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3/6/87
Date sh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Vice-Chairman, Frank Buehler at
Chairperson

1:30 a.m./p.m. on March 3, 1987 in room 423-S of the Capitol.

All members were present except:

Chairman Littlejohn, Representative Pottorff, both excused.

Committee staff present:

Emalene Correll, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

James McHenry, Commissioner of Alcohol/Drug Abuse, Department of SRS
Elizabeth Taylor, Ks. Association of Alcohol/Drug Program Directors
Michael Byington, Association for Blind/Visually Impaired
Rev. Jo Taliaferro, and her dog guide, Cybil
Don Karr, Topeka Resource Center for Handicapped
Karen McClain, Kansas Association of Realtors

Vice-Chairman called meeting to order, calling attention to HB 2413.

Mr. James McHenry, Commissioner of Alcohol/Drug Abuse, SRS, gave hand-out (Attachment No.1), for details. If enacted, this legislation would give Secretary of SRS authority to issue a license renewable at the end of one, two, or three years, depending on a facilities level of compliance with standards developed for such facilities, and set an application fee not to exceed \$100, and inspect each licensed facility at least once each licensing period. The increased fee will remove some funding burden from the State General Fund. The prospect of longer term license, will allow fewer inspection visits and less frequent license application fees should encourage facilities to maintain high levels of compliance with treatment standards. He answered questions, yes, it is their practice to issue license, (SRS), and if there are problems, we would inspect these earlier than a site SRS would have more confidence in.

Elizabeth Taylor, Ks. Association of Alcohol/Drug Program Directors, spoke in support of HB 2413. They feel expanding the licensing from 1 year to two or more years is a good idea. At this time she spoke in favor also of HB 2416.

Hearings closed on HB 2413.

Hearings began on HB 2415:-

Michael Byington, Association for Blind/Visually Impaired gave hand-out, (see Attachment No.2), for details. This bill assures guide dog users they will not be met with discrimination or confusion as it relates to renting or purchasing residential property when related to their own use. This will assure that guide dogs can go anywhere that any one can go in the public domain. HB 2415 does note that the dog must be trained for the purposes of guiding, thus giving the potential landlord or seller the option of asking for proof of the dogs training. The bill would prevent the charging of a pet deposit for a guide dog. The landlord would be protected in that it would make the blind guide dog user liable for any damage done by the dog. These trained dogs are working dogs and are not to be considered as pets. The bill would allow guide dogs right of access to complexes, neighborhoods and cooperatives where pets are prohibited, without establishing a precedent of allowing pets. There is a need for this legislation, and he urged members for their approval of HB 2415.

Rev. Jo Taliaferro, gave hand-out, (see Attachment No.3), for details. She stated she is here to plead for rights of blind/visually-impaired persons like herself to live where they choose without discrimination due to the presence of a guide dog. She detailed how she searched, finally found the perfect apartment for her needs as a blind person. Then the landlord/manager did not want to rent to her because of her because of her guide

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 /a.m./p.m. on March 3, 19 87

Hearings continue on HB 2415:-

dog since policy was "no pets". She stressed these guide dogs are not to be considered pets. They have been highly trained in guiding the blind, are trained to empty at the curb. She stated the issue here is not cleanliness, since the dogs are well trained. Now, she has no complaints with her landlord. But, they say she is a one-time exception and she would like to see legislation change this, so that others like herself will not have to be concerned with possibly being discriminated against, and have to pay a pet fee. This legislation if passed should speak to these concerns. She answered question, i.e., yes, she did tell landlord/manager she would have to seek legal counsel, then he agreed to lease her the apartment with her guide dog.

Mr. Don Karr, Topeka Resource Center for Handicapped gave hand-out, (see Attachment No.4), for details. He explained, he is Sensibility Specialist, working on housing locations and advising people in the handicapped community, and he offered several points in reference to HB 2415 to be considered. a pet deposit equal to 1/2 or one month's rent will prevent/discourage a number of persons with whom he works from taking possession of rental property. A security deposit, utility deposit, and perhaps other deposits, and when a pet deposit is added on as well, it is a hardship for most. HB 2415, when enacted, will provide protections for rental property owners as well as the guide dog owners, in that the term "guide dog" is herein defined as not being "a pet".

Karen McClain, Kansas Association of Realtors spoke in opposition of HB 2415. Perhaps language to define "guide dog" could be implemented in the bill so that partially blind individual with a chihuahua couldn't say that dog was her guide dog and refuse to pay a pet deposit.

Hearings closed on HB 2415.

Hearings began on HB 2416:

Mr. James McHenry's printed testimony indicated in Attachment No. 1, also speaks to HB 2416. The same alterations would be made in HB 2416 as was proposed in HB 2416. HB 2416 is for treatment facilities for alcoholics. We support this the same as HB 2413.

Elizabeth Taylor, spoke in favor of HB 2416.

Hearings closed on HB 2416.

Vice-Chairman called attention to HB 2415, asking wishes of members. Rep. Blumenthal moved to pass HB 2415 favorably out of committee, seconded by Rep. Cribbs. A lengthy discussion ensued in regard to defining "guide dog". In-put from staff was welcomed. The identification card blind individuals carry to certify their guide dog's training was shown to all members. It was brought out it is already a matter of law, and was consensus of committee that present language is clear.

Question called for, vote taken, motion carried.

Vice-Chairman called attention to HB 2019.

Representative Branson provided a balloon amendment and an explanation of said amendments from Research Department, see (Attachment 5 and 6), for details. Rep. Branson explained each amendment which occur on lines, 39,43,48,50,66. Delete section 3. During explanation of amendments discussion on each was held.

Rep. Neufeld moved to adopt balloon copy amendments on HB 2019, seconded by Rep. Blumenthal, motion carried.

On the bill as a whole, Rep. Gatlin moved to pass HB 2019 favorably out of committee as amended, seconded by Rep. Sader, motion carried.

Vice-Chairman announced there had been a request to open hearings on HB 2412. Request denied, however, Rev. Richard Taylor has testimony on a tape recording that he would be willing to share with all members of this committee in regard to HB 2412.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on March 3, 1987

HB 2413:

Rep. Green moved to pass HB 2413 favorably out of committee and place on consent calendar, seconded by Rep. Hassler, motion carried.

HB 2416.

Rep. Whiteman moved to pass HB 2416 out of committee favorably and place on consent calendar, seconded by Rep. Weimer, motion carried.

Rep. Neufeld moved to approve minutes of February 27, as written, seconded by Rep. Harder, motion carried.

Meeting adjourned.

Department of Social and Rehabilitation Services
Alcohol and Drug Abuse Services

House Bill 2413

Licensing of Drug Abuse Treatment Facilities

I. Title

An act concerning drug abuse treatment facilities; relating to license renewal, licensing fees and inspections; amending K.S.A 65-4603, 65-4604 and 65-4605 and repealing the existing sections.

II. Purpose

The bill gives the Secretary of Social and Rehabilitation Services the authority to (1) issue a license renewable at the end of one, two or three years, depending upon a facility's level of compliance with the standards developed for such facilities; (2) set an application fee not to exceed \$100; and (3) inspect each licensed facility at least once each licensing period.

III. Background

From FY 84 through FY 87 the number of treatment components licensed or certified by SRS/Alcohol and Drug Abuse Services will have increased 75% from 157 to 275. This increase is due to an increase in the number of programs and facilities providing treatment services and increased opening of satellite offices by existing hospitals and facilities. Attorney General Opinion No. 85-89 indicates that no public or private treatment facility may be established or maintained without a license. Treatment centers operated by hospitals and located at separate sites must be licensed by SRS as provided by K.S.A. 65-4014.

This increase in licensed programs results in significantly increased staff demands. The alternatives to address the problem are (1) increase licensing staff and (2) reduce the number of licensing visits. Staff increases are not feasible due to budget restraints. This bill addresses the problem by reducing licensing visits. Treatment quality will be maintained by basing licensing term on level of compliance with standards. Current licenses are for one year and do not reflect the level of compliance with standards. Licensing inspections are currently mandated on a yearly basis.

IV. Effect of Passage

Passage will allow licensing terms of one, two, or three years, depending on degree of compliance with standards. With inspections once during the licensing period, reduced administrative demands for SRS/ADAS and treatment facilities will result. Licensing terms will reflect the level of standards compliance. Increased license fee will remove some funding burden from the State General Fund.

The prospect of longer term license, fewer inspection visits and less frequent license application fees should encourage facilities to establish and maintain high levels of compliance with treatment standards. This has been the experience in the neighboring State of Missouri.

V. SRS Recommendation

Support the amendment of Kansas Statutes to allow one, two, or three year licensing, and to levy a licensing fee not to exceed \$100.

PXW
3-3-87
Altman #1

Robert C. Harder
Office of the Secretary
Social & Rehabilitation Services
296-3271

March 3, 1987

Department of Social and Rehabilitation Services
Alcohol and Drug Abuse Services

House Bill 2416

Licensing of Treatment Facilities for Alcoholics

- I. Title
An act concerning treatment facilities for alcoholics; relating to license renewal, licensing fees and inspections; amending K.S.A 65-4013, 65-4014 and 65-4018 and repealing the existing sections.
- II. Purpose
The bill gives the Secretary of Social and Rehabilitation Services the authority to (1) issue a license renewable at the end of one, two or three years, depending upon a facility's level of compliance with the standards developed for such facilities; (2) set an application fee not to exceed \$100; and (3) inspect each licensed facility at least once each licensing period.
- III. Background
From FY 84 through FY 87 the number of treatment components licensed or certified by SRS/Alcohol and Drug Abuse Services will have increased 75% from 157 to 275. This increase is due to an increase in the number of programs and facilities providing treatment services and increased opening of satellite offices by existing hospitals and facilities. Attorney General Opinion No. 85-89 indicates that no public or private treatment facility may be established or maintained without a license. Treatment centers operated by hospitals and located at separate sites must be licensed by SRS as provided by K.S.A. 65-4014.
- This increase in licensed programs results in significantly increased staff demands. The alternatives to address the problem are (1) increase licensing staff and (2) reduce the number of licensing visits. Staff increases are not feasible due to budget restraints. This bill addresses the problem by reducing licensing visits. Treatment quality will be maintained by basing licensing term on level of compliance with standards. Current licenses are for one year and do not reflect the level of compliance with standards. Licensing inspections are currently mandated on a yearly basis.
- IV. Effect of Passage
Passage will allow licensing terms of one, two, or three years, depending on degree of compliance with standards. With inspections once during the licensing period, reduced administrative demands for SRS/ADAS and treatment facilities will result. Licensing terms will reflect the level of standards compliance. Increased license fee will remove some funding burden from the State General Fund.
- The prospect of longer term license, fewer inspection visits and less frequent license application fees should encourage facilities to establish and maintain high levels of compliance with treatment standards. This has been the experience in the neighboring State of Missouri.
- V. SRS Recommendation
Support the amendment of Kansas Statutes to allow one, two, or three year licensing, and to levy a licensing fee not to exceed \$100.

Robert C. Harder
Office of the Secretary
Social & Rehabilitation Services
296-3271
March 3, 1987



STATE OF KANSAS

MIKE HAYDEN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

ALCOHOL AND DRUG ABUSE SERVICES

2700 WEST 6TH STREET
TOPEKA, KANSAS 66606
(913) 296-3925
KANS-A-N 561-3925

TESTIMONY FOR CHANGE IN LICENSING OF TREATMENT
FACILITIES OF ALCOHOLICS AND DRUG ABUSE TREATMENT FACILITIES

March 3, 1987

Current statutes require licensing inspections and renewal yearly. From FY 84 through FY 87 the number of treatment components licensed or certified by SRS/Alcohol and Drug Abuse Services will have increased 75% from 157 to 275. This increase reflects new programs and facilities providing treatment services and opening of satellite offices by existing hospitals and facilities. State Statute and an Attorney General's opinion specify that each site operated by a hospital or treatment facility must have a separate license.

The increase in licensing inspections results in significantly increased staff demands at SRS/ADAS. The provisions of this bill will reduce the number of inspections required at facilities with a high level of compliance with licensing standards. The availability of one, two, or three year licensing, dependent on the level of compliance with standards, will encourage quality treatment. Multi-year licenses will reduce administrative demands for both SRS/ADAS and treatment facilities.

An increased license fee of up to \$100 will help offset administrative costs and will not present an undue burden on treatment facilities.

A \$100 fee for a 3 year license is a small increase from the current \$25 per year fee. The fee is comparable to fees set by other state licensing agencies. The prospect of less frequent licensing fee assessments and inspections will encourage facilities to establish high compliance with standards.

Increased licensing staff personnel is the alternative to the provisions of this bill. Currently staff members are being diverted from other duties at SRS/ADAS to handle the overload of licensing visits. Increased staffing is not desired during this period of budgetary restraint. SRS/ADAS believes the provisions of this bill will reduce the number of licensing visits and improve the level of compliance with treatment standards. The result will be reduced administrative burden and increased availability of quality treatment for Kansans suffering from alcoholism and drug abuse.

Thank you for the opportunity to testify in favor of this bill.

Attachments

SRS/ALCOHOL AND DRUG ABUSE SERVICES
SUMMARY OF LICENSURE AND CERTIFICATION

Licensure/Certification Procedures

The licensure of alcohol and drug abuse treatment programs is mandated by KSA 65-4001 through KSA 65-4024 and KSA 65-4601 through 65-4610. Through this authority, the Department of SRS has developed Rules and Regulations (Article 31) and Standards to establish licensure guidelines. The Statutes and Rules and Regulations require SRS/ADAS to license all treatment facilities that provide treatment services to alcohol and/or drug abusing persons through the provision of guidance, supervision and personal services designed to assist the individual in rehabilitation or habilitation. Licensed medical care facilities, licensed adult care homes, licensed mental health centers licensed ADSAP programs, licensed physicians, and licensed psychologists are exempt from licensure.

The certification of alcohol and drug abuse treatment programs is a procedure adopted for programs excluded from the licensure process. Programs may apply for certification as a voluntary measure or as part of a funding requirement. The procedures established for certification are the same as for licensure.

Application for licensure/certification is made to SRS/ADAS on the Licensure/Certification Application form. Information required includes board members, articles of incorporation, and evidence of compliance with State Fire Marshall and Department of Health and Environment, Bureau of Food Services and Lodging.

Upon receipt of a complete application, an SRS/ADAS staff member is assigned to conduct the licensure/certification site visit.

All previously licensed/certified programs must meet the compliance criteria to receive an annual license/certification. If a program fails to meet this required criteria, a temporary license/certification can be issued to last up to a six month period. A return site visit to determine full compliance will be scheduled prior to the expiration date of the temporary license/certification.

Programs that have not previously been licensed must meet the compliance criteria at the time they start treating clients. If the program has been approved by the Bureau of Food Services and Lodging and has been inspected and approved to open by the State Fire Marshal, a temporary license/certification can be issued for a period of six months. A return visit to determine full compliance will be scheduled prior to the expiration date of the temporary license/certification.

LH:kh
2/23/87

Attachment 1

Program Increase

In FY 86, there were 245 program components licensed or certified by ADAS. This compares with 185 components in FY 85. The following table shows the increase in programs needing licensure/certification services and the projected number for FY 87:

<u>Activity</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>2/87</u>	<u>Expected FY 87</u>
Number of Program Components	157	185	245	266	275

Prioritized Scheduling of Site Visits

Listed below is the criteria used to prioritize licensure/certification site visits.

1. Revisits to programs that failed their last site visit.
2. Programs having constituency problems.
3. Programs having problems meeting grant conditions.
4. Programs having problems meeting the requirements of the Standards during previous site visits.
5. New programs.
6. Programs consistently in compliance with the standards.

Time Required For Site Visits

The time required to complete a licensure/certification site visit depends on the size of the program and on the type of license/certification a program is seeking. Eight hours would be required to complete a licensure/certification site visit for an outpatient program. A program that provides residential services would require two days to complete the site visit. Some programs provide both residential and outpatient services. It would require additional time to complete these programs.

The time required to complete the site visits does not include travel time. The licensure/certification staff routinely leaves before 7:00 a.m. and returns after 6:00 p.m. to complete the site visits.

The average cost for a site visit is \$304. Personnel cost for salary and fringe is \$254. Travel costs average an estimated \$50 per visit.

FUTURE SITE VISIT PROJECTIONS
WITH MULTI-YEAR LICENSURE

	<u>Programs</u>	<u>Programs To Visit</u>	<u>Change From FY 86</u>	<u>Full Time Equivalent* (FTE) Staff Required</u>
Actual FY 1986	245	245		3.0 (82 programs per FTE)
Projected FY 87	245 from FY 86 + 30 New Programs <u>275</u>	275	+ 30	3.35
Projected FY 88 (Licensure Effect- ives 7/1/88)	275 from FY 87 + 25 New Programs <u>300</u>	300	+ 55	3.66
Projected FY-89	300 from FY 88 + 27 New Programs <u>327</u>	327 -(40) 3 yr. from 88 -(45) 2 yr. from 89 <u>242</u>	- 3	2.95

*FTE requirements are based on FY-86 site visits with allowances for normal yearly L/C tasks to include: Standards Revision, Rules and Regulations development, Statistical reporting and projections, complaint investigations, new program technical assistance, report writing, correspondence, multiple site visits to some programs, and other additional L/C section assignments.

Kansas Association for the Blind and Visually Impaired, Inc.

March 3, 1987

TO: House Public Health and Welfare

FROM: Michael J. Byington, Registered Kansas Lobbyist

SUBJECT: House Bill 2415

We rise in support of this Bill. It is long overdue.

This bill is quite simple. It only does one thing. It makes it illegal for a blind individual to be refused the right to rent or purchase housing because he or she use a guide dog specifically trained for the purpose of serving as a mobility aid. It would make it illegal to charge a fee because of the dog's presence.

Guide dogs for the blind are already allowed in virtually all places to which the public is invited. The current wording in K.S.A. 39-1101-1102 already makes this clear. We are thus currently assuring the blind individual the legal right to use the dog to gain independence in the community. Independence in the community, however, is meaningless unless the blind individual can obtain a place to live within that community.

There are currently seven schools in the United States established to train dogs to guide blind people. Some of the largest and oldest include: Guide Dogs For The Blind Inc., The Seeing Eye Inc., Guiding Eyes Inc., Leader Dogs Inc., and Pilot Dogs Inc. All of these facilities as well as a couple of others and a few accredited private trainers in the United States, turn out excellent quality mobility aid dogs for use of the blind. These animals all have similar training. The difference in a Guide Dog, a Seeing Eye Dog, and a Leader Dog is similar to the difference between a Ford, a Pontiac, and an A.M.C.

HB 2415 does note that the dog must be trained for the purposes of guiding, and thus certainly leaves the potential landlord or seller the option of asking for proof of training. While the bill would prevent, for example, the charging of a pet deposit for a guide dog, it also protects the potential landlord by making the blind guide dog user liable for any damage done by the dog.

The dogs in question are working dogs. While they may provide companionship as well as a service, they are not pets. They are trained to live around human beings and to behave accordingly.

HB 2415 essentially defines guide dogs as non-pets. This is a helpful protection to both the blind guide dog user and potential landlords/sellers. The Bill would allow guide dogs' right of access to complexes, neighborhoods, and cooperatives where pets are prohibited

PKW
3-3-87
atm #2

without establishing a precedent of allowing pets.

There is a need for the bill. While most landlords and sellers understand the use of guide dogs, there are always those unexpected exceptions. Our organization's membership includes a number of guide dog users who have reported occasional incidents of refusal of rental due to the use of the dog. The guide dog users present at this hearing will be glad to answer questions concerning the dogs or some of their own experiences with property rental. Most important, however, is that this bill will give Kansas guide dog users some well deserved confidence in their opportunities to locate housing. A blind person living independently via the use of a guide dog has quite a number of special housing requirements to consider without being worried as to whether the dog will be allowed. Public transportation, proximity to shopping, sidewalks in the area, and safe street layout are all examples of potential concerns. Imagine the frustration of finding property which meets all of these requirements only to find that the guide dog will not be permitted. This has happened to at least two of our organization's members. One of our members told me of a recent move to a different Kansas Community due to professional advancement, "I kind of liked this condo, but the big reason I took it instead of looking further was that they said my guide dog would be okay and I knew there were no legal assurances of this being offered anywhere else." This is a type of concern which can be eliminated by adoption of HB 2415.

A few years ago, this Legislature, in its wisdom, added K.S.A. 39-1107 to the body of the Kansas White Cane Law. This legislation gave hearing ear dogs for the deaf almost exactly the same opportunities as are offered by HB 2415. Guide dogs have been successfully used in the United States for over 50 years. They are a far more longstanding and time proven aide than the hearing ear dog which represents a much more recent advance in work with the deaf. While the Kansas Association for the Blind and Visually Impaired Inc. applauds the adoption of K.S.A. 39-1107, we would certainly point out that guide dogs for the blind should enjoy the same assurances.

5333 SW 15th Ct
Topeka, KS 66604
Phone- 273-6028

To the Committee on Public Health and Welfare
House Bill 2415
March 3, 1987

I am Jo Taliaferro, an ordained presbyterian pastor. I am an employee of Topeka Hospice and serve as their educator/consultant for adolescents. I work as a braille proofreading consultant for the Topeka Resource Center for the Handicapped and enjoy a variety of community activities.

I'm here today to plead for the rights of blind and visually-impaired persons like myself to live where they choose without discrimination due to the presence of a guide dog. I have used a dog guide for thirteen years and am presently living in the Hillsdale Apartment complex. I now receive every courtesy from my manager and surrounding neighbors and have had no complaints about my guide dog. That was not accomplished without humiliating frustration due to ignorance and no legal protection under state law.

Potential discrimination arose last September when I selected the apartment I wanted. The location was ideal for a number of reasons. My guide dog could lead me to nearby bus stops, to grocery stores, to the cleaners, to church and to comfortable eating establishments in my area. My voting place would be within walking distance and a shopping center affords independence in meeting my personal needs.

Accommodations inside the apartment are adequate for using

attn. #3
3/3/87
PHW

HB2415

large braille books and braille equipment. Convenient laundry facilities could be arranged off the kitchen and spacious storage outside the front door could hold my eighteen-volume braille Bible and a variety of theological materials in braille and on cassette.

I had found after a long search, the dwelling I wanted. I had found a place which met my rather specialized but basic needs. I had found a place which would allow my dog guide and I to be independent but also opportunity for enthusiastic interaction with people and places of business and recreation in the area.

These rights were almost denied me because of the dog, who by her very profession makes many of these freedoms possible. The NO PET POLICY did not hold water! These well-educated dogs are working companions, not pets. The fact that the fact that new carpet had been laid in the apartment I wanted is only a problem for those who do not understand that a dog guide has a set routine for doing its emptying at the curb and that students are carefully instructed in picking up and disposing of the evidence so that cleanliness and sanitary conditions are maintained for all residents.

The issue here is not cleanliness but rather the right of a blind or visually-impaired person to choose his or her living space without discrimination because of use of a dog guide. Look at the photographs, examine the behavior of the

page 3.

dog guides here today and free the next person who seeks to live on rental or sale property from discrimination due to a negative attitude or unintentional ignorance. I am the first to have a dog guide in the complex where I live and the management has said that I am the one-time exception. Let's not let that continue to be the case. Support this bill! Encourage freedom for dog guides and their users even if some less discerning neighbors say, "You've gone to the dogs!"

Respectfully submitted,
The Rev. Dr. Jo Taliaferro



(Part 8
Lettin #3
3/3/87
PAW

TESTIMONY IN SUPPORT OF H.B. 2415
Submitted by Don Karr, Topeka Resource Center for the Handicapped

March 3, 1987

1. A "pet" deposit equal to 1/2 or 1 month's rent will prevent or discourage a number of persons with whom I commonly work from taking possession of rental property and establishing residency in the community (in Topeka, KS).
2. Some landlords will likely use such deterrent means to specify the characteristics their renters will exhibit (and which they will not). Other landlords, believing this practice to be common place, will use such policy to, in some cases, unjustly heighten their rental values, although the property and peaceful enjoyment thereof does not correspondingly appreciate in value.
3. The problem may be stated more simply as a failure to distinguish between a "pet" and a dog guide trained as a mobility or guiding aid.
4. H.B. 2415, when enacted, will provide protections for rental property owners as well, in that the term "guide dog" is herein defined as not being a "pet".

PHxW
Attn #4
3-3-87

EXPLANATION OF AMENDMENTS TO H.B. 2019

Section 1: Deletes the sunset currently contained in the statute by striking "1987" in line 27 and by inserting 1990. The effect of the changes in Section 1 is to extend the Kansas Community Mental Retardation Facilities Assistance Act until July 1, 1990.

Section 2: The new language inserted in line 39 specifies that the Secretary of SRS is to adopt rules and regulations in accordance with the provisions of the section, i.e., including the new language that would be inserted following the word "client" on line 48 relating to defining "family crisis occasioned by family circumstances."

The amendment on line 42 which adds "for a program" is a technical amendment which makes it clear that a client may be accepted for a program operated under the umbrella of a facility without having to be accepted specifically for facility services, such as a residential facility.

The amendment which begins on line 43 states that a client accepted for services after July 1, 1987, shall only be counted as a full-time equivalent client for the purpose of state grants if such client was on a first-come, first-serve basis determined as set out in the amendment. The new language that would be added as shown in the first balloon on page 2 creates one exception to the first-come, first-serve admission requirement. The exception is the client who is accepted by the facility, other than on a first-come, first-serve basis because of a "family crisis occasioned by family circumstances" as defined by rules and regulations of the Secretary. The ballooned language also directs the Secretary, in establishing standards and guidelines for facilities to follow in admitting clients on other than a first-come, first-serve basis, to establish standards that: (1) are consistent with the needs of clients and their families; (2) specify the types of family crisis most likely to require a family crisis admission; and (3) establish criteria for determining the appropriateness of an admission occasioned by a family crisis. The balloon language also directs the Secretary to establish procedures for review of admissions occasioned by a family crisis.

The new language appearing in the second balloon on page 2 of the bill states that per diem payments made in the first year under this act will be based on the number of clients actually served during calendar year 1983. In subsequent years, payments will be based on the actual clients served in the year preceding the year in which payments are to be made.

New language added to line 66 and appearing in the third balloon, states that clients funded by special state funding are not to be counted as clients for the purpose of per diem state grants.

Section 3 of H.B. 2019 will be deleted from the bill. The effect of deleting this section from the bill is to leave the statute as it is in the current law. Therefore, the "hold harmless" provisions contained in the statute will not expire.

HOUSE BILL No. 2019

By Special Committee on Public Health and Welfare

Re Proposal No. 25

12-15

Attn #6
P.H.W.
3-3-87

0017 AN ACT concerning the Kansas community mental retardation
0018 facilities assistance act; amending K.S.A. 1986 Supp. 65-4411,
0019 65-4413 and 65-4414 and repealing the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1986 Supp. 65-4411 is hereby amended to
0022 read as follows: 65-4411. (a) K.S.A. 1986 Supp. 65-4411 to 65-
0023 4415, inclusive, and amendments thereto shall be known and
0024 may be cited as the Kansas community mental retardation facili-
0025 ties assistance act.

0026 (b) K.S.A. 1986 Supp. 65-4411 to 65-4415, inclusive, and
0027 amendments thereto shall expire on July 1, ~~1987~~ 1990.

0028 Sec. 2. K.S.A. 1986 Supp. 65-4413 is hereby amended to read
0029 as follows: 65-4413. (a) For the purpose of insuring that adequate
0030 community mental retardation services are available to all in-
0031 habitants of Kansas, the state shall participate in the financing of
0032 community mental retardation facilities in the manner provided
0033 by this section.

0034 (b) Subject to the provisions of appropriations acts and the
0035 provisions of K.S.A. 1986 Supp. 65-4414 *and amendments*
0036 *thereto*, the secretary shall make grants to community mental
0037 retardation facilities based on full-time equivalent clients served
0038 and per diem amounts per client as provided in this section. The

0039 secretary shall adopt rules and regulations (1) defining full-time
0040 equivalent clients and prescribing the method of computing
0041 full-time equivalent clients and (2) establishing statewide per
0042 diem amounts per client for the purposes of determining grants
0043 of community mental retardation facilities. A client accepted by
0044 a facility on and after July 1, 1987, shall constitute a full-time

in accordance with the provisions of this section,

for a program

Attn #6
P.H.W.
3-3-87

0045 equivalent client only if the client was accepted by the facility on
0046 a first-come, first-serve basis in order of the time at which an
0047 application for admission was made to such facility on behalf of
0048 the client.

0049 (c) The secretary shall make grant payments each calendar
0050 quarter which shall be based upon the adjusted payments for the
0051 actual clients served during the previous calendar year immedi-
0052 ately preceding the year in which such grant payments are to be
0053 made, subject to the provisions of K.S.A. 1986 Supp. 65-4414 and
0054 amendments thereto. In the event that sufficient moneys to pay
0055 to all community mental retardation facilities the full amount of
0056 grant payments determined in accordance with the number of
0057 actual clients served thereby and the current per diem amounts
0058 per client for any calendar quarter have not been appropriated or
0059 are not available, the entire amount available such calendar
0060 quarter for grant payments shall be prorated by the secretary
0061 among all the community mental retardation facilities applying
0062 for such grant payments in proportion to the amount each such
0063 community mental retardation facility would have received if
0064 sufficient moneys had been appropriated and available therefor,
0065 subject to the provisions of K.S.A. 1986 Supp. 65-4414 and
0066 amendments thereto.

0067 (d) The secretary shall adopt rules and regulations for the
0068 administration of the provisions of the Kansas community mental
0069 retardation facilities assistance act.

~~0070 Sec. 3. K.S.A. 1986 Supp. 65-4414 is hereby amended to read
0071 as follows: 65-4414. During each fiscal year commencing after
0072 June 30, 1986, each community mental retardation facility which
0073 was eligible for grant payments under K.S.A. 1986 Supp. 65-4413
0074 and amendments thereto and which received assistance under
0075 the provisions of K.S.A. 65-4401 to 65-4408, inclusive, and
0076 amendments thereto for the fiscal year ending June 30, 1986,
0077 shall receive a total amount of grant payments under K.S.A. 1986
0078 Supp. 65-4413 and amendments thereto for such fiscal year in an
0079 amount which is not less than the total amount of assistance
0080 earned by such community mental retardation facility under the
0081 provisions of K.S.A. 65-4401 to 65-4408, inclusive, and amend-~~

, except that a client accepted for a program by a facility on other than a first-come, first-serve basis because of a family crisis occasioned by family circumstances, as defined by rules and regulations of the secretary, shall constitute a full-time equivalent client. In defining the term "family crisis occasioned by family circumstances" the secretary shall establish standards and guidelines for facilities for the admission of clients based upon family crisis. Such standards and guidelines shall be consistent with the needs of clients and their families; shall specify to the extent known the types of family crisis most likely to necessitate admission to a facility; and shall establish criteria for determining the appropriateness of such admission. In addition the rules and regulations shall establish procedures for review by the secretary of the appropriateness of any such admission.

. The first year of per diem payments made under this section shall be based on the number of clients served during the base calendar year 1983. Payments in subsequent years shall be based on

A client funded by special state funding shall not constitute a client for purposes of per diem funding under this section.

Delete section 3 from bill -- leave as in current law -- strike K.S.A. 65-4414 from title and repealer.

0082 *ments thereto* for the fiscal year ending June 30, 1986. In the
0083 event that sufficient funds are not appropriated to pay all such
0084 community mental retardation facilities, which are applying for
0085 grants, the minimum amounts which such facilities are eligible
0086 to receive under this section, the secretary shall prorate the
0087 entire amount appropriated for grants among those community
0088 mental retardation facilities which are applying for grants and
0089 which are eligible under this section, in proportion to the
0090 amount each such community mental retardation facility re-
0091 ceived during the base year ending June 30, 1986. *This section*
0092 *shall expire on July 1, 1989.*

0093 Sec. 4. K.S.A. 1986 Supp. 65-4411, 65-4413 and 65-4414 are
0094 hereby repealed.

0095 Sec. 5. This act shall take effect and be in force from and
0096 after its publication in the statute book.