

## 2023 Kansas Statutes

**39-1908. Kansas department for aging and disability services; parts of health occupations credentialing program transferred; criminal history record check program transferred; licensure and certification of certain persons transferred.** (a) The following parts of the health occupations credentialing program of the department of health and environment under the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011, and amendments thereto, shall be transferred to the Kansas department for aging and disability services and shall be administered by the secretary for aging and disability services:

- (1) Licensure of adult care home administrators, as defined by K.S.A. 65-3501, and amendments thereto;
- (2) licensure of dietitians, as defined by K.S.A. 65-5902, and amendments thereto;
- (3) certification of residential care facility operators, as defined by K.S.A. 39-923, and amendments thereto;
- (4) certification of activity directors, as defined by K.A.R. 26-39-100(a) on the effective date of K.S.A. 39-1901 through 39-1914, and amendments thereto;
- (5) certification of social service designees, as defined by K.A.R. 26-39-100(ppp) on the effective date of K.S.A. 39-1901 through 39-1914, and amendments thereto;
- (6) certification of nurse aides, as defined by K.A.R. 26-39-100(pp) on the effective date of K.S.A. 39-1901 through 39-1914, and amendments thereto;
- (7) certification of medication aides, as defined by K.A.R. 26-39-100(mm) on the effective date of K.S.A. 39-1901 through 39-1914, and amendments thereto;
- (8) certification of home health aides, as defined by K.S.A. 65-5101, and amendments thereto; and
- (9) maintenance of the Kansas nurse aide registry under K.S.A. 39-936(c), and amendments thereto, and K.S.A. 39-1411, and amendments thereto.

(b) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, and amendments thereto, K.S.A. 39-970, and amendments thereto, and K.S.A. 22-4707(b), and amendments thereto, is hereby transferred from the department of health and environment to the Kansas department for aging and disability services and shall be a part thereof.

(c) The licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the maintenance of the Kansas nurse aide registry and the criminal history record check program shall be administered by the secretary for aging and disability services. Nothing in K.S.A. 39-1901 through 39-1914, and amendments thereto, shall change or diminish the authority of the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto.

(d) Except as otherwise provided by K.S.A. 39-1901 through 39-1914, and amendments thereto, all powers, duties and functions of the secretary of health and environment pertaining to the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the Kansas nurse aide registry and the criminal record check program transferred by K.S.A. 39-1901 through 39-1914, and amendments thereto, are hereby transferred to and imposed upon the secretary for aging and disability services.

(e) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties and functions of the department of health and environment pertaining to those portions of the health occupations credentialing program transferred by K.S.A. 39-1901 through 39-1914, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the department

of health and environment in which such powers, duties and functions were vested prior to the effective date of K.S.A. 39-1901 through 39-1914, and amendments thereto.

**History:** Executive Reorganization Order No. 41, § 8; L. 2012, ch. 185, § 8; L. 2017, ch. 17, § 1; July 1.