Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Children with Special Health Care Needs Program.

28-4-405. Providers of service.

(a) Application. Each person or corporation desiring to supply services or sell prosthetic devices, equipment, appliances or supplies shall file an application with the secretary. Each application shall be approved or disapproved by the secretary, interested parties shall be notified of the action taken, and a list of approved providers of service shall be maintained.

(b) Designation of hospitals. Each hospital approved to provide medical and surgical services for the care and treatment of eligible persons, except for those out-of-state hospitals authorized by K.A.R. 28-4-408, shall meet the following requirements:

(1) For inpatient services, the hospital shall meet these standards:

(A) be licensed as a hospital in Kansas;

(B) be certified by the joint commission on accreditation of health care organizations;

(C) have staff physicians certified by specialty boards in the specialty appropriate for the needs of the eligible person;

(D) have available consultation in other specialty areas for the cases being treated;

(E) have appropriate operating facilities for the specialty for which the hospital is approved;

(F) have other facilities appropriate for the application of plaster or other cast material for eligible persons;

(G) have regularly scheduled inservice programs relating to children and pediatric conditions; and

(H) provide the following services for children:

(i) qualified professional nurses assigned to care of children;

(ii) at least one pediatrician on the hospital staff, with a designated chief of pediatrics; and

(iii) nonrestrictive visiting hours for parents and suitable recreational facilities for children.

(2) For outpatient services the hospital shall comply with the following standards:

(A) Be licensed as a hospital in Kansas;

(B) have an x-ray department with facilities and qualified personnel to treat children;

(C) have a physical therapy department with qualified personnel to treat children;

(D) have an occupational therapy department with qualified personnel to treat children;

(E) have a respiratory therapy department with qualified personnel to treat children;

(F) have regularly scheduled inservice programs for all health-care staff relating to children and pediatric conditions;

(G) have a laboratory department with facilities and qualified personnel for hematology, chemistry, microbiology, and serology testing; and

(H) have persons qualified to give anesthesia.

(c) Designation of laboratory facilities. Each laboratory facility approved to provide services for the care and treatment of eligible persons, except for those laboratory facilities authorized by K.A.R. 28-4-408, shall maintain a valid clinical laboratory improvement certificate appropriate for the type and complexity of the services performed.

(d) Designation of radiology and nuclear medicine facilities. Each x-ray facility approved to provide services for the care and treatment of eligible persons, except for those x-ray facilities authorized by K.A.R. 28-4-408, shall meet the following standards:

(1) Maintain compliance with K.A.R. 28-35-133 through 28-35-338, as authorized by K.S.A. 48-1607;

(2) have on staff a radiologist supervising the facility and all patient services;

(3) have on staff technical personnel who are qualified for the type of services being provided;

(4) have written medical policies and procedures that are developed and maintained under the direction of the radiologist responsible for patient services, including policies and procedures related to interpretation of all radiologic exams, preparation and provision of written reports, and emergency situations; and

(5) have regularly scheduled inservice programs for all staff relating to children and pediatric conditions.

(e) Designation of ambulatory surgical facilities. Each ambulatory surgical facility approved to provide services for the care and treatment of eligible persons, except for those ambulatory surgical facilities authorized by K.A.R. 28-4-408, shall fulfill these requirements:

(1) Be licensed as an ambulatory surgical facility by the secretary;

(2) have qualified pediatric nurses regularly assigned to care for the pediatric clients;

(3) have physicians performing the surgeries who are certified by specialty boards in the specialty appropriate for the needs of the child and for which the facility is approved;

(4) have dentists who are qualified to perform the procedures for which the facility is approved;

(5) have qualified personnel to give anesthesia to pediatric clients;

(6) have a separate area for children with provisions made for parents who wish to remain with their child during preparation for surgery and the post-operative period, including the recovery from anesthesia;

(7) have facilities to isolate clients with conditions requiring isolation or separation;

(8) have operating facilities appropriate for the type of procedures conducted at the facility;

(9) have a laboratory department with facilities and qualified personnel for hematology, chemistry, microbiology, and serology testing as appropriate for the type of procedures conducted at the facility;

(10) have a radiology department with facilities and qualified personnel to treat children for conditions related to the type of procedures conducted at the facility;

(11) have other facilities appropriate for the type of procedures conducted at the facility;

(12) have regularly scheduled inservice programs for all health-care staff relating to children and pediatric conditions;

(13) have written protocols which state the conditions under which a client would be transferred to a hospital to receive services not available within the ambulatory surgical facility;

(14) have written protocols which state the method of transfer of a client to the hospital, when necessary; and

(15) have a written agreement with a hospital to accept a patient transferring from the ambulatory surgical facility in an emergency situation.

(f) Designation of prosthetics and orthotics appliance facilities. Each prosthetics and orthotics appliance facility approved to provide services for the care and treatment of eligible persons shall have employees certified by the American board for certification in orthotics and prosthetics, in accordance with the "practitioner certification book of rules," effective October 1996, and "technician registration book of rules," revised June 1994.

(g) Designation of pharmacies. Each pharmacy approved to provide services for the care and treatment of eligible persons shall be registered as a pharmacy by the Kansas state board of pharmacy.

(h) Designation of home health agencies. Each home health agency approved to provide services for the care and treatment of eligible persons shall be licensed as a home health agency by the secretary.

(i) Designation of other providers. Other providers approved to provide medical, surgical, and other services for the care and treatment of eligible persons, except for out-of-state providers authorized by K.A.R. 28-4-408, shall meet the following standards.

(1) Each audiologist shall be licensed as an audiologist by the secretary.

(2) Each dentist shall be licensed by the Kansas dental board, and each dental specialist shall be licensed to practice that specialty by the Kansas dental board.

(3) Each hearing aid dealer shall be licensed by the Kansas board of hearing aid examiners to fit and dispense hearing aids.

(4) Each nurse shall be licensed as a registered professional nurse by the Kansas state board of nursing.

(5) Each nutritionist shall be licensed as a dietician by the secretary.

(6) Each ocularist shall be certified by the national examining board of ocularists, in accordance with the "certification, registration and recertification," effective 1995.

(7) Each occupational therapist shall be licensed as an occupational therapist by the Kansas state board of healing arts.

(8) Each optometrist shall be licensed by the Kansas board of examiners in optometry.

(9) Each oral surgeon shall be licensed as an oral surgeon by the Kansas dental board.

(10) Each orthodontist shall hold an orthodontist's license issued by the Kansas dental board.

(11) Each physical therapist shall be licensed as a physical therapist by the Kansas state board of healing arts.

(12) Each physician shall be licensed by the Kansas state board of healing arts. Physicians providing medical specialty services shall be certified by the appropriate specialty board within three years of being accepted as a provider for the services for children with special health care needs program.

(13) Each respiratory therapist shall be licensed by the state board of healing arts.

(14) Each social worker shall have a master's degree in social work and shall be licensed by the Kansas behavioral sciences regulatory board.

(15) Each speech therapist shall be licensed as a speech therapist by the secretary.

(j) Responsibilities. Each provider of service shall agree that race, color, religion, national origin or ancestry shall not be a basis for refusing to provide service. In addition, each provider shall agree to comply with the following requirements:

(1) Submit reports requested by the services for children with special health care needs program;

(2) accept responsibility for the care and treatment provided to persons under the services for children with special health care needs program;

(3) be a medicaid provider;

(4) accept and bill insurance and medicaid, when available;

(5) accept as payment in full, payment from medicaid for medicaid-eligible services, without receiving a supplement from the services for children with special health care needs program;

(6) accept as payment in full, payments from an insurance carrier for services covered under a policy, supplemented to equal the services for children with special health care needs allowable rate, when applicable;

(7) accept as payment in full the fees established by the secretary and shall not bill families for any service covered by the services for children with special health care needs program without permission of the secretary; and

(8) notify the secretary of withdrawal from the services for children with special health care needs program.

(Authorized by and implementing K.S.A. 65-5a08; effective May 1, 1982; amended May 1, 1983; amended, T-85-41, Dec. 19, 1984; amended May 1, 1985; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 26, 1989; amended April 15, 1991; amended Sept. 12, 1997.)

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