

30-10-2. Standards for participation; nursing facilities and nursing facilities for mental health. (a) As a prerequisite for participation in the Kansas medical assistance program as a provider of nursing facility services, each nursing facility and each nursing facility for mental health shall perform the following:

- (1) Provide nursing services;
- (2) meet the requirements of title IV, subtitle C, part 2 of the federal omnibus budget reconciliation act of 1987, effective October 1, 1990, which is adopted by reference;
- (3) be certified for participation in the program for all licensed beds by the Kansas department of health and environment or the federal department of health and human services;
- (4) have been operating under a provider agreement with the agency on June 30, 1994 if the certification is for a nursing facility for mental health;
- (5) submit an application for participation in the program on forms prescribed by the secretary of social and rehabilitation services;
- (6) update provided information as required by the application forms;
- (7) furnish and allow inspection of any information that the agency, its designee, or the United States department of health and human services may request in order to assure proper payment by the Kansas medical assistance program;
- (8) inform all new residents of the availability of a potential eligibility assessment under the federal spousal impoverishment law. This assessment shall be completed by the agency or a local agency office;

(9) ensure that before a nonemergency admission of each resident, state-mandated preadmission and referral services have been completed by the Kansas department on aging;

(10) provide nonemergency transportation; and

(11) submit to the agency a copy of the resident assessment form for each resident as follows:

(A) Each nursing facility shall complete a resident assessment form no later than 14 days after admission, no later than 14 days after a significant change in the resident's physical or mental condition, and in no case less often than once every 12 months. Each nursing facility shall conduct a review by completing the resident assessment form no less often than once every three months. Assessments shall be used to monitor the appropriate level of care.

(B) Each nursing facility shall submit resident assessment forms, including the tracking documents, within seven days of completion. Each resident assessment form shall be sent to the state data base by electronic transmission. A resident assessment form shall be considered timely submitted upon the receipt of the electronic submission.

(C) Penalty for nonsubmission of accurate and timely assessment. If 10 percent or more of a nursing facility's assessments are not completed and submitted as required, all further payments to the provider shall be suspended until the forms have been completed and submitted electronically. Thirty days before suspending payment to a provider, written notice stating the agency's intent to suspend payments shall be sent by the agency to the provider.

This notice shall explain the basis for the agency's determination and shall explain the necessary corrective action that must be taken before payments are reinstated.

(D) Any assessment that cannot be classified shall be assigned to the lowest classification group.

(b) This regulation shall be effective on and after May 1, 2002. (Authorized by and implementing K.S.A. 39-708c; effective, E-74-43, Aug. 16, 1974; effective, E-74-63, Dec. 4, 1974; effective May 1, 1975; amended, E-76-34, July 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Nov. 2, 1992; amended Jan. 3, 1994; amended July 1, 1994; amended Sept. 30, 1994; amended Dec. 29, 1995; amended Jan. 1, 1997; amended July 1, 1998; amended Jan. 1, 1999; amended May 1, 2002)