



To: Chairwoman Concannon, and Members, House Children and Seniors Committee

From: Rachel Monger, Vice President of Government Affairs

Date: February 20, 2019

Neutral Testimony on House Bill 2360

Thank you, Chairman Concannon, and Members of the Committee. I am Rachel Monger, Vice President of Government Affairs for LeadingAge Kansas, the state association for not-for-profit and faith-based aging services.

We are providing neutral testimony today in order to address an unintended consequence of HB 2360, and to request a small amendment which we believe will fix the issue.

As written, the new background check rules and requirements in HB 2360 will apply to licensed providers of services to the elderly and people with disabilities. The problem is that licensed providers of services to the elderly and people with disabilities already have background check requirements in statute, which are much stricter and more comprehensive than those in HB 2360.

The bill exempts licensed child care providers from the definition of “qualified entity”, and thus exempts them from the contents of the bill. This is likely because licensed child care providers already have a licensing statute and background check requirements that the authors of the bill did not wish to interfere with. We are unclear why licensed providers of care for the elderly and persons with disabilities have not been exempted from the bill for the exact same reason.

In order to avoid the disaster of two competing and contradictory background check statutes for licensed adult care homes, home health agencies, and disability service providers, we request the committee to amend HB 2360 to include an exemption for entities licensed under K.S.A. 39-970, 39-2009 and 65-5117 in paragraph (a)(3) (lines 18-21) of the bill.

Thank you very much for your consideration of this issue, and we hope the committee will include our proposed amendment to HB 2360 before voting to move the bill forward.

Proposed Amendment to House Bill 2360; Paragraph (a)(3)

Be it enacted by the Legislature of the State of Kansas: Section 1.

(a) As used in this section:

(3) "Qualified entity" means a business or organization that provides care to children, the elderly or individuals with disabilities that is private, for profit, not-for-profit or voluntary, except organizations required to be licensed pursuant to K.S.A. 65-516, ***K.S.A. 39-970, K.S.A. 39-2009, K.S.A. 65-5117*** and amendments thereto.