

State of Kansas

Department on Aging

Permanent Administrative
Regulations

Article 39.—ADULT CARE HOMES

26-39-100. Definitions. The following terms and definitions shall apply to all of the department's regulations governing adult care homes:

(a) "Activities director" means an individual who meets at least one of the following requirements:

- (1) Has a degree in therapeutic recreation;
- (2) is licensed in Kansas as an occupational therapist or occupational therapy assistant;
- (3) has a bachelor's degree in a therapeutic activity field in art therapy, horticultural therapy, music therapy, special education, or a related therapeutic activity field;
- (4) is certified as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body;
- (5) has two years of experience in a social or recreational program within the last five years, one of which was full-time in an activities program in a health care setting; or

(6) has completed a course approved by the Kansas department of health and environment in resident activities coordination and receives consultation from a therapeutic recreation specialist, an occupational therapist, an occupational therapy assistant, or an individual with a bachelor's degree in art therapy, music therapy, or horticultural therapy.

(b) "Administrator" means an individual who is responsible for the general administration of an adult care home, whether or not the individual has an ownership interest in the adult care home. Each administrator of an adult care home shall be licensed in accordance with K.S.A. 65-3501 et seq. and amendments thereto.

(c) "Adult care home" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(d) "Adult day care" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(e) "Advanced registered nurse practitioner" means an individual who is certified by the Kansas board of nursing as an advanced registered nurse practitioner.

(f) "Alteration" means any addition to, modification of, or modernization of the structure or usage of a facility.

(g) "Ambulatory resident" means any resident who is physically and mentally capable of performing the following without the assistance of another person:

- (1) Getting in and out of bed; and
- (2) walking between locations in the living environment.

(h) "Applicant" means any individual, firm, partnership, corporation, company, association, or joint stock association requesting a license to operate an adult care home.

(i) "Assisted living facility" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(j) "Audiologist" means an individual who is licensed by the Kansas department of health and environment as an audiologist.

(k) "Basement" means the part of a building that is below grade.

(l) "Biologicals" means medicinal preparations made from living organisms and their products, including serums, vaccines, antigens, and antitoxins.

(m) "Boarding care home" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(n) "Case manager" means an individual assigned to a resident to provide assistance in access and coordination of information and services in a program authorized by the Kansas department on aging, the Kansas department of social and rehabilitation services, or the Kansas health policy authority.

(o) "Change of ownership" means any transaction that results in a change of control over the capital assets of an adult care home.

(p) "Chemical restraint" means a medication or biological that meets the following conditions:

- (1) Is used to control a resident's behavior or restrict a resident's freedom of movement; and
- (2) is not a standard treatment for a resident's medical or psychiatric condition.

(q) "Clinical record" means the record that includes all the information and entries reflecting each resident's course of stay in an adult care home.

(r) "Complicated feeding problems" shall include difficulty with swallowing, recurrent lung aspirations, and tube, parenteral, or intravenous feedings.

(s) "Controlled substance" means any medication, substance, or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, K.S.A. 65-4107, K.S.A. 65-4109, K.S.A. 65-4111, and K.S.A. 65-4113, and amendments thereto.

(t) "Day shift" means any eight-hour to 12-hour work period that occurs between the hours of 6 a.m. and 9 p.m.

(u) "Department" means the Kansas department on aging.

(v) "Dietetic services supervisor" means an individual who meets one of the following requirements:

- (1) Is licensed in Kansas as a dietitian;
- (2) has an associate's degree in dietetic technology from a program approved by the American dietetic association;

(3) is a dietary manager who is certified by the board of the dietary managers' association; or

(4) has training and experience in dietetic services supervision and management that are determined by the Kansas department on aging to be equivalent in content to the requirement specified in paragraph (2) or (3) of this subsection.

(w) "Dietitian" means an individual who is licensed by the Kansas department of health and environment as a dietitian.

(x) "Direct care staff" means the individuals employed by or working under contract for an adult care home who assist residents in activities of daily living. These activities may include the following:

- (1) Ambulating;
- (2) bathing;
- (3) bed mobility;
- (4) dressing;

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and has not been issued a nurse aide certificate by the Kansas department of health and environment.

(rr) "Nursing facility" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(ss) "Nursing facility for mental health" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(tt) "Nursing personnel" means all of the following:

- (1) Registered professional nurses;
- (2) licensed practical nurses;
- (3) licensed mental health technicians in nursing facilities for mental health;
- (4) medication aides;
- (5) nurse aides;
- (6) nurse aide trainees; and
- (7) paid nutrition assistants.

(uu) "Nursing unit" means a distinct area of a nursing facility serving not more than 60 residents and including the service areas and rooms described in K.A.R. 28-39-162a.

(vv) "Occupational therapist" means an individual who is licensed with the Kansas board of healing arts as an occupational therapist.

(ww) "Occupational therapy assistant" means an individual who is licensed by the Kansas board of healing arts as an occupational therapy assistant.

(xx) "Operator" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(yy) "Paid nutrition assistant" has the meaning specified in K.S.A. 39-923 and amendments thereto. In addition, each paid nutrition assistant shall meet the following requirements:

- (1) Have successfully completed a nutrition assistant course approved by the Kansas department of health and environment;
- (2) provide assistance with eating to residents of an adult care home based on an assessment by the supervising licensed nurse, the resident's most recent minimum data set assessment or functional capacity screening, and the resident's current care plan or negotiated service agreement;
- (3) provide assistance with eating to residents who do not have complicated feeding problems;
- (4) be supervised by a licensed nurse on duty in the facility; and
- (5) contact the supervising licensed nurse verbally or on the resident call system for help in case of an emergency.

(zz) "Personal care" means assistance provided to a resident to enable the resident to perform activities of daily living, including ambulating, bathing, bed mobility, dressing, eating, personal hygiene, toileting, and transferring.

(aaa) "Pharmacist" has the meaning specified in K.S.A. 65-1626 and amendments thereto.

(bbb) "Physical restraint" means any method or any physical device, material, or equipment attached or adjacent to the resident's body and meeting the following criteria:

- (1) Cannot be easily removed by the resident; and
- (2) restricts freedom of movement or normal access to the resident's body.

(ccc) "Physical therapist" means an individual who is licensed by the Kansas board of healing arts as a physical therapist.

(ddd) "Physical therapy assistant" means an individual who is certified by the Kansas board of healing arts as a physical therapy assistant.

(eee) "Physician" has the meaning specified in K.S.A. 65-28,102 and amendments thereto.

(fff) "Psychopharmacologic drug" means any medication prescribed with the intent of controlling mood, mental status, or behavior.

(ggg) "Registered professional nurse" means an individual who is licensed by the Kansas state board of nursing as a registered professional nurse.

(hhh) "Resident" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(iii) "Resident capacity" means the number of an adult care home's beds or adult day care slots, as licensed by the Kansas department on aging.

(jjj) "Respite care" means the provision of services to a resident on an intermittent basis for periods of fewer than 30 days at any one time.

(kkk) "Restraint" is the control and limitation of a resident's movement by physical, mechanical, or chemical means.

(lll) "Sanitization" means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on utensils and equipment.

(mmm) "Secretary" means the secretary of the department on aging.

(nnn) "Self-administration of medication" means the determination by a resident of when to take a medication or biological and how to apply, inject, inhale, ingest, or take a medication or biological by any other means, without assistance from nursing staff.

(ooo) "Significant change in condition" means a decline or improvement in a resident's mental, psychosocial, or physical functioning that requires a change in the resident's comprehensive plan of care or negotiated service agreement.

(ppp) "Social services designee" means an individual who meets at least one of the following qualifications:

- (1) Is licensed by the Kansas behavioral sciences regulatory board as a social worker;
- (2) has a bachelor's degree in a human service field, including social work, sociology, special education, rehabilitation counseling, or psychology, and receives supervision from a licensed social worker; or
- (3) has completed a course in social services coordination approved by the Kansas department of health and environment and receives supervision from a licensed social worker on a regular basis.

(qqq) "Social worker" means an individual who is licensed by the Kansas behavioral sciences regulatory board as a social worker.

(rrr) "Speech language pathologist" means an individual who is licensed by the Kansas department of health and environment as a speech-language pathologist.

(sss) "Working day" means any day other than a Saturday, Sunday, or day designated as a holiday by the

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care home, or adult day care facility shall submit a drawing of the proposed facility that includes identification and dimensions of rooms or areas as required in the following regulations:

(A) For a home plus, K.A.R. 28-39-437;

(B) for a boarding care home, K.A.R. 28-39-411; and

(C) for an adult day care facility, K.A.R. 28-39-289 through K.A.R. 28-39-291.

(6) The applicant shall submit to the department any changes from the plans, specifications, or drawings on file at the department.

(e) Alteration and remodeling of licensed adult care homes involving structural elements.

(1) The licensee shall submit one copy of final plans, which shall be sealed, signed, and certified by a licensed architect to be in compliance with the following regulations:

(A) For a nursing facility, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(B) for an intermediate care facility for the mentally retarded with at least six beds and not more than 16 beds, K.A.R. 28-39-225;

(C) for an intermediate care facility for the mentally retarded with 17 or more beds, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(D) for an assisted living facility or a residential health care facility, K.A.R. 28-39-254 through K.A.R. 28-39-256; and

(E) for a nursing facility for mental health, K.A.R. 28-39-227.

(2) The licensee shall submit to the department a 30-day notice for each of the following:

(A) The date on which the architect estimates that 50% of the construction will be completed;

(B) the date on which the architect estimates all construction will be completed; and

(C) any changes in the plans or specifications information for the alterations and remodeling.

(f) Alteration, remodeling, and relocation of required rooms and areas in adult care homes not involving structural elements.

(1) The licensee shall submit a drawing of the facility floor plan that includes identification and dimensions of the affected room or areas and shall ensure compliance as required in the following regulations:

(A) For a nursing facility, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(B) for an intermediate care facility for the mentally retarded with at least six beds and not more than 16 beds, K.A.R. 28-39-225;

(C) for an intermediate care facility for the mentally retarded with 17 or more beds, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(D) for an assisted living facility or a residential health care facility, K.A.R. 28-39-254 through K.A.R. 28-39-256; and

(E) for a nursing facility for mental health, K.A.R. 28-39-227.

(2) The licensee shall provide the department with a 30-day notice of the estimated date on which the alteration, remodeling, or relocation will be complete.

(g) Change in use of a required room or area. If an administrator or operator changes resident bedrooms, individual living units, and apartments used for an alternative purpose back to resident bedrooms, individual living units, and apartments, the administrator or operator shall obtain the secretary's approval before the change is made.

(h) Change of resident capacity. Each licensee shall submit a written request for any proposed change in resident capacity to the department. The effective date of a change in resident capacity shall be the first day of the month following department approval.

(i) Change of administrator, director of nursing, or operator. Each licensee of an adult care home shall notify the department within two working days if there is a change in administrator, director of nursing, or operator. When a new administrator or director of nursing is employed, the licensee shall notify the department of the name, address, and Kansas license number of the new administrator or director of nursing. When a new operator is employed, the licensee shall notify the department of the name and address of the new operator and provide evidence that the individual has completed the operator course as specified by the secretary of the Kansas department of health and environment pursuant to K.S.A. 39-923 and amendments thereto.

(j) Administrator or operator supervision of multiple homes. An administrator or operator may supervise more than one separately licensed adult care home if the following requirements are met:

(1) Each licensee shall request prior authorization from the department for a licensed administrator or an operator to supervise more than one separately licensed adult care home. The request shall be submitted on the appropriate form and include assurance that the lack of full-time, on-site supervision of the adult care homes will not adversely affect the health and welfare of residents.

(2) All of the adult care homes shall be located within a geographic area that allows for daily on-site supervision of all of the adult care homes by the administrator or operator.

(3) The combined resident capacities of separately licensed nursing facilities, assisted living facilities, residential health care facilities, homes plus, and adult day care facilities shall not exceed 120 for a licensed administrator.

(4) The combined resident capacities of separately licensed assisted living facilities, residential health care facilities, homes plus, and adult day care facilities shall not exceed 60 for an operator.

(5) The combined number of homes plus shall not exceed four homes for a licensed administrator or an operator.

(k) Reports. Each licensee shall file reports with the department on forms and at times prescribed by the department.

(l) Fees. Each initial application for a license and each annual report filed with the department shall be accompanied by a fee of \$30.00 for each resident in the stated resident capacity plus \$100.00. Each requested change in resident capacity shall be accompanied by a fee of \$30.00 for each resident increase or decrease in the stated resi-

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(5) for residents who have developmental disabilities or who are mentally ill, the address and telephone number of the Kansas advocacy and protection organization.

(h) The administrator or operator, or the designee, shall provide sufficient preparation and orientation to each resident before discharge to ensure a safe and orderly transfer and discharge from the adult care home.

(i) The administrator or operator, or the designee, shall ensure the development of a discharge plan, with the involvement of the resident, the resident's legal representative, and designated family when practicable.

(j) If the resident is transferred or discharged to another health care facility, the administrator or operator, or the designee, shall ensure that sufficient information accompanies the resident to ensure continuity of care in the new facility.

(k) Before a resident in a nursing facility, nursing facility for mental health, intermediate care facility for the mentally retarded, assisted living facility, residential health care facility, or home plus is transferred to a hospital or goes on therapeutic leave, the administrator or operator, or the designee, shall provide written information to the resident or the resident's legal representative and, if agreed to by the resident or the resident's legal representative, the resident's family, that specifies the following:

(1) The period of time during which the resident is permitted to return and resume residence in the facility;

(2) the cost to the resident, if any, to hold the resident's bedroom, apartment, individual living unit, or adult day care slot until the resident's return; and

(3) a provision that when the resident's hospitalization or therapeutic leave exceeds the period identified in the policy of a nursing facility, the resident will be readmitted to the nursing facility upon the first availability of a comparable room if the resident requires the services provided by the nursing facility. (Authorized by and implementing K.S.A. 39-932; effective May 22, 2009.)

26-39-103. Resident rights in adult care homes. (a) Protection and promotion of resident rights. Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident shall have a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the adult care home.

(b) Exercise of rights.

(1) The administrator or operator shall ensure that each resident is afforded the right to exercise the resident's rights as a resident of the adult care home and as a citizen.

(2) The administrator or operator shall ensure that each resident is afforded the right to be free from interference, coercion, discrimination, or reprisal from adult care home staff in exercising the resident's rights.

(3) If a resident is adjudged incompetent under the laws of the state of Kansas, the resident's legal representative shall have the power to exercise rights on behalf of the resident.

(4) In the case of a resident who has executed a durable power of attorney for health care decisions, the agent may exercise the rights of the resident to the extent provided by K.S.A. 58-625 et seq. and amendments thereto.

(c) Notice of rights and services.

(1) Before admission, the administrator or operator shall ensure that each resident or the resident's legal representative is informed, both orally and in writing, of the following in a language the resident or the resident's legal representative understands:

(A) The rights of the resident;

(B) the rules governing resident conduct and responsibility;

(C) the current rate for the level of care and services to be provided; and

(D) if applicable, any additional fees that will be charged for optional services.

(2) The administrator or operator shall ensure that each resident or the resident's legal representative is notified in writing of any changes in charges or services that occur after admission and at least 30 days before the effective date of the change. The changes shall not take place until notice is given, unless the change is due to a change in level of care.

(d) Inspection of records.

(1) The administrator or operator shall ensure that each resident or resident's legal representative is afforded the right to inspect records pertaining to the resident. The administrator or operator, or the designee, shall provide a photocopy of the resident's record or requested sections of the resident's record to each resident or resident's legal representative within two working days of the request. If a fee is charged for the copy, the fee shall be reasonable and not exceed actual cost, including staff time.

(2) The administrator or operator shall ensure access to each resident's records for inspection and photocopying by any representative of the department.

(e) Informed of health status. The administrator or operator shall ensure that each resident and the resident's legal representative are afforded the right to be fully informed of the resident's total health status, including the resident's medical condition.

(f) Free choice. The administrator or operator shall ensure that each resident, or resident's legal representative on behalf of the resident, is afforded the right to perform the following:

(1) Choose a personal attending physician;

(2) participate in the development of an individual care plan or negotiated service agreement;

(3) refuse treatment;

(4) refuse to participate in experimental research; and

(5) choose the pharmacy where prescribed medications are purchased. If the adult care home uses a unit-dose or similar medication distribution system, the resident shall have the right to choose among pharmacies that offer or are willing to offer the same or a compatible system.

(g) Management of financial affairs. The administrator or operator shall ensure that each resident is afforded the right to manage personal financial affairs and is not required to deposit personal funds with the adult care home.

(h) Notification of changes.

(1) The administrator or operator shall ensure that designated facility staff inform the resident, consult with the resident's physician, and notify the resident's legal rep-

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26-39-105. Adoptions by reference: general. The following material shall apply to all adult care homes except nursing facilities for mental health, intermediate care facilities for the mentally retarded, and boarding care homes:

(a) Dietary guidelines. In the "dietary guidelines for Americans," 2005, published by the U.S. department of health and human services and U.S. department of agriculture, appendixes A-1 and A-2 and "notes for appendix A-2" are hereby adopted by reference.

(b) Infection control. The department's document titled "tuberculosis (TB) guidelines for adult care homes," dated July 2008, is hereby adopted by reference. (Authorized by and implementing K.S.A. 39-932; effective May 22, 2009.)

26-39-144. (Authorized by K.S.A. 39-932; implementing K.S.A. 2004 Supp. 39-923, K.S.A. 2004 Supp. 39-

925, and K.S.A. 39-932; effective Nov. 4, 2005; revoked May 22, 2009.)

Article 39.—LICENSURE OF ADULT CARE HOMES

28-39-145a. (Authorized by K.S.A. 39-930, 39-932, and 39-933; implementing K.S.A. 39-927, 39-930, 39-932, and 39-933; effective Oct. 8, 1999; revoked May 22, 2009.)

28-39-146. (Authorized by and implementing K.S.A. 39-954; effective Nov. 1, 1993; amended Feb. 21, 1997; revoked May 22, 2009.)

28-39-147 and 28-39-148. (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; revoked May 22, 2009.)

Kathy Greenlee
Secretary of Aging

Doc. No. 037027

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14-8-6	Revoked	V. 27, p. 1214
14-8-7	Amended	V. 27, p. 1214
14-8-8	Revoked	V. 27, p. 1214
14-8-12	Revoked	V. 27, p. 1214
14-17-7	New	V. 27, p. 1214

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-25-1	New	V. 27, p. 356

(continued)

DEFINITIONS FOR ADULT CARE HOMES
 K.A.R. 26-39-100 SUMMARY OF CHANGES
 (Replaces K.A.R. 26-39-144)

(Does not include inconsequential revisions to language or format)

(ddd)(2)	Physician	Added PA and ARNP acting within lawful scope of licensure and under direction and supervision of physician to definition	None – added clarification and statutory authority
(nnn)	Social Services Designee	Added bachelor's degree in social work as acceptable qualification	None

LICENSURE OF ADULT CARE HOMES
 K.A.R. 26-39-101 SUMMARY OF CHANGES
 (Replaces K.A.R. 28-39-145a)

(Does not include inconsequential revisions to language or format)

	(g) . . . Each licensee of an ACH shall notify the department <i>immediately</i> if there is a change in administrator, director of nursing, or operator.	Each licensee of an ACH shall notify the department <i>within two working days</i> if there is a change in administrator, director of nursing, or operator.	None
(i)	Language from: K.A.R. 28-39-163(a)(4) Administration (NF) K.A.R. 28-39-240(c) Administration (ALF/RHC) K.A.R. 28-39-425(b)(4) Administration (HP) K.A.R. 28-39-275(c) Administration (ADC)	Removed 2-year experience requirement from NF regs; Defined "proximate geographic area" to be "a geographic area that allows for daily on-site supervision"; HP – Converted max allowed from 20 residents to 4 homes; ADC – Changed maximum allowable residents from 100 to 120 for administrator and 60 for operator.	Minimal impact on providers; changes believed to be budget neutral.
(l)	(j) Each initial application for a license and each annual report filed with the department shall be accompanied by a fee of \$15.00 for each resident in the stated resident capacity plus \$50.00. Each requested change in resident capacity shall be accompanied by a fee of \$15.00 for each resident increase or decrease in the stated resident capacity plus \$50.00.	Each initial application for a license and each annual report filed with the department shall be accompanied by a fee of \$30.00 for each resident in the stated resident capacity plus \$100.00. Each requested change in resident capacity shall be accompanied by a fee of \$30.00 for each resident increase or decrease in the stated resident capacity plus \$100.00.	Impact on average size ACH annually is as follows: NF (82 beds) - \$1,280 NFMH (65 beds) - \$1,025 ICF/MR (7 beds) - \$155 ALF (47 beds) - \$755 RHC (33 beds) - \$545 HP (7 beds) - \$155 BCH (6 beds) - \$140 ADC (36 slots) - \$590

RESIDENT RIGHTS IN ADULT CARE HOMES
K.A.R. 26-39-103 SUMMARY OF CHANGES
(Replaces K.A.R. 28-39-147)

(Does not include inconsequential revisions to language or format)

Sec/Para	K.A.R. 28-39-147	K.A.R. 26-39-103	Economic Impact
Intro	Currently applies to NFs, ALF/RHCs, HPs, BCHs, and ADCs	Regulation expanded to include NFMHs and ICF/MRs	None
(c)(1)(C) (c)(1)(D)	Before admission . . . each resident . . . shall be informed of . . . the current rates and services.	Before admission . . . each resident . . . shall be informed of the current rate for the level of care and services to be provided; and if applicable, any additional fees that will be charged for optional services.	None – clarification of current regulation
(d)(1)	Right to inspect records pertaining to the resident . . . shall provide a photocopy of the resident's record . . . The adult care home may charge a fee for the copies which shall not exceed community standards. None	Right to inspect records pertaining to the resident . . . shall provide a photocopy of the resident's record . . . If a fee is charged for the copy, the fee shall be reasonable and not exceed actual cost, including staff time. The administrator or operator shall ensure access to each resident's records for inspection and photocopying by any representative of the department.	Minimal impact on providers
(d)(2)	None	The administrator or operator shall ensure access to each resident's records for inspection and photocopying by any representative of the department.	None – added clarification and statutory authority
(h)(2)	The ACH shall promptly notify the resident . . . when there is a change in room or roommate assignment.	The administrator or operator shall ensure that a designated staff member informs the resident . . . whenever the designated staff member learns that the resident will have a change in room or roommate assignment.	None – clarification based on Regulation Interpretation
(q)	Self-administration of drugs. The ACH shall afford each resident the right to self-administer drugs in a NF unless the resident's attending physician and the interdisciplinary team has determined that this practice is unsafe. In ALF/RHC, HP, and ADC, a resident may self-administer drugs unless a registered professional nurse or a physician has determined that this practice is unsafe.	Self-administration of drugs medication. . . . Added NFMH to paragraph. (No change in current regulatory requirements specified in CFR 483.10(n)). In ALF/RHC, HP, and ADC, a resident may self-administer medication if a licensed nurse has determined that the resident can perform this function safely and accurately.	None - change made based on requests from providers as each facility is responsible for medication safety

Thank them for taking the physician out.

ADOPTION BY REFERENCE: GENERAL -- APPLICABLE TO ADULT CARE HOMES
 K.A.R. 26-39-105 SUMMARY OF CHANGES
 (No existing K.A.R.)

Sec/Para	K.A.R. 26-39-104	Economic Impact
n/a	<p>Adoptions by reference: general. The following material shall apply to all adult care homes except nursing facilities for mental health, intermediate care facilities for the mentally retarded, and boarding care homes:</p> <p>(a) Dietary guidelines. In the "dietary guidelines for Americans," 2005, published by the U.S. department of health and human services and U.S. department of agriculture, appendixes A-1 and A-2 and "notes for appendix A-2" are hereby adopted by reference.</p> <p>(b) Infection control. The department's document titled "tuberculosis (TB) guidelines for adult care homes," dated July 2008, is hereby adopted by reference.</p>	<p>Materials adopted by reference are currently located in various ACH regs; economic impact is addressed within each ACH category</p>