

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2114

As Amended by Senate Committee of the Whole

Brief*

HB 2114, as amended, would establish the Kansas Senior Care Task Force (Task Force). The bill would outline the topics to be studied by the Task Force, provide for the appointment and compensation of Task Force members, establish the frequency and location of meetings, require a preliminary and a final report to the Legislature, and require the Kansas Department for Aging and Disability Services (KDADS) to provide the Task Force with data and information that is not prohibited or restricted from disclosure by state and federal law.

The Task Force would sunset on June 30, 2023.

The bill would be in effect upon publication in the *Kansas Register*.

Task Force Study Topics

The Task Force would be required to study the following topics:

- Provision of care for Kansas seniors who suffer from Alzheimer's disease, dementia, or other age-related mental health conditions;
- Administration of antipsychotic medication to adult care home residents;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Safeguards to prevent abuse, neglect, and exploitation of seniors in the state;
- Adult care home surveys and fines;
- Funding and implementation of the Senior Care Act;
- Senior daycare resources in the state; and
- Rebalancing of home and community based services.

Organization of Task Force

Membership

The Task Force would consist of the following 22 members:

- The chairperson and ranking minority member of the Senate Committee on Public Health and Welfare;
- A member of the Senate Committee on Public Health and Welfare, appointed by the President of the Senate;
- The chairperson and ranking minority member of the House Committee on Children and Seniors;
- A member of the House Committee on Children and Seniors, appointed by the Speaker of the House;
- One representative from KDADS appointed by the Secretary for Aging and Disability Services;

- One representative from the Department of Health and Environment appointed by the Secretary of Health and Environment;
- The state long-term care ombudsman or the state long-term care ombudsman's designee;
- An elder law attorney, appointed by the Governor;
- One representative of the Area Agencies on Aging, appointed by the Secretary for Aging and Disability Services;
- One representative of the Kansas Adult Care Executives Association, appointed by the Governor;
- One representative of LeadingAge Kansas, appointed by LeadingAge Kansas;
- One representative of the Kansas Health Care Association, appointed by the Kansas Health Care Association;
- One representative of Kansas Advocates for Better Care, appointed by Kansas Advocates for Better Care;
- One representative of the Kansas Hospital Association, appointed by the Kansas Hospital Association;
- One representative of community mental health centers, appointed by the Association of Community Mental Health Centers of Kansas;
- One representative of an adult care home, appointed by the Secretary for Aging and Disability Services;

- One representative of the American Association of Retired Persons (AARP), appointed by AARP;
- One representative from the home and community-based services community, appointed by InterHab;
- One representative of the Alzheimer's Association, appointed by the Alzheimer's Association; and
- A consumer of Kansas senior services, appointed by the Speaker of the Silver Haired Legislature.

The bill would require the first members of the Task Force to be appointed on or before August 1, 2021. The appointing authorities would be required to provide notice of the appointments to the Secretary for Aging and Disability Services on the date of such appointment.

Vacancies on the Task Force would be filled by appointment and accompanied by notice to the Secretary for Aging and Disability Services in the manner provided for the original appointment.

Task Force Leadership and Public Records Custodian

The chairperson of the House Committee on Children and Seniors would serve as the first Task Force chairperson, and the chairperson of the Senate Committee on Public Health and Welfare would serve as the first vice-chairperson. The chairperson and vice-chairperson roles would alternate annually at the first meeting of the Task Force in each calendar year.

The chairperson of the Task Force would serve as the official custodian of the public records of the Task Force.

Compensation

If approved by the Legislative Coordinating Council, Task Force members attending meetings authorized by the Task Force would receive compensation as provided under KSA 75-3223(e), except Task Force members employed by a state agency would be reimbursed by such state agency.

Meetings

The Task Force would be authorized to meet in an open meeting at any time and at any place in the state upon the call of the chairperson. A majority of the voting members would constitute a quorum. Any action by the Task Force would require a motion adopted by a majority of voting members present when there is a quorum.

Support Services

The bill would require the staff of the Office of Revisor of Statutes, the Legislative Research Department, and the Division of Legislative Administrative Services to provide assistance as requested by the Task Force.

Data and Information Provided

KDADS, upon the request of the Task Force, would be required to provide data and information on senior services in the state that are not prohibited or restricted from disclosure by state or federal law, including conditions imposed by federal law or rules and regulations for participation in federal programs administered by the Secretary for Aging and Disability Services.

Annual Report

On or before the beginning of the 2022 Legislative Session, the Task Force would be required to submit a preliminary progress report to the Legislature detailing the Task Force's study. A final report of the Task Force's study would be due to the Legislature on or before the beginning of the 2023 Legislative Session. The bill would require the report to include recommended improvements regarding well-being of Kansas seniors, including recommended changes to state statutes, rules and regulations, policies, and programs.

Background

The bill was introduced by the House Committee on Children and Seniors at the request of Representative Concannon.

House Committee on Children and Seniors

In the House Committee hearing on January 28, 2021, representatives of AARP Kansas, Kansas Health Care Association/Kansas Center for Assisted Living, and LeadingAge Kansas, and a private citizen testified as **proponents** of the bill. The proponents stated support for the creation of the Task Force to address the future needs of Kansas elders.

Neutral testimony was provided by the State Long-Term Care Ombudsman and by representatives of the Alzheimer's Association and Kansas Advocates for Better Care. The neutral conferees generally were supportive of the Task Force but indicated the need for additional consumer-specific representation and recommended the addition of representatives of organizations and specific populations to the Task Force. No other testimony was provided.

On February 8, 2021, the House Committee amended the bill to add a representative of the Alzheimer's Association and a consumer of Kansas senior services to the Task Force membership.

House Committee of the Whole

On February 18, 2021, the House Committee of the Whole amended the bill to adjust the due dates for the reports required by the bill.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, representatives of AARP Kansas, the Alzheimer's Association, Kansas Advocates for Better Care, LeadingAge Kansas, and Oral Health Kansas provided **proponent** testimony.

Written-only **proponent** testimony was provided by the Kansas Association of Area Agencies on Aging and Disabilities.

No other testimony was provided.

The Senate Committee amended the bill to add the rebalancing of home and community based services as a study topic.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to change the membership and appointment authority for certain Task Force members. The Task Force positions previously to be filled by the vice-chairperson of the Senate Committee on Public Health and Welfare and the vice-chairperson of the House Committee on Children and Seniors were changed to be filled by a member of each of these committees, appointed by the President of the Senate and the Speaker of the House,

respectively. The entity with authority to appoint the representative of community mental health centers was changed from the Secretary for Aging and Disability Services to the Association of Community Health Centers of Kansas. The entity with authority to appoint the representative from the home and community based services community was changed from the Secretary for Aging and Disability Services to InterHab.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDADS indicates enactment of the bill would increase expenditures for the travel and meal costs of an agency member of the Task Force to attend meetings, but these costs could be absorbed within existing resources. The Legislative Coordinating Council indicates enactment of the bill would increase salary, subsistence, and other costs by approximately \$34,027 from the State General Fund in FY 2022. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Kansas Senior Care Task Force; establishment