

## Operator Regulations

**26-39-500. Definitions.** Each of the following terms, as used in K.A.R. 26-39-500 through 26-39-506, shall have the meaning specified in this regulation:

(a) “Accredited college or university” means a college or university that is accredited by an accrediting body recognized by the council on postsecondary accreditation or by the secretary of the U.S. department of education.

(b) “Clock-hour” means at least 50 minutes of direct instruction, excluding registration, breaks, and meals.

(c) “Continuing education” means a formally organized learning experience that has education as its explicit, principal intent and is oriented toward the enhancement of adult care home administration values, skills, knowledge, and ethics.

(d) “Core of knowledge” means the educational training content for the field of adult care home administration specified in K.A.R. 28-38-29.

(e) “Disciplinary action” means a final action by the secretary or by a board or agency in this state or another jurisdiction on a professional or occupational health care credential.

(f) “Domains of practice” means the knowledge, skills, and abilities specified in K.A.R. 28-38-29.

(g) “In-service education” means learning activities that are provided to an individual in the work setting and are designed to assist the individual in fulfilling job responsibilities.

(h) “Long-term care provider organization” means any professional association concerned with the care and treatment of chronically ill or infirm elderly patients or any association concerned with the regulation of adult care homes.

(i) “Registration” means the credential issued by the secretary to each applicant who meets the requirements for an operator specified in K.A.R. 26-39-501.

(j) “Relevant experience” shall include work experience in business, hospitality, gerontology, or health and human services, or other fields as approved by the secretary.

(k) “Relevant field” shall include degrees in business, hospitality, gerontology, or health and human services, or other degrees as approved by the secretary.

(l) “Sponsor” means any entity approved by the secretary to provide continuing education programs or courses on a long-term basis.

(m) “Sponsorship” means an approved, long-term provision of programs or courses for the purpose of fulfilling the continuing education requirements for registration renewal or reinstatement.

*(Authorized by and implementing L. 2014, ch. 94, sec. 4; effective, T-26-9-2-14, Sept. 2, 2014; effective Dec. 1, 2014.)*

**26-39-501. Registration.** Each applicant for initial registration as an operator shall meet the following requirements:

(a) Submit an application and meet the requirements specified in K.A.R. 26-39-502;

(b) pay the applicable fee specified in K.A.R. 26-39-505;

(c) be at least 21 years of age;

(d)(1) Have a high school diploma or equivalent, with one year of relevant experience;

(2) have an associate’s degree in a relevant field; or

(3) have a bachelor’s degree; and

(e) have successfully completed an operator course as specified in K.A.R. 26-39-503.

*(Authorized by and implementing L. 2014, ch. 94, sec. 4; effective, T-26-9-2-14, Sept. 2, 2014; effective Dec. 1, 2014.)*

**26-39-502. Application for registration.** (a) Each applicant for registration shall submit a completed application, pay the applicable fee, and provide evidence satisfactory to the department of having met the requirements in K.A.R. 26-39-501.

(b) Each applicant shall provide the department with one of the following:

(1) Academic transcripts or proof of receipt of an associate's degree, if qualifying with an associate's degree in a relevant field;

(2) academic transcripts or proof of receipt of a bachelor's degree or graduate degree, if qualifying with a bachelor's degree; or

(3) both a high school diploma or the equivalent and evidence of one year of relevant experience, if qualifying with a high school diploma and one year of relevant experience.

(c) Each applicant shall arrange for transcripts to be provided directly to the department by the school or the accredited college or university.

(d) Each applicant who has received an associate's degree, bachelor's degree, or graduate degree outside the United States or its territories and whose transcript is not in English shall submit an officially translated English copy of the applicant's transcript and, if necessary, supporting documents. The transcript shall be translated by a source and in a manner acceptable to the department. Each applicant shall pay all transcription fees directly to the transcriber.

(e) Each applicant who has received an associate's degree, bachelor's degree, or graduate degree outside the United States or its territories shall obtain an equivalency validation from a department-approved entity that specializes in educational credential evaluations. Each applicant shall pay the required equivalency validation fee directly to the validation agency.

(f) If adverse information concerning the applicant is received through criminal history records, abuse, neglect and exploitation information, or disciplinary action information or from any other source, the applicant shall provide, upon request, all necessary records, affidavits, or other documentation required by the secretary concerning the disciplinary action, the abuse, neglect or exploitation findings, or the criminal conviction, including any evidence that all disciplinary action or sentencing requirements have been completed. All costs for the acquisition of these documents shall be the applicant's responsibility.

(g) If an applicant has been subject to disciplinary action or has been convicted of a felony or misdemeanor, the applicant shall have the burden of proving that the applicant has been rehabilitated and warrants the public trust.

*(Authorized by L. 2014, ch. 94, sec. 4; implementing L. 2014, ch. 94, secs. 4 and 9; effective, T-26-9-2-14, Sept. 2, 2014; effective Dec. 1, 2014.)*

**26-39-503. Operator course.** (a) Each applicant shall have successfully completed an operator course on principles of assisted living that is approved by the secretary.

(b) Each operator course shall be conducted by one of the following training providers:

(1) A long-term care provider organization;

(2) a community college;

(3) an area vocational-technical school;

(4) a postsecondary school under the jurisdiction of the state board of regents; or

(5) an equivalent training provider approved by the secretary.

(c) Each training provider shall ensure that each individual responsible for administering the operator course has at least two years of professional experience in long-term care or as an instructor of long-term care and meets one of the following requirements:

(1) Has a bachelor's degree; or

(2) is a registered professional nurse.

(d) Each training provider seeking approval to conduct an operator course shall submit the following at least three weeks before the first anticipated start date of the operator course:

(1) A course outline that includes all content areas in the department's document titled "operator course guideline," dated July 31, 2014 and hereby adopted by reference. The operator course shall consist of at least 45 clock-hours of instruction, excluding breaks, lunch, and test time, and a test;

(2) the policy and procedure to be followed to maintain test security, which shall include at least the following:

(A) Securing the tests in a manner that ensures confidentiality;

(B) not providing the test content to any individual before test time; and

(C) notifying the department of any breach in the security of the test;

(3) a list of the printed materials provided to each participant, which shall include at least the following:

(A) The Kansas adult care home statutes and regulations for assisted living facilities and residential health care facilities, home pluses, and adult day cares;

(B) a functional capacity screening manual and form;

(C) the "dietary guidelines for Americans" and "tuberculosis (TB) guidelines for adult care homes," as adopted by reference in K.A.R. 26-39-105; and

(D) an example of a negotiated service agreement; and

(4) after initial approval, submit each proposed change in the operator course to the secretary for approval before the change is implemented.

(e) If the operator course does not meet or continue to meet the requirements for approval or if there is a material misrepresentation of any fact with the information submitted by the training provider to the department, approval may be withheld, made conditional, limited, or withdrawn by the secretary.

(f) Each approved training provider shall meet the following requirements:

(1) Notify the department, electronically or in writing, at least three weeks before each operator course, including course dates, time, and location;

(2) administer and score the test provided by the department after each individual's completion of the operator course. The individual may have access to the applicable statutes and regulations during the test. A score of 80 percent or higher shall constitute a passing score. Any individual who fails the test may retake the test one time. An alternative test version shall be used. Each individual who fails the test a second time shall be required to retake the operator course;

(3) within three weeks after the end of the operator course, provide a certificate of completion to each individual who completed the operator course and passed the test. Each certificate shall contain the following:

(A) A statement that the named individual completed the operator course; and

(B) the course approval number assigned by the department;

(4) maintain a record of the certificates issued to the individuals who have successfully completed the operator course; and

(5) within three weeks after the end of the operator course, submit to the department a copy of each certificate of completion issued and a list of the individuals who successfully completed the operator course. The list shall contain the following:

(A) The course approval number;

(B) the name, address, and date of birth of each individual; and

(C) any other information as required by the secretary.

***(Authorized by and implementing L. 2014, ch. 94, sec. 4; effective, T-26-9-2-14, Sept. 2, 2014; effective Dec. 1, 2014.)***

**26-39-504. Registration renewal and reinstatement; continuing education.** (a) Each registration shall expire biennially on April 30. Each initial registration shall be issued for at least 12 months but not more than 24 months.

(b)(1) On or before April 30 of the calendar year in which the registration expires, each operator shall submit electronically or have postmarked a completed renewal application and the renewal fee specified in K.A.R. 26-39-505.

(2) The registration may be renewed within the 30-day period following the expiration date only if the completed application and the renewal fee and renewal late fee specified in K.A.R. 26-39-505 are received electronically or postmarked on or before May 30 of the calendar year in which the registration expires.

(3) If the completed renewal application and the applicable fee or fees are not received electronically or postmarked within the 30-day period following the expiration date, the registration shall be deemed to have lapsed for failure to renew and shall be reissued only after the registration has been reinstated.

(c) Each individual whose registration has lapsed for not more than 24 months shall submit a completed application, on department-approved forms, showing completion of 30 clock-hours of continuing education. The application shall be accompanied by the renewal fee and the reinstatement fee specified in K.A.R. 26-39-505.

(d) Each individual whose registration has lapsed for more than 24 months shall submit a completed application on department-approved forms showing successful completion of the operator course within the most recent 24-month period. The application shall be accompanied by the renewal fee and the reinstatement fee specified in K.A.R. 26-39-505.

(e) Continuing education requirements shall be prorated on a monthly basis for each operator whose initial or reinstatement registration period is less than 24 months.

(f)(1) Each application for renewal shall include an attestation verifying that the operator has completed at least 30 clock-hours of continuing education during the period covered by the most recent registration. Continuing education in excess of the required 30 clock-hours shall not be carried over to the next renewal period.

An operator's renewal application may be randomly selected for audit to confirm completion of continuing education requirements. Each operator whose renewal application is selected for audit shall provide all documentation requested by the secretary.

The 30 clock-hours of continuing education shall be earned through participation in or attendance at continuing education offerings pertaining to the core of knowledge or the domains of practice and shall be accumulated within subject areas as follows:

(A) At least 15 clock-hours in administration, which may include the following subjects:

- (i) General administration;
- (ii) applicable standards of environmental health and safety;
- (iii) local health and safety regulations;
- (iv) departmental organization and management; and
- (v) community interrelationships;

(B) at least 10 clock-hours in resident care, which may include the following subjects:

- (i) Psychology of resident care;
- (ii) principles of medical care;
- (iii) personal and social care; and
- (iv) therapeutic and supportive care; and

(C) a maximum of five clock-hours in electives, which shall be in the domains of practice or the core of knowledge or in health-related fields.

(2) Five hours of continuing education credit in electives shall be approved for attendance, if verified by the sponsor, at state or national annual conventions that pertain to long-term care, in addition to continuing education credit approved for individual sessions at the state or national annual conventions.

(g) In-service education shall not be deemed a continuing education activity for the purpose of registration renewal or reinstatement.

(h) Fifteen clock-hours of continuing education credit shall be approved for each college credit hour that pertains to the domains of practice or the core of knowledge and is earned within the renewal period.

(i) Each operator or nonapproved provider of continuing education who seeks approval of a continuing education offering shall submit a request for prior approval to the department at least three weeks before the offering is to be presented. The request shall provide information about the proposed offering, including objectives, content, and agenda, on a form provided by the department.

(j) Each operator who attends a continuing education offering and who also serves as a presenter shall receive two clock-hours for each clock-hour of presentation time. Presenters shall not receive additional credit for repetition of these presentations.

(k) Each sponsor shall meet the following requirements:

(1) Offer at least six continuing education activities, including workshops, seminars, academic courses, self-study courses, teleconferences, and educational sessions, over a two-year period;

(2) designate one person as the coordinator, who shall be responsible for administering all requirements and outcomes of the sponsorship program. The department shall be notified in advance of any staff change involving the coordinator, including proof of that person's credentials to be the coordinator. Each coordinator shall meet one of the following requirements:

(A) Be currently licensed as an administrator, as defined in K.A.R. 26-39-100, or be currently registered as an operator, as defined in K.S.A. 39-923 and amendments thereto;

(B) have relevant experience or have a degree in a relevant field;

(C) serve as staff member of a professional organization related to the field of adult care home administration; or

(D) have a background or academic preparation in adult education or training;

(3) submit a completed application, in a department-approved format. The application and all required documentation shall be received by the department at least 30 days before the initial continuing education offering;

(4) ensure that all continuing education offerings pertain to the domains of practice or the core of knowledge; and

(5) submit an annual report on department-approved forms no later than January 31 of each year for the preceding calendar year. This report shall describe the approved continuing education activities provided and the quality improvement methods used, including how evaluation data is incorporated in planning future continuing education activities.

(l) If a sponsor fails to meet the requirements in this regulation after receiving the secretary's approval or if there is a material misrepresentation of any fact with the information submitted to the secretary by a sponsor, approval may be withdrawn or conditions relating to the sponsorship may be applied by the secretary after giving the sponsor notice and an opportunity to be heard.

***(Authorized by L. 2014, ch. 94, sec. 4; implementing L. 2014, ch. 94, secs. 4 and 7; effective, T-26-9-2-14, Sept. 2, 2014; effective Dec. 1, 2014.)***

**26-39-505. Fees.** (a) The registration application fee shall be \$65.00. The registration application fee for an initial registration of less than 24 months shall be prorated for any full or partial month.

(b) The registration renewal fee shall be \$65.00.

(c) The registration renewal late fee shall be \$35.00.

(d) The application fee for reinstatement of a lapsed or revoked registration shall be \$65.00, in addition to the registration renewal fee specified in subsection (b).

*(Authorized by L. 2014, ch. 94, sec. 4; implementing L. 2014, ch. 94, secs. 4, 7, 8, and 9; effective, T- 26-9-2-14, Sept. 2, 2014; effective Dec. 1, 2014.)*

**26-39-506. Change of name or address.** Each operator shall notify the department of any change in the operator's name or address within 30 days of the change.

(a) Notice of each address change shall include the operator's name, registration number, previous mailing address, and new mailing address.

(b) Notice of each name change shall meet the following requirements:

(1) Include the operator's previous name, new name, and registration number; and

(2) be accompanied by one of the following:

(A) A certified copy of the operator's marriage certificate or license;

(B) a certified copy of the operator's court decree evidencing the name change; or

(C) a photocopy of the operator's driver's license or Kansas identification card specifying the new name.

*(Authorized by and implementing L. 2014, ch. 94, sec. 4; effective, T- 26-9-2-14, Sept. 2, 2014; effective Dec. 1, 2014.)*