizing physical, emotional, and developmental needs of the clients served by the home health agency;

(viii) working with clients, including respect of the client and the client's privacy and property; and

(ix) appropriate and safe techniques in personal hygiene and grooming;

(E) written policies and procedures regarding the provision of supportive care services;

(F) a plan of care for the client, which shall be reviewed by the manager at least every 60 days;

(G) progress notes for the client, which shall be kept as part of the client record;

(H) policies and procedures indicating that medications shall not be set up by supportive care workers or allow supportive care workers to provide medication administration;

(I) policies and procedures indicating that all personnel providing supportive care services to the same client shall maintain communication with the manager to ensure that all supportive care services promote the plan of care;

(J) a manager, who shall be on-call to assist staff providing supportive care services for clients; and

(K) a visit by the manager to each client every three months to provide supervision to each supportive care worker.

(d) Each licensee shall maintain the following documents, which shall be available to a department surveyor upon request:

(1) The documents maintained by each home health agency providing home health services or HCBS shall include the following:

(A) A clinical record for each patient; and

(B) personnel records for each employee that include all training received, qualifications, performance evaluations, and evidence of a background check clearance.

(2) The documents maintained by each home health agency providing supportive care services shall include the following:

(A) A client record for each client; and

(B) personnel records for each employee that include all training received, qualifications, performance evaluations, and evidence of a background check clearance.

(e) Each licensee shall maintain a copy of each policy and the policies and procedures required by this article of the department's regulations.

(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 *****