



State Waivers for Kansas Adult Care Homes (ACHs) At-a-Glance

On April 15, 2020 Governor Kelly signed [Executive Order 20-23](#) containing a number of waivers for Kansas adult care homes. On April 17, 2020 KDADS released [guidance](#) providing more details on the waivers announced by the Governor. We have prepared an “at-a-glance” guide to which waivers have been granted to adult care homes during the COVID-19 State of Emergency Disaster. Please consult KDADS guidance and KDADS staff with any questions.

Adult Care Home Licensing

ACHs with licenses in good standing as of March 12, 2020 will not need to complete any license renewals until 90 days after the State of Emergency ends.

Capacity

- A change in room use or resident capacity only requires advance notice to KDADS via your regional manager, using the [ACH Checklist form](#).
- The effective date of the changes are immediate upon approval, and all associated fees are waived. Any changes expire 60 days after the state of emergency ends

Management

- Multiple ACHs may be supervised by one administrator and/or operator without prior approval from KDADS
- The facilities must be within a geographical distance to allow daily on-site supervision when needed
- Restrictions on number of beds to be supervised, and numbers of Homes Plus that may be supervised are waived.

Staff Training

- ACHs have until June 30, 2021 to complete annual in-service trainings for 2020
- Normal orientation requirements and competency evaluations are waived. In its place, ACHs must:
 - Provide orientation materials to those providing care
 - Provide baseline training for safety of residents
 - Ensure that all those providing care/services can do so competently

Dental

- Non-emergency dental visit requirements are waived during the state of emergency.

Transfer and Discharge

- Notification requirements are waived for interfacility transfers (i.e. transfers from one ACH to another ACH). This is meant to maximize responsiveness to infection control and resident cohorting needs
- 30 day notification requirement for COVID-19 related transfers and discharges is waived until 30 days after the state of emergency ends. *However*, written notice must be sent to KDADS within 5 days of the transfer/discharge during the state of emergency.

Resident Care Plans and Assessments

The following timeframes are waived:

- Timeframes for completion of resident care plans are waived. *However*, 45 days after the state of emergency ends all residents must have a current plan.
- An initial resident comprehensive assessment must be completed within 30 days. Any subsequent assessments (comprehensive, quarterly, yearly) will resume in 2021. (This waiver is subject to any CMS guidance changes)

Resident Rights

All resident rights that are waived will be reinstated immediately when the state of emergency ends.

The following have been waived:

- Requirement to produce resident records within 2 days
- Choice of physician and pharmacy
- Right to meet/participate in organized groups

Physical Environment

In order to allow appropriate quarantine and surge capacity needs, the following physical environment requirements are waived: K.A.R. 26-40-301; K.A.R. 26-40-303; K.A.R. 26-40-304; K.A.R. 26-40-305; K.A.R. 28-39-254; K.A.R. 28-39-255; K.A.R. 28-39-256; K.S.A. 39-939(a)

Individual Credentialing

These waivers apply to CNAs, HHAs, CMAs, Operators, Administrators, Licensed Dietitians and Speech Language Pathologists and Audiologists

- All KDADS credentialed persons in good standing as of March 12, 2020 will not need to complete any renewals until 90 days after the state of emergency ends.
- All continuing education deadlines are extended until 90 days after the state of emergency ends.
- All renewal and continuing educations requirements must be met by 90 days after the state of emergency ends, or the credential will lapse.
- All late, delinquent or penalty fees are waived during the state of emergency.

Previously Credentialed Persons

- A person who was previously credentialed by KDADS within the last 5 years may receive a temporary license to resume work. The person must have been in good standing when their credential lapsed
- The person must submit the [temporary credentialing application](#) within 24 hours of starting work. Criminal records checks are still required
- The temporary license will lapse 90 days after the state of emergency ends