

## 2023 Kansas Statutes

**65-5101. Definitions.** As used in this act, unless the context otherwise requires:

- (a) "Attendant care services" means basic and ancillary services provided under home and community based services waiver programs;
- (b) "council" means the home health services advisory council created by this act;
- (c) "home health agency" means a public or private agency or organization or a subdivision or subunit of such agency or organization that provides for a fee one or more home health services, supportive care services or attendant care services provided under home and community based services waiver programs at the residence of a patient but does not include local health departments which are not federally certified home health agencies, durable medical equipment companies which provide home health services by use of specialized equipment, independent living agencies, the Kansas department for aging and disability services and the department of health and environment;
- (d) "home health services" means any of the following services provided at the current residence of the patient on a full-time, part-time or intermittent basis: Nursing, physical therapy, speech therapy, nutritional or dietetic consulting, occupational therapy, respiratory therapy, home health aide or medical social service;
- (e) "home health aide" means an employee of a home health agency who is a certified nurse aide, is in good standing on the public nurse aide registry maintained by the Kansas department for aging and disability services and has completed a 20-hour home health aide course approved by the Kansas department for aging and disability services who assists, under registered nurse supervision, in the provision of home health services and who provides assigned health care to patients but shall not include employees of a home health agency providing only supportive care services or attendant care services;
- (f) "independent living agency" means a public or private agency or organization or a subunit of such agency or organization whose primary function is to provide at least four independent living services, including independent living skills training, advocacy, peer counseling and information and referral as defined by the rehabilitation act of 1973, title VII, part B, and such agency shall be recognized by the secretary for aging and disability services as an independent living agency. Such agencies include independent living centers and programs which meet the following quality assurances:
  - (1) Accreditation by a nationally recognized accrediting body such as the commission on accreditation of rehabilitation facilities; or
  - (2) receipt of grants from the state or the federal government and currently meets standards for independent living under the rehabilitation act of 1973, title VII, part B, sections (a) through (k), or comparable standards established by the state; or
  - (3) compliance with requirements established by the federal government under rehabilitation services administration standards for centers for independent living;
- (g) "part-time or intermittent basis" means the providing of home health services in an interrupted interval sequence on the average of not to exceed three hours in any twenty-four-hour period;
- (h) "patient's residence" means the actual place of residence of the person receiving home health services, including institutional residences as well as individual dwelling units;
- (i) "secretary" means secretary of health and environment;
- (j) "subunit" or "subdivision" means any organizational unit of a larger organization which can be clearly defined as a separate entity within the larger structure, which can meet all of the requirements of this act independent of the larger organization, which can be held accountable for the care of patients it is serving and which provides to all patients care and services meeting the standards and requirements of this act;
- (k) "supportive care services" means services that do not require supervision by a healthcare professional, such as a physician assistant or registered nurse, to provide assistance with activities of daily living that the consumer could perform if such consumer were physically capable, including, but not limited to, bathing, dressing,

eating, medication reminders, transferring, walking, mobility, toileting and continence care, provided in the consumer's temporary or permanent place of residence so that the consumer can remain safely and comfortably in the consumer's temporary or permanent place of residence. "Supportive care services" does not include any home health services; and

(l) "supportive care worker" means an employee of a home health agency who provides supportive care services.

**History:** L. 1984, ch. 335, § 1; L. 1985, ch. 222, § 1; L. 1990, ch. 233, § 1; L. 2014, ch. 115, § 269; L. 2017, ch. 17, § 2; July 1.