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MEMORANDUM

To: House Committee on Children and Seniors
From: Office of Revisor of Statutes
Date: February 1, 2022
Subject: House Bill 2524; Requiring the secretary for aging and disability services to regulate supplemental nursing services agencies in the state of Kansas.

House Bill 2524 requires the secretary for aging and disability services to regulate supplemental nursing service agencies in the state of Kansas.

Section 1 defines terms used throughout the act. “Supplemental nursing services agencies” shall mean persons who provide or procure temporary employment for nurses and nurse aides in healthcare facilities. “Person” shall mean any natural or artificial person, including individuals and businesses entities. “Healthcare facility” shall include medical care facilities and adult care homes, as already defined in the Kansas Statutes Annotated. Other terms defined in the section include, act, controlling persons, hospital long-term care unit, nurse, nurse aide, person and secretary.

In Section 2, the secretary shall oversee supplemental nursing services agencies and exercise rules and regulation authority to carry out the provisions of the act. The secretary shall establish a system for the reporting of complaints against supplemental nursing services agencies and employees of such agencies.

Section 3 requires any person who operates a supplemental nursing services agency to register annually with the secretary. Applications shall include the items listed in subsection (b), such as names of the owners, any corporation documentation, proof of compliance, and record policy of such agency, otherwise the secretary shall immediately deny the application. Such agencies shall pay a registration fee of \$2,035. Any registration issued by the secretary would be

effective for a period of one year from the date of its issuance. Subsection (e) creates the supplemental nursing services agency regulation fund. Registration fees submitted to the secretary shall be credited to the fund.

Section 4 contains the penalty provisions of the bill. Subsection (a) lists the conditions of registration, which includes a requirement that supplemental nursing services agencies perform criminal history records checks in accordance with K.S.A. 39-970 and that the agencies retain records for five calendar years and keep the records organized so that they can be made immediately available to the secretary upon request. Failure to comply with the provisions of the section would subject a supplemental nursing service agency to revocation or nonrenewal of its registration.

Section 5 would prohibit supplemental nursing services agencies from billing or receiving payments from adult care homes or hospital long-term care units above a specific set rate. The maximum allowable rate would include all charges for administrative fees, contract fees or other special charges in addition to the hourly rates for the supplied temporary nursing personnel. Agencies would be fined for violation of this section and such fines submitted to the secretary shall be credited to the supplemental nursing services agency regulation fund.