



March 23, 2022

To: Senior Care Task Force – Access to Services Working Group

From: Sean Marshall, Legislative Fellow

Re: Senior Care Act Legislative History

LEGISLATIVE HISTORY OF THE SENIOR CARE ACT

Background

The Kansas Senior Care Act (SCA) provides for programs and services to assist older Kansans who may have trouble living independently but are able to reside in a community-based setting, including their home, if some services are provided. The fee a client pays is calculated on a sliding scale based on income, resources, household size, and federal poverty guidelines. These fees are laid out in KSA 75-5933 and are used to assist local Area Agencies on Aging in offsetting the cost of services provided. SCA services are limited to the funding that Kansas Department for Aging and Disability Services (KDADS) receives each year from the Legislature, as well as a block grant from the federal government. SCA services can include attendant care services, respite care, homemaker and chore services, and adult day care services.

Legislative Changes

In 1989, the SCA was enacted by SB 60, which authorized the Secretary of Aging (Secretary) to establish a program of in-home support services for eligible adults, provided for those eligibility requirements, and established powers and duties of the Secretary.

In 1992, SB 674 amended KSA 75-5929 to update the sunset language in the bill and lower the fund-matching requirements that were established in 1989 SB 60. The initial fund-matching requirement stated that every dollar local governments contributed to Area Agencies on Aging would have to be matched with a dollar from state funds. The new fund-matching requirement became one dollar that local governments contributed would be matched by two state dollars for years 1992 to 1993.

In 1993, SB 373 amended KSA 75-5929 to remove the one-year restriction, making the fund-matching eligibility indefinite. The bill also allowed in-kind resources to work in concert with, or take the place of, funding when matching contributions to state funds.

In 1996, Senate Sub. for HB 3047 amended KSA 75-5928 to require the schedule of fees to be published annually in the *Kansas Register* and amended KSA 75-5931 to remove the Secretary's authority to govern sliding fee scales for services provided under the SCA. SB 463 amended KSA 75-5935 to disestablish the inter-agency coordinating committee.

In 1998, SB 129 amended KSA 75-5928 to update the approval process for program plans to include the Area Agency on Aging Older Americans Act Advisory Council. The bill also repealed KSA 75-5935, which required an evaluation of the qualitative and quantitative effectiveness of Area on Aging programs to be submitted by the Secretary.

In 2002, HB 2764 amended KSA 75-5928 to remove the annual program plan review requirement for Area Agencies on Aging to be eligible for funding and remove the Secretary's authority to establish the priority and scope of services offered. KSA 75-2929 was amended to remove the requirements for matching funds and outlined new fund allocation guidelines. The guidelines passed are the guidelines currently in effect. There was a technical change to KSA 75-5930 that updated the term "client" to "customer." KSA 75-5931 was amended to limit the rules and regulations authority of the Secretary to govern fund amounts for customers, remove the authority to select clients most in need, and remove a provision relating to local fund-matching that was dated for FY 1990. KSA 75-5932 was amended to require evidence of support by Area Agencies on Aging, or related advisory councils, in order for the Secretary to execute a contract. KSA 75-5933 was amended to require the sliding fee scale to be published in the *Kansas Register* and remove the Secretary's authority to use funds for services, defray start-up expenses of providers and insufficiently provided services, or administer programs. The bill required all fees and donations given by customers to be used to reduce the cost of services paid by the Department on Aging, which was the state agency at that time. The bill also prohibited Area Agencies on Aging from purchasing services through purchase of service contracts.

In 2005, HB 2147 incorporated language into KSA 75-5927 that added the interest of the State in making preventative health services available and added language in KSA 75-5928 that required the Secretary to establish and administer a program of preventative health services.

In 2014, KSA 75-5928 and KSA 75-5933 were amended to update the Department of Aging to KDADS.

Current legislation

Currently, the SCA consists of nine statutes, as follows:

- [KSA 75-5926](#) declares the name of the program to be the Kansas Senior Care Act;
- [KSA 75-5927](#) lists the legislative findings and the purpose for the program;
- [KSA 75-5928](#) establishes the powers and duties of the Secretary, as well as the programs the SCA will provide for;
- [KSA 75-5929](#) outlines the process for the allocation of funds to Area Agencies on Aging;

- [KSA 75-5930](#) establishes the requirement for a screening and assessment mechanism for each customer's needs;
- [KSA 75-5931](#) adds additional rules and responsibilities for the Secretary to establish;
- [KSA 75-5932](#) establishes requirements for contracts between the Secretary and Area Agencies on Aging;
- [KSA 75-5933](#) establishes a sliding fee scale system for determining customer fees;
- [KSA 75-5934](#) requires Area Agencies on Aging to negotiate for and broker services either by themselves or through other Agencies on Aging; and
- [KSA 75-5936](#) authorizes the Secretary to apply for and receive funds for the SCA.

Recent Fiscal Changes

The funding for SCA services have remained relatively flat at approximately \$7.0 million, including \$2.5 million SGF since at least FY 2013. The funding of \$4.5 million for SCA services comes from the Social Service Block Grant that KDADS receives from the federal government through the Department for Children and Families. The remainder of the funding comes directly from the State General Fund. The 2022 Legislature approved an additional \$3.0 million SGF in FY 2022 to increase the funding for SCA services. This was a change in the agency's base budget and is included in the Governor's Recommendation for FY 2023. This increase brings the funding for SCA services to \$10.0 million, including \$5.5 million SGF, which is approximately half federal funds and half state funds.