

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: Kansas Senior Care Task Force Working Group B  
From: Office of Revisor of Statutes  
Date: March 31, 2022  
Subject: Kansas Senior Care Act, K.S.A. 75-5926, et seq.

The Senior Care Act was passed by the Kansas Legislature and approved by the Governor in 1989 as SB 60. The sections in SB 60 became K.S.A. 75-5926 through 75-5936 and some statutes have been amended or repealed since 1989. The Senior Care Act authorizes the Secretary of the Department of Aging and Disability services to establish and administer a program for in-home support services for Kansas seniors. The authorizing statutes are as follows:

K.S.A. 75-5926 establishes the citation of the act and following associated statutes as the Kansas Senior Care Act.

K.S.A. 75-5927 establishes the legislature's findings and declarations, that include:

- (a) There are many older Kansans who face difficulties in maintaining self-care and independent living within the mainstream of life;
- (b) inappropriate or premature institutionalization of persons who have not exhausted their financial resources often leads to exhaustion of those resources and placement in more costly and limited long-term care services;
- (c) it is in the interest of older Kansans and of care providers that a coordinated system of services be developed; and
- (d) it is in the interest of older Kansans and care providers that preventative health services be made available.

K.S.A. 75-5928 authorizes the Secretary of Aging and Disability Services to establish programs for in-home services and preventative health services for Kansas resident 60 years or older with functional limitations that restrict abilities to carry our daily activities and independent living – subject to appropriations. The Secretary has the authority to establish and administer the program in compliance with the Kansas Senior Care Act and direct area agencies on aging to administer the program in the agencies' areas. After the Secretary and the area agency on aging have executed a contract, the Secretary shall allocate funds to the agencies. Services to be provided as a part of the in-home program and the preventative health services program shall be specified by the Secretary and shall be consistent with the Kansas Senior Care Act and any related appropriations.

K.S.A. 75-5929 specifies that funds appropriated for the Kansas Senior Care Act shall be allocated to the area agencies on aging. The allocations shall include that a portion of the funds:

- (1) Shall be allocated to the agencies based on a funding formula established by the Secretary.
- (2) as determined by the Secretary, shall be allocated to area agencies on aging that continue to receive matching funds from the local government as required by the section.
- (3) May be allocated by the Secretary to area agencies on aging that match the amounts of valorem property tax levy funds directly from the local government in excess of the matching funds as required by the section.

Program funds shall be used only when other sources are not available, such as Medicaid, Older Americans Act, Community Services Block Grant, Medicare or other state or federal funding for the services. The section also requires each local government that provided matching funds to an area agency on aging in the fiscal year ending on June 30, 2001 to continue providing such matching funds at the level provided in the fiscal year ending June 30, 2001.

K.S.A. 75-5930 directs that "a screening and assessment mechanism shall be established by the Secretary to be used for establishing every customer's need for services."

K.S.A. 75-5931 authorizes the Secretary to adopt rules and regulations to govern: (a) eligibility to receive services; (b) maximum amount of funds for each customer; (c) reports to the Secretary from area agencies on aging; and (d) other matters the Secretary determines necessary to administer the act.

K.S.A. 75-5932 allows the Secretary to execute a contract with an area agency on aging if such contract contains evidence of support by the area on aging governing board or the area on aging advisory council, identification of service providers for reimbursements, evidence that no in-home services will be provided by the area agency on aging and an acceptable way to prioritize who are most in need of the program.

K.S.A. 75-5933 authorizes the Secretary to create a sliding fee scale for services based on a customer's income and assets. The scale shall be published each year in the Kansas register. Fees and donations paid by the customer shall reduce the service costs paid by the department.

K.S.A. 75-5934 requires area agencies on aging that receiving funding to negotiate for and broker services for adults in need of services.

K.S.A. 75-5935 was repealed in 1998.

K.S.A. 75-5936 authorizes the Secretary to apply for and receive other funds for the program.