

**REVISED**  
**SESSION OF 2022**

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 453**

As Amended by Senate Committee on Public  
Health and Welfare

**Brief\***

SB 453, as amended, would amend statute concerning training for certified aides to work in adult care homes to allow licensed practical nurses to teach certain training courses.

Current statute requires unlicensed employees of an adult care home, with certain exceptions, who provide direct, individual care to residents, who do not administer medications to residents, and who have not completed a course of education and training relating to resident care and treatment approved by the Secretary for Aging and Disability Services (Secretary) or are not participating in such a course, to successfully complete 40 hours of training in basic resident care skills. The bill would replace references to “unlicensed employees” with “certified aides” and add language allowing registered professional nurses or licensed practical nurses, who are licensed and in good standing to practice in Kansas, to be instructors of training courses on basic resident care skills. An instructor with multi-state licensure privilege would also satisfy this requirement.

As evidence of successful completion of the training course, the bill would require certified aides to demonstrate competency in a list of skills identified and prescribed by the Secretary. The bill would require the skills demonstration to be evaluated by a registered professional nurse licensed, including multi-state licensure privilege, and in good standing in Kansas, with at least one year of licensed nursing

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\*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>

experience providing care for the elderly or chronically ill in a health care setting.

The bill would clarify that all medical care and treatment must be given under the direction of a person licensed by the Board of Healing Arts to practice medicine and surgery.

The bill would also make technical amendments.

## **Background**

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of Senator O'Shea.

### ***Senate Committee on Public Health and Welfare***

During the Senate Committee hearing on February 15, 2022, the President of Wichita State University Tech and representatives of Comfort Care Homes and Comfort Keepers, NMC Health, and the Wichita Regional Chamber of Commerce provided **proponent** testimony, stating that the bill would address the current shortage of registered nurses affecting adult care facilities. Proponents stated that the bill would allow for greater flexibility for instructors and for care facilities that must stay open, regardless of staffing shortages.

Written-only proponent testimony was provided by representatives of Axiom Healthcare Services, Care Haven Homes, Catholic Care Center, Comfort Care Homes of Harvey County, Good Shepherd Hospice, the Greater Kansas City Chamber of Commerce, Harry Hynes Memorial Hospice, Kansas Adult Care Executives, Kansas Health Care Association and Kansas Center for Assisted Living, Kansas Hospital Association, Kansas Technical Colleges, LeadingAge Kansas, Midland Care, Mission Health, and NMC Health.

**Opponent** testimony was provided by representatives from Kansas Advocates for Better Care and Kansas State

Nurses Association, stating concern that decreased educational requirements and lack of certification would negatively impact the quality of care for residents and patients.

Written-only opponent testimony was provided by the Kansas State Long-Term Care Ombudsman.

Neutral testimony was provided by a representative of the Kansas Association of Community College Trustees, requesting that any changes made to training comply with federal Centers for Medicaid and Medicare Services regulations and that a registered nurse still be required to provide oversight in cases where other providers would be teaching.

Written-only neutral testimony was provided by a representative of the Board of Nursing.

The Senate Committee amended the bill to remove a provision relating to simulation experiences in training courses and to replace references to “unlicensed employees” with “certified aides.”

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board of Nursing indicates that enactment of the bill would require communication with registered nurses and licensed practical nurses and any costs of communication would be absorbed by the Board. The Kansas Department for Aging and Disability Services indicates that enactment of the bill would have no fiscal effect on the agency.

Adult care homes; home health; nurse training; certified aides