

HOUSE BILL No. 2365

By Committee on Health and Human Services

Requested by Representative W. Carpenter on behalf of the Kansas Department for Aging and Disability Services

2-7

1 AN ACT concerning health and healthcare; relating to state hospitals;
2 establishing the south central regional mental health hospital; amending
3 K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-4921, 65-
4 5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407, 76-
5 1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-
6 2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and
7 76-1958 and repealing the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) South central regional mental health hospital is a
11 state hospital that shall be open for the reception of patients, under the
12 same rules and regulations as provided for by law for the government and
13 regulation of the other state hospitals.

14 (b) There is hereby created in the state treasury the south central
15 regional mental health hospital fee fund. Such fund shall be administered
16 by the Kansas department for aging and disability services. The
17 superintendent of south central regional mental health hospital shall remit
18 all moneys received by or for the superintendent from charges made under
19 K.S.A. 59-2006, and amendments thereto, and other operations of such
20 institution to the state treasurer in accordance with the provisions of
21 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
22 remittance, the state treasurer shall deposit the entire amount in the state
23 treasury to the credit of the south central regional mental health hospital
24 fee fund. All expenditures from such fund shall be made in accordance
25 with appropriation acts upon warrants of the director of accounts and
26 reports issued pursuant to vouchers approved by such superintendent or by
27 a person or persons designated by the superintendent.

28 (c) As authorized by section 74(a) of chapter 81 of the 2022 Session
29 Laws of Kansas and Sec. 28(c) of chapter 97 of the 2022 Session Laws of
30 Kansas, a regional state psychiatric hospital shall be established in
31 Wichita, Kansas, for Sedgwick county and the surrounding regional area to
32 expand access to mental health beds in south-central Kansas.

33 (d) The secretary for aging and disability services is authorized and
34 directed to establish, equip and maintain, in connection with and as a part

1 of the south central regional mental health hospital, suitable buildings for
2 an extension to the state security hospital for the purpose of holding in
3 custody, examining, treating and caring for such mentally ill persons as
4 may be committed or ordered to the state security hospital by courts of
5 criminal jurisdiction or inmates with mental illness who are transferred for
6 care or treatment to the state security hospital from a correctional
7 institution under the control of the secretary of corrections, or patients with
8 a mental illness, other than minors, who are transferred for care or
9 treatment to the state security hospital from any institution under the
10 jurisdiction of the secretary for aging and disability services. The secretary
11 for aging and disability services is hereby authorized and empowered to
12 supervise and manage the extension to the state security hospital. The
13 superintendent of the Larned state hospital shall act as the superintendent
14 of the extension to the state security hospital.

15 Sec. 2. K.S.A. 21-5413 is hereby amended to read as follows: 21-
16 5413. (a) Battery is:

17 (1) Knowingly or recklessly causing bodily harm to another person;
18 or

19 (2) knowingly causing physical contact with another person when
20 done in a rude, insulting or angry manner.

21 (b) Aggravated battery is:

22 (1) (A) Knowingly causing great bodily harm to another person or
23 disfigurement of another person;

24 (B) knowingly causing bodily harm to another person with a deadly
25 weapon, or in any manner whereby great bodily harm, disfigurement or
26 death can be inflicted; or

27 (C) knowingly causing physical contact with another person when
28 done in a rude, insulting or angry manner with a deadly weapon, or in any
29 manner whereby great bodily harm, disfigurement or death can be
30 inflicted;

31 (2) (A) recklessly causing great bodily harm to another person or
32 disfigurement of another person;

33 (B) recklessly causing bodily harm to another person with a deadly
34 weapon, or in any manner whereby great bodily harm, disfigurement or
35 death can be inflicted; or

36 (3) (A) committing an act described in K.S.A. 8-1567, and
37 amendments thereto, when great bodily harm to another person or
38 disfigurement of another person results from such act; or

39 (B) committing an act described in K.S.A. 8-1567, and amendments
40 thereto, when bodily harm to another person results from such act under
41 circumstances whereby great bodily harm, disfigurement or death can
42 result from such act; or

43 (4) committing an act described in K.S.A. 8-1567, and amendments

1 thereto, when great bodily harm to another person or disfigurement of
2 another person results from such act while:

3 (A) In violation of any restriction imposed on such person's driving
4 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes
5 Annotated, and amendments thereto;

6 (B) such person's driving privileges are suspended or revoked
7 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and
8 amendments thereto; or

9 (C) such person has been deemed a habitual violator as defined in
10 K.S.A. 8-285, and amendments thereto, including at least one violation of
11 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any
12 city in this state, any resolution of any county in this state or any law of
13 another state, which ordinance, resolution or law declares to be unlawful
14 the acts prohibited by that statute.

15 (c) Battery against a law enforcement officer is:

16 (1) Battery as defined in subsection (a)(2) committed against a:

17 (A) Uniformed or properly identified university or campus police
18 officer while such officer is engaged in the performance of such officer's
19 duty;

20 (B) uniformed or properly identified state, county or city law
21 enforcement officer, other than a state correctional officer or employee, a
22 city or county correctional officer or employee or a juvenile detention
23 facility officer, or employee, while such officer is engaged in the
24 performance of such officer's duty;

25 (C) uniformed or properly identified federal law enforcement officer
26 while such officer is engaged in the performance of such officer's duty;

27 (D) judge, while such judge is engaged in the performance of such
28 judge's duty;

29 (E) attorney, while such attorney is engaged in the performance of
30 such attorney's duty; or

31 (F) community corrections officer or court services officer, while
32 such officer is engaged in the performance of such officer's duty;

33 (2) battery as defined in subsection (a)(1) committed against a:

34 (A) Uniformed or properly identified university or campus police
35 officer while such officer is engaged in the performance of such officer's
36 duty;

37 (B) uniformed or properly identified state, county or city law
38 enforcement officer, other than a state correctional officer or employee, a
39 city or county correctional officer or employee or a juvenile detention
40 facility officer, or employee, while such officer is engaged in the
41 performance of such officer's duty;

42 (C) uniformed or properly identified federal law enforcement officer
43 while such officer is engaged in the performance of such officer's duty;

- 1 (D) judge, while such judge is engaged in the performance of such
- 2 judge's duty;
- 3 (E) attorney, while such attorney is engaged in the performance of
- 4 such attorney's duty; or
- 5 (F) community corrections officer or court services officer, while
- 6 such officer is engaged in the performance of such officer's duty; or
- 7 (3) battery as defined in subsection (a) committed against a:
- 8 (A) State correctional officer or employee by a person in custody of
- 9 the secretary of corrections, while such officer or employee is engaged in
- 10 the performance of such officer's or employee's duty;
- 11 (B) state correctional officer or employee by a person confined in
- 12 such juvenile correctional facility, while such officer or employee is
- 13 engaged in the performance of such officer's or employee's duty;
- 14 (C) juvenile detention facility officer or employee by a person
- 15 confined in such juvenile detention facility, while such officer or employee
- 16 is engaged in the performance of such officer's or employee's duty; or
- 17 (D) city or county correctional officer or employee by a person
- 18 confined in a city holding facility or county jail facility, while such officer
- 19 or employee is engaged in the performance of such officer's or employee's
- 20 duty.
- 21 (d) Aggravated battery against a law enforcement officer is:
- 22 (1) Aggravated battery as defined in subsection (b)(1)(A) committed
- 23 against a:
- 24 (A) Uniformed or properly identified state, county or city law
- 25 enforcement officer while the officer is engaged in the performance of the
- 26 officer's duty;
- 27 (B) uniformed or properly identified university or campus police
- 28 officer while such officer is engaged in the performance of such officer's
- 29 duty;
- 30 (C) uniformed or properly identified federal law enforcement officer
- 31 while such officer is engaged in the performance of such officer's duty;
- 32 (D) judge, while such judge is engaged in the performance of such
- 33 judge's duty;
- 34 (E) attorney, while such attorney is engaged in the performance of
- 35 such attorney's duty; or
- 36 (F) community corrections officer or court services officer, while
- 37 such officer is engaged in the performance of such officer's duty;
- 38 (2) aggravated battery as defined in subsection (b)(1)(B) or (b)(1)(C)
- 39 committed against a:
- 40 (A) Uniformed or properly identified state, county or city law
- 41 enforcement officer while the officer is engaged in the performance of the
- 42 officer's duty;
- 43 (B) uniformed or properly identified university or campus police

1 officer while such officer is engaged in the performance of such officer's
2 duty;

3 (C) uniformed or properly identified federal law enforcement officer
4 while such officer is engaged in the performance of such officer's duty;

5 (D) judge, while such judge is engaged in the performance of such
6 judge's duty;

7 (E) attorney, while such attorney is engaged in the performance of
8 such attorney's duty; or

9 (F) community corrections officer or court services officer, while
10 such officer is engaged in the performance of such officer's duty; or

11 (3) knowingly causing, with a motor vehicle, bodily harm to a:

12 (A) Uniformed or properly identified state, county or city law
13 enforcement officer while the officer is engaged in the performance of the
14 officer's duty;

15 (B) uniformed or properly identified university or campus police
16 officer while such officer is engaged in the performance of such officer's
17 duty; or

18 (C) uniformed or properly identified federal law enforcement officer
19 while such officer is engaged in the performance of such officer's duty.

20 (e) Battery against a school employee is a battery as defined in
21 subsection (a) committed against a school employee in or on any school
22 property or grounds upon which is located a building or structure used by a
23 unified school district or an accredited nonpublic school for student
24 instruction or attendance or extracurricular activities of pupils enrolled in
25 kindergarten or any of the grades one through 12 or at any regularly
26 scheduled school sponsored activity or event, while such employee is
27 engaged in the performance of such employee's duty.

28 (f) Battery against a mental health employee is a battery as defined in
29 subsection (a) committed against a mental health employee by a person in
30 the custody of the secretary for aging and disability services, while such
31 employee is engaged in the performance of such employee's duty.

32 (g) Battery against a healthcare provider is a battery as defined in
33 subsection (a) committed against a healthcare provider while such provider
34 is engaged in the performance of such provider's duty.

35 (h) (1) Battery is a class B person misdemeanor.

36 (2) Aggravated battery as defined in:

37 (A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

38 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
39 felony;

40 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
41 felony; and

42 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
43 felony.

- 1 (3) Battery against a law enforcement officer as defined in:
2 (A) Subsection (c)(1) is a class A person misdemeanor;
3 (B) subsection (c)(2) is a severity level 7, person felony; and
4 (C) subsection (c)(3) is a severity level 5, person felony.
5 (4) Aggravated battery against a law enforcement officer as defined
6 in:
7 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
8 and
9 (B) subsection (d)(2) is a severity level 4, person felony.
10 (5) Battery against a school employee is a class A person
11 misdemeanor.
12 (6) Battery against a mental health employee is a severity level 7,
13 person felony.
14 (7) Battery against a healthcare provider is a class A person
15 misdemeanor.
16 (i) As used in this section:
17 (1) "Correctional institution" means any institution or facility under
18 the supervision and control of the secretary of corrections;
19 (2) "state correctional officer or employee" means any officer or
20 employee of the Kansas department of corrections or any independent
21 contractor, or any employee of such contractor, whose duties include
22 working at a correctional institution;
23 (3) "juvenile detention facility officer or employee" means any officer
24 or employee of a juvenile detention facility as defined in K.S.A. 38-2302,
25 and amendments thereto;
26 (4) "city or county correctional officer or employee" means any
27 correctional officer or employee of the city or county or any independent
28 contractor, or any employee of such contractor, whose duties include
29 working at a city holding facility or county jail facility;
30 (5) "school employee" means any employee of a unified school
31 district or an accredited nonpublic school for student instruction or
32 attendance or extracurricular activities of pupils enrolled in kindergarten or
33 any of the grades one through 12;
34 (6) "mental health employee" means:
35 (A) An employee of the Kansas department for aging and disability
36 services working at Larned state hospital, Osawatomie state hospital,
37 *south central regional mental health hospital*, Kansas neurological
38 institute and Parsons state hospital ~~and training center~~ and the treatment
39 staff as defined in K.S.A. 59-29a02, and amendments thereto; and
40 (B) contractors and employees of contractors under contract to
41 provide services to the Kansas department for aging and disability services
42 working at any such institution or facility;
43 (7) "judge" means a duly elected or appointed justice of the supreme

1 court, judge of the court of appeals, judge of any district court of Kansas,
2 district magistrate judge or municipal court judge;

3 (8) "attorney" means a: (A) County attorney, assistant county
4 attorney, special assistant county attorney, district attorney, assistant
5 district attorney, special assistant district attorney, attorney general,
6 assistant attorney general or special assistant attorney general; and (B)
7 public defender, assistant public defender, contract counsel for the state
8 board of indigents' defense services or an attorney who is appointed by the
9 court to perform services for an indigent person as provided by article 45
10 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

11 (9) "community corrections officer" means an employee of a
12 community correctional services program responsible for supervision of
13 adults or juveniles as assigned by the court to community corrections
14 supervision and any other employee of a community correctional services
15 program that provides enhanced supervision of offenders such as house
16 arrest and surveillance programs;

17 (10) "court services officer" means an employee of the Kansas
18 judicial branch or local judicial district responsible for supervising,
19 monitoring or writing reports relating to adults or juveniles as assigned by
20 the court, or performing related duties as assigned by the court;

21 (11) "federal law enforcement officer" means a law enforcement
22 officer employed by the United States federal government who, as part of
23 such officer's duties, is permitted to make arrests and to be armed; and

24 (12) "healthcare provider" means an individual who is licensed,
25 registered, certified or otherwise authorized by the state of Kansas to
26 provide healthcare services in this state.

27 Sec. 3. K.S.A. 2024 Supp. 39-1401 is hereby amended to read as
28 follows: 39-1401. As used in this act:

29 (a) "Resident" means:

30 (1) Any resident, as defined by K.S.A. 39-923, and amendments
31 thereto; or

32 (2) any individual kept, cared for, treated, boarded or otherwise
33 accommodated in a medical care facility; or

34 (3) any individual, kept, cared for, treated, boarded or otherwise
35 accommodated in a state psychiatric hospital or state institution for people
36 with intellectual disability.

37 (b) "Adult care home" means the same as defined in K.S.A. 39-923,
38 and amendments thereto.

39 (c) "In need of protective services" means that a resident is unable to
40 perform or obtain services which are necessary to maintain physical or
41 mental health, or both.

42 (d) "Services which are necessary to maintain physical and mental
43 health" include, but are not limited to, the provision of medical care for

1 physical and mental health needs, the relocation of a resident to a facility
2 or institution able to offer such care, assistance in personal hygiene, food,
3 clothing, adequately heated and ventilated shelter, protection from health
4 and safety hazards, protection from maltreatment the result of which
5 includes, but is not limited to, malnutrition, deprivation of necessities or
6 physical punishment and transportation necessary to secure any of the
7 above stated needs, except that this term shall not include taking such
8 person into custody without consent, except as provided in this act.

9 (e) "Protective services" means services provided by the state or other
10 governmental agency or any private organizations or individuals which are
11 necessary to prevent abuse, neglect or exploitation. Such protective
12 services shall include, but not be limited to, evaluation of the need for
13 services, assistance in obtaining appropriate social services and assistance
14 in securing medical and legal services.

15 (f) "Abuse" means any act or failure to act performed intentionally or
16 recklessly that causes or is likely to cause harm to a resident, including:

17 (1) Infliction of physical or mental injury;

18 (2) any sexual act with a resident when the resident does not consent
19 or when the other person knows or should know that the resident is
20 incapable of resisting or declining consent to the sexual act due to mental
21 deficiency or disease or due to fear of retribution or hardship;

22 (3) unreasonable use of a physical restraint, isolation or medication
23 that harms or is likely to harm a resident;

24 (4) unreasonable use of a physical or chemical restraint, medication
25 or isolation as punishment, for convenience, in conflict with a physician's
26 orders or as a substitute for treatment, except where such conduct or
27 physical restraint is in furtherance of the health and safety of the resident
28 or another resident;

29 (5) a threat or menacing conduct directed toward a resident that
30 results or might reasonably be expected to result in fear or emotional or
31 mental distress to a resident;

32 (6) fiduciary abuse; or

33 (7) omission or deprivation by a caretaker or another person of goods
34 or services which are necessary to avoid physical or mental harm or
35 illness.

36 (g) "Neglect" means the failure or omission by one's self, caretaker or
37 another person with a duty to provide goods or services which are
38 reasonably necessary to ensure safety and well-being and to avoid physical
39 or mental harm or illness.

40 (h) "Caretaker" means a person or institution who has assumed the
41 responsibility, whether legally or not, for the care of the resident
42 voluntarily, by contract or by order of a court of competent jurisdiction.

43 (i) "Exploitation" means misappropriation of resident property or

1 intentionally taking unfair advantage of an adult's physical or financial
2 resources for another individual's personal or financial advantage by the
3 use of undue influence, coercion, harassment, duress, deception, false
4 representation or false pretense by a caretaker or another person.

5 (j) "Medical care facility" means a facility licensed under K.S.A. 65-
6 425 et seq., and amendments thereto, but shall not include, for purposes of
7 this act, a state psychiatric hospital or state institution for people with
8 intellectual disability, including Larned state hospital, Osawatomie state
9 hospital and ~~Rainbow mental health facility~~, Kansas neurological institute
10 and, Parsons state hospital and ~~training center south central regional~~
11 ~~mental health hospital~~.

12 (k) "Fiduciary abuse" means a situation in which any person who is
13 the caretaker of, or who stands in a position of trust to, a resident, takes,
14 secretes, or appropriates the resident's money or property, to any use or
15 purpose not in the due and lawful execution of such person's trust.

16 (l) "State psychiatric hospital" means Larned state hospital,
17 Osawatomie state hospital and ~~Rainbow mental health facility~~ *south*
18 *central regional mental health hospital*.

19 (m) "State institution for people with intellectual disability" means
20 Kansas neurological institute and Parsons state hospital and ~~training~~
21 ~~center~~.

22 (n) "Report" means a description or accounting of an incident or
23 incidents of abuse, neglect or exploitation under this act and for the
24 purposes of this act shall not include any written assessment or findings.

25 (o) "Law enforcement" means the public office which is vested by
26 law with the duty to maintain public order, make arrests for crimes and
27 investigate criminal acts, whether that duty extends to all crimes or is
28 limited to specific crimes.

29 (p) "Legal representative" means an agent designated in a durable
30 power of attorney, power of attorney or durable power of attorney for
31 health care decisions or a court appointed guardian, conservator or trustee.

32 (q) "Financial institution" means any bank, trust company, escrow
33 company, finance company, saving institution, credit union or fiduciary
34 financial institution, chartered and supervised under state or federal law.

35 (r) "Governmental assistance provider" means an agency, or
36 employee of such agency, which is funded solely or in part to provide
37 assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and
38 amendments thereto, including medicaid and medicare.

39 No person shall be considered to be abused, neglected or exploited or
40 in need of protective services for the sole reason that such person relies
41 upon spiritual means through prayer alone for treatment in accordance
42 with the tenets and practices of a recognized church or religious
43 denomination in lieu of medical treatment.

1 Sec. 4. K.S.A. 39-1602 is hereby amended to read as follows: 39-
2 1602. As used in K.S.A. 39-1601 through 39-1612, and amendments
3 thereto:

4 (a) "Targeted population" means the population group designated by
5 rules and regulations of the secretary as most in need of mental health
6 services that are funded, in whole or in part, by state or other public
7 funding sources, and such group shall include adults with severe and
8 persistent mental illness, severely emotionally disturbed children and
9 adolescents and other individuals at risk of requiring institutional care.

10 (b) "Community based mental health services" includes, but is not
11 limited to, evaluation and diagnosis, case management services, mental
12 health inpatient and outpatient services, prescription and management of
13 psychotropic medication, prevention, education, consultation, treatment
14 and rehabilitation services, 24-hour emergency services, and any facilities
15 required therefor, that are provided within one or more local communities
16 in order to provide a continuum of care and support services to enable
17 mentally ill persons, including targeted population members, to function
18 outside of inpatient institutions to the extent of their capabilities.
19 Community based mental health services also include assistance in
20 securing employment services, housing services, medical and dental care
21 and other support services.

22 (c) "Mental health center" means any community mental health
23 center as defined in K.S.A. 39-2002, and amendments thereto.

24 (d) "Secretary" means the secretary for aging and disability services.

25 (e) "Department" means the Kansas department for aging and
26 disability services.

27 (f) "State psychiatric hospital" means Osawatomie state hospital,
28 ~~Rainbow mental health facility~~ or Larned state hospital *or south central*
29 *regional mental health hospital*.

30 (g) "Mental health reform phased program" means the program in
31 three phases for the implementation of mental health reform in Kansas as
32 follows:

33 (1) The first phase covers the counties in the Osawatomie state
34 hospital catchment area and is to commence on July 1, 1990, and is to be
35 completed by June 30, 1994;

36 (2) the second phase covers the counties in the Topeka state hospital
37 catchment area and is to commence on July 1, 1992, and is to be
38 completed by June 30, 1996; and

39 (3) the third phase covers the counties in the Larned state hospital
40 catchment area and is to commence on July 1, 1993, and is to be
41 completed by June 30, 1997.

42 (h) "Screening" means the process performed by a participating
43 community mental health center, pursuant to a contract entered into with

1 the secretary under K.S.A. 39-1610, and amendments thereto, to determine
2 whether a person, under either voluntary or involuntary procedures, can be
3 evaluated or treated, or can be both evaluated and treated, in the
4 community or should be referred to the appropriate state psychiatric
5 hospital for such treatment or evaluation or for both treatment and
6 evaluation.

7 (i) "Osawatomie state hospital catchment area" means, except as
8 otherwise defined by rules and regulations of the secretary adopted
9 pursuant to K.S.A. 39-1613, and amendments thereto, the area composed
10 of the following counties: Allen, Anderson, Atchison, Bourbon, Brown,
11 Butler, Chase, Chautauqua, Cherokee, Clay, Coffey, Cowley, Crawford,
12 Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Jackson, Jefferson,
13 Jewell, Johnson, Labette, Leavenworth, Linn, Lyon, Marshall, Miami,
14 Mitchell, Montgomery, Morris, Nemaha, Neosho, Osage, Pottawatomie,
15 Republic, Riley, Sedgwick, Shawnee, Wabaunsee, Washington, Wilson,
16 Woodson and Wyandotte.

17 (j) "Larned state hospital catchment area" means, except as otherwise
18 defined by rules and regulations of the secretary adopted pursuant to
19 K.S.A. 39-1613, and amendments thereto, the area composed of the
20 following counties: Barber, Barton, Cheyenne, Clark, Comanche, Decatur,
21 Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant,
22 Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgeman, Kearny,
23 Kingman, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade,
24 Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Reno,
25 Rice, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman,
26 Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wallace and
27 Wichita.

28 (k) "Catchment area" means the Osawatomie state hospital catchment
29 area or the Larned state hospital catchment area *or the south central*
30 *regional mental health hospital catchment area as defined in subsections*
31 *(i) and (m).*

32 (l) "Participating mental health center" means a mental health center
33 that has entered into a contract with the secretary for aging and disability
34 services to provide screening, treatment and evaluation, court ordered
35 evaluation and other treatment services pursuant to the care and treatment
36 act for mentally ill persons, in keeping with the phased concept of the
37 mental health reform act.

38 (m) "*South central regional mental hospital catchment area*" means,
39 *except as otherwise defined by rules and regulations of the secretary*
40 *adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area*
41 *composed of the following counties: Sedgwick, Butler, Cowley, Harvey and*
42 *Sumner.*

43 Sec. 5. K.S.A. 39-1613 is hereby amended to read as follows: 39-

1 1613. (a) The secretary for aging and disability services is hereby
 2 authorized to adopt rules and regulations to define and redefine the
 3 ~~Osawatimie state hospital catchment area and Larned state hospital~~
 4 ~~catchment area~~ *areas* as may be necessary in the opinion of the secretary
 5 for aging and disability services to accommodate shifts in populations in
 6 need of mental health services within available community mental health
 7 facility and state ~~institution~~ *hospital* capacities ~~and resources and in~~
 8 ~~accordance with the following:~~ (1) Each such catchment area shall be
 9 defined by contiguous counties that are designated by name;

10 (2) no county shall be included in more than one such catchment area;

11 (3) each county shall be included in the Osawatimie state hospital
 12 catchment area or Larned state hospital catchment area; and

13 (4) No designated community mental health center shall be included
 14 in more than one such catchment area. *The designation of a county to a*
 15 *particular catchment area shall not prevent the admission of persons to a*
 16 *state hospital in another catchment area when there are insufficient*
 17 *capacities and resources currently available in the designated state*
 18 *hospital catchment area.*

19 (b) Each rule and regulation adopted, amended or revived under this
 20 section shall be published in its entirety in the Kansas register in the first
 21 issue published after such adoption, amendment or revival.

22 Sec. 6. K.S.A. 40-3401 is hereby amended to read as follows: 40-
 23 3401. As used in this act:

24 (a) "Applicant" means any healthcare provider.

25 (b) "Basic coverage" means a policy of professional liability
 26 insurance required to be maintained by each healthcare provider pursuant
 27 to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

28 (c) "Commissioner" means the commissioner of insurance.

29 (d) "Fiscal year" means the year commencing on the effective date of
 30 this act and each year, commencing on the first day of July thereafter.

31 (e) "Fund" means the healthcare stabilization fund established
 32 pursuant to K.S.A. 40-3403(a), and amendments thereto.

33 (f) "Healthcare provider" means a person licensed to practice any
 34 branch of the healing arts by the state board of healing arts, a person who
 35 holds a temporary permit to practice any branch of the healing arts issued
 36 by the state board of healing arts, a person engaged in a postgraduate
 37 training program approved by the state board of healing arts, a medical
 38 care facility licensed by the state of Kansas, a podiatrist licensed by the
 39 state board of healing arts, a health maintenance organization issued a
 40 certificate of authority by the commissioner, an optometrist licensed by the
 41 board of examiners in optometry, a pharmacist licensed by the state board
 42 of pharmacy, a licensed professional nurse who is authorized to practice as
 43 a registered nurse anesthetist, a licensed professional nurse who has been

1 granted a temporary authorization to practice nurse anesthesia under
2 K.S.A. 65-1153, and amendments thereto, a professional corporation
3 organized pursuant to the professional corporation law of Kansas by
4 persons who are authorized by such law to form such a corporation and
5 who are healthcare providers as defined by this subsection, a Kansas
6 limited liability company organized for the purpose of rendering
7 professional services by its members who are healthcare providers as
8 defined by this subsection and who are legally authorized to render the
9 professional services for which the limited liability company is organized,
10 a partnership of persons who are healthcare providers under this
11 subsection, a Kansas not-for-profit corporation organized for the purpose
12 of rendering professional services by persons who are healthcare providers
13 as defined by this subsection, a nonprofit corporation organized to
14 administer the graduate medical education programs of community
15 hospitals or medical care facilities affiliated with the university of Kansas
16 school of medicine, a dentist certified by the state board of healing arts to
17 administer anesthetics under K.S.A. 65-2899, and amendments thereto, a
18 psychiatric hospital licensed prior to January 1, 1988, and continuously
19 thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and
20 K.S.A. 39-2001 et seq., and amendments thereto, or a mental health center
21 or mental health clinic licensed by the state of Kansas. On and after
22 January 1, 2015, "healthcare provider" also means a physician assistant
23 licensed by the state board of healing arts, a licensed advanced practice
24 registered nurse who is authorized by the board of nursing to practice as an
25 advanced practice registered nurse in the classification of a nurse-midwife,
26 a licensed advanced practice registered nurse who has been granted a
27 temporary authorization by the board of nursing to practice as an advanced
28 practice registered nurse in the classification of a nurse-midwife, a nursing
29 facility licensed by the state of Kansas, an assisted living facility licensed
30 by the state of Kansas or a residential healthcare facility licensed by the
31 state of Kansas. "Healthcare provider" does not include:

- 32 (1) Any state institution for people with intellectual disability;
- 33 (2) any state psychiatric hospital;
- 34 (3) any person holding an exempt license issued by the state board of
35 healing arts or the board of nursing;
- 36 (4) any person holding a visiting clinical professor license from the
37 state board of healing arts;
- 38 (5) any person holding an inactive license issued by the state board of
39 healing arts;
- 40 (6) any person holding a federally active license issued by the state
41 board of healing arts;
- 42 (7) an advanced practice registered nurse who is authorized by the
43 board of nursing to practice as an advanced practice registered nurse in the

1 classification of nurse-midwife or nurse anesthetist and who practices
2 solely in the course of employment or active duty in the United States
3 government or any of its departments, bureaus or agencies or who
4 provides professional services as a charitable healthcare provider as
5 defined under K.S.A. 75-6102, and amendments thereto; or

6 (8) a physician assistant licensed by the state board of healing arts
7 who practices solely in the course of employment or active duty in the
8 United States government or any of its departments, bureaus or agencies or
9 who provides professional services as a charitable healthcare provider as
10 defined under K.S.A. 75-6102, and amendments thereto.

11 (g) "Inactive healthcare provider" means a person or other entity who
12 purchased basic coverage or qualified as a self-insurer on or subsequent to
13 the effective date of this act but who, at the time a claim is made for
14 personal injury or death arising out of the rendering of or the failure to
15 render professional services by such healthcare provider, does not have
16 basic coverage or self-insurance in effect solely because such person is no
17 longer engaged in rendering professional service as a healthcare provider.

18 (h) "Insurer" means any corporation, association, reciprocal
19 exchange, inter-insurer and any other legal entity authorized to write
20 bodily injury or property damage liability insurance in this state, including
21 workers compensation and automobile liability insurance, pursuant to the
22 provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of
23 the Kansas Statutes Annotated, and amendments thereto.

24 (i) "Plan" means the operating and administrative rules and
25 procedures developed by insurers and rating organizations or the
26 commissioner to make professional liability insurance available to
27 healthcare providers.

28 (j) "Professional liability insurance" means insurance providing
29 coverage for legal liability arising out of the performance of professional
30 services rendered or that should have been rendered by a healthcare
31 provider.

32 (k) "Rating organization" means a corporation, an unincorporated
33 association, a partnership or an individual licensed pursuant to K.S.A. 40-
34 956, and amendments thereto, to make rates for professional liability
35 insurance.

36 (l) "Self-insurer" means a healthcare provider who qualifies as a self-
37 insurer pursuant to K.S.A. 40-3414, and amendments thereto.

38 (m) "Medical care facility" means the same when used in the
39 healthcare provider insurance availability act as defined in K.S.A. 65-425,
40 and amendments thereto, except that as used in the healthcare provider
41 insurance availability act such term, as it relates to insurance coverage
42 under the healthcare provider insurance availability act, also includes any
43 director, trustee, officer or administrator of a medical care facility.

1 (n) "Mental health center" means a mental health center licensed by
2 the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto,
3 except that as used in the healthcare provider insurance availability act
4 such term, as it relates to insurance coverage under the healthcare provider
5 insurance availability act, also includes any director, trustee, officer or
6 administrator of a mental health center.

7 (o) "Mental health clinic" means a mental health clinic licensed by
8 the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto,
9 except that as used in the healthcare provider insurance availability act
10 such term, as it relates to insurance coverage under the healthcare provider
11 insurance availability act, also includes any director, trustee, officer or
12 administrator of a mental health clinic.

13 (p) "State institution for people with intellectual disability" means
14 ~~Winfield state hospital and training center, Parsons state hospital and~~
15 ~~training center~~ and the Kansas neurological institute.

16 (q) "State psychiatric hospital" means Larned state hospital,
17 Osawatomie state hospital and ~~Rainbow mental health facility south~~
18 ~~central regional mental health hospital~~.

19 (r) "Person engaged in residency training" means:

20 (1) A person engaged in a postgraduate training program approved by
21 the state board of healing arts who is employed by and is studying at the
22 university of Kansas medical center only when such person is engaged in
23 medical activities that do not include extracurricular, extra-institutional
24 medical service for which such person receives extra compensation and
25 that have not been approved by the dean of the school of medicine and the
26 executive vice-chancellor of the university of Kansas medical center.
27 Persons engaged in residency training shall be considered resident
28 healthcare providers for purposes of K.S.A. 40-3401 et seq., and
29 amendments thereto; and

30 (2) a person engaged in a postgraduate training program approved by
31 the state board of healing arts who is employed by a nonprofit corporation
32 organized to administer the graduate medical education programs of
33 community hospitals or medical care facilities affiliated with the university
34 of Kansas school of medicine or who is employed by an affiliate of the
35 university of Kansas school of medicine as defined in K.S.A. 76-367, and
36 amendments thereto, only when such person is engaged in medical
37 activities that do not include extracurricular, extra-institutional medical
38 service for which such person receives extra compensation and that have
39 not been approved by the chief operating officer of the nonprofit
40 corporation or the chief operating officer of the affiliate and the executive
41 vice-chancellor of the university of Kansas medical center.

42 (s) "Full-time physician faculty employed by the university of Kansas
43 medical center" means a person licensed to practice medicine and surgery

1 who holds a full-time appointment at the university of Kansas medical
2 center when such person is providing healthcare. A person licensed to
3 practice medicine and surgery who holds a full-time appointment at the
4 university of Kansas medical center may also be employed part-time by
5 the United States department of veterans affairs if such employment is
6 approved by the executive vice-chancellor of the university of Kansas
7 medical center.

8 (t) "Sexual act" or "sexual activity" means that sexual conduct that
9 constitutes a criminal or tortious act under the laws of the state of Kansas.

10 (u) "Board" means the board of governors created by K.S.A. 40-3403,
11 and amendments thereto.

12 (v) "Board of directors" means the governing board created by K.S.A.
13 40-3413, and amendments thereto.

14 (w) "Locum tenens contract" means a temporary agreement not
15 exceeding 182 days per calendar year that employs a healthcare provider
16 to actively render professional services in this state.

17 (x) "Professional services" means patient care or other services
18 authorized under the act governing licensure of a healthcare provider.

19 (y) "Healthcare facility" means a nursing facility, an assisted living
20 facility or a residential healthcare facility as all such terms are defined in
21 K.S.A. 39-923, and amendments thereto.

22 (z) "Charitable healthcare provider" means the same as defined in
23 K.S.A. 75-6102, and amendments thereto.

24 Sec. 7. K.S.A. 41-1126 is hereby amended to read as follows: 41-
25 1126. (a) In addition to other purposes for which expenditures may be
26 made from the other state fees fund of the Kansas department for aging
27 and disability services, moneys in the other state fees fund of the Kansas
28 department for aging and disability services shall be used by the secretary
29 for aging and disability services to provide financial assistance to
30 community-based alcoholism and intoxication treatment programs for the
31 following purposes:

32 (1) Matching money under title XX of the federal social security act
33 to purchase treatment services from approved treatment facilities;

34 (2) providing start-up or expansion grants for halfway houses or
35 rehabilitation centers for alcoholics;

36 (3) purchasing services from approved treatment facilities for persons
37 who are needy but who are not eligible for assistance under either title
38 XIX or title XX of the federal social security act, and administrative costs
39 of the alcohol and drug abuse section which shall not exceed 10% of the
40 total moneys in the community alcoholism and intoxication programs
41 fund; and

42 (4) assisting to develop programs for prevention, education, early
43 identification and facility assistance and review team.

1 (b) No state alcohol treatment program at Osawatomie state hospital,
2 ~~Rainbow mental health facility or, Larned state hospital or south central~~
3 *regional mental health hospital* shall receive any moneys under the
4 provisions of subsection (a) of this section.

5 (c) There is hereby established in the state treasury the community
6 alcoholism and intoxication programs fund.

7 (d) On or before the 10th day of each month, the director of accounts
8 and reports shall transfer from the state general fund to the community
9 alcoholism and intoxication programs fund interest earnings based on:

10 (1) The average daily balance of moneys in the community
11 alcoholism and intoxication programs fund for the preceding month; and

12 (2) the net earnings rate of the pooled money investment portfolio for
13 the preceding month.

14 (e) All expenditures from the community alcoholism and intoxication
15 programs fund shall be made in accordance with appropriations acts upon
16 warrants of the director of accounts and reports issued pursuant to
17 vouchers approved by the secretary for aging and disability services or the
18 secretary's designee.

19 Sec. 8. K.S.A. 2024 Supp. 59-2006b is hereby amended to read as
20 follows: 59-2006b. (a) At least annually, the secretary for aging and
21 disability services shall establish the basic maximum rate of charge for
22 treatment of patients in each state institution, except that such rates shall
23 not exceed projected hospital costs of the state institution, including the
24 allocated costs of services by other state agencies, as determined by
25 application of generally acceptable hospital accounting principles. In
26 determining these rates, the secretary shall compute the average daily
27 projected operating cost of treatment of all patients in each state institution
28 and shall set a basic maximum rate of charge for each and every patient in
29 each state institution and each such patient's responsible relatives at the
30 average daily projected operating cost of each institution so computed.
31 When established pursuant to this section, each such rate shall be
32 published in the Kansas register by the secretary and thereafter, until a
33 subsequent rate is published as provided in this section, the rates last
34 published shall be the legal rate of charge. All courts in this state shall
35 recognize and take judicial notice of the procedure and the rates
36 established under this section.

37 (b) In lieu of the procedure for computing the basic maximum rate of
38 charge established under subsection (a), the secretary for aging and
39 disability services may authorize any state institution to compute an
40 individual patient charge on the basis of rates for services based on cost
41 incurred by such state institution as determined by application of generally
42 acceptable hospital accounting principles.

43 (c) As used in this section, "state institution" means the Osawatomie

1 state hospital, ~~Rainbow mental health facility~~, Larned state hospital,
2 including the state security hospital, Parsons state hospital ~~and training~~
3 ~~center~~, *south central regional mental health hospital*, including the
4 *extension state security hospital* and the Kansas neurological institute.

5 Sec. 9. K.S.A. 2024 Supp. 59-2946 is hereby amended to read as
6 follows: 59-2946. When used in the care and treatment act for mentally ill
7 persons:

8 (a) "Discharge" means the final and complete release from treatment,
9 by either the head of a treatment facility acting pursuant to K.S.A. 59-
10 2950, and amendments thereto, or by an order of a court issued pursuant to
11 K.S.A. 59-2973, and amendments thereto.

12 (b) "Head of a treatment facility" means the administrative director of
13 a treatment facility or such person's designee.

14 (c) "Law enforcement officer" means the same as defined in K.S.A.
15 22-2202, and amendments thereto.

16 (d) (1) "Mental health center" means any community mental health
17 center as defined in K.S.A. 39-2002, and amendments thereto, or a mental
18 health clinic organized as a not-for-profit or a for-profit corporation
19 pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or
20 K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in
21 accordance with the provisions of K.S.A. 39-2001 et seq., and
22 amendments thereto.

23 (2) "Participating mental health center" means a mental health center
24 that has entered into a contract with the secretary for aging and disability
25 services pursuant to the provisions of K.S.A. 39-1601 through 39-1612,
26 and amendments thereto.

27 (e) "Mentally ill person" means any person who is suffering from a
28 mental disorder that is manifested by a clinically significant behavioral or
29 psychological syndrome or pattern and associated with either a painful
30 symptom or an impairment in one or more important areas of functioning,
31 and involving substantial behavioral, psychological or biological
32 dysfunction, to the extent that the person is in need of treatment.

33 (f) (1) "Mentally ill person subject to involuntary commitment for
34 care and treatment" means a mentally ill person, as defined in subsection
35 (e), who also lacks capacity to make an informed decision concerning
36 treatment, is likely to cause harm to self or others, and whose diagnosis is
37 not solely one of the following mental disorders: Alcohol or chemical
38 substance abuse; antisocial personality disorder; intellectual disability;
39 organic personality syndrome; or an organic mental disorder.

40 (2) "Lacks capacity to make an informed decision concerning
41 treatment" means that the person, by reason of the person's mental
42 disorder, is unable, despite conscientious efforts at explanation, to
43 understand basically the nature and effects of hospitalization or treatment

1 or is unable to engage in a rational decision-making process regarding
2 hospitalization or treatment, as evidenced by an inability to weigh the
3 possible risks and benefits.

4 (3) "Likely to cause harm to self or others" means that the person, by
5 reason of the person's mental disorder: (A) Is likely, in the reasonably
6 foreseeable future, to cause substantial physical injury or physical abuse to
7 self or others or substantial damage to another's property, as evidenced by
8 behavior threatening, attempting or causing such injury, abuse or damage;
9 except that if the harm threatened, attempted or caused is only harm to the
10 property of another, the harm must be of such a value and extent that the
11 state's interest in protecting the property from such harm outweighs the
12 person's interest in personal liberty; or (B) is substantially unable, except
13 for reason of indigency, to provide for any of the person's basic needs,
14 such as food, clothing, shelter, health or safety, causing a substantial
15 deterioration of the person's ability to function on the person's own.

16 No person who is being treated by prayer in the practice of the religion
17 of any church that teaches reliance on spiritual means alone through prayer
18 for healing shall be determined to be a mentally ill person subject to
19 involuntary commitment for care and treatment under this act unless
20 substantial evidence is produced upon which the district court finds that
21 the proposed patient is likely in the reasonably foreseeable future to cause
22 substantial physical injury or physical abuse to self or others or substantial
23 damage to another's property, as evidenced by behavior threatening,
24 attempting or causing such injury, abuse or damage; except that if the harm
25 threatened, attempted or caused is only harm to the property of another, the
26 harm must be of such a value and extent that the state's interest in
27 protecting the property from such harm outweighs the person's interest in
28 personal liberty.

29 (g) "Patient" means a person who is a voluntary patient, a proposed
30 patient or an involuntary patient.

31 (1) "Voluntary patient" means a person who is receiving treatment at
32 a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

33 (2) "Proposed patient" means a person for whom a petition pursuant
34 to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

35 (3) "Involuntary patient" means a person who is receiving treatment
36 under order of a court or a person admitted and detained by a treatment
37 facility pursuant to an application filed pursuant to K.S.A. 59-2954(b) or
38 (c), and amendments thereto.

39 (h) "Physician" means a person licensed to practice medicine and
40 surgery as provided for in the Kansas healing arts act or a person who is
41 employed by a state psychiatric hospital or by an agency of the United
42 States and who is authorized by law to practice medicine and surgery
43 within that hospital or agency.

1 (i) "Psychologist" means a licensed psychologist, as defined by
2 K.S.A. 74-5302, and amendments thereto.

3 (j) "Qualified mental health professional" means a physician or
4 psychologist who is employed by a participating mental health center or
5 who is providing services as a physician or psychologist under a contract
6 with a participating mental health center, a licensed master's level
7 psychologist, a licensed clinical psychotherapist, a licensed marriage and
8 family therapist, a licensed clinical marriage and family therapist, a
9 licensed professional counselor, a licensed clinical professional counselor,
10 a licensed specialist social worker or a licensed master social worker or a
11 registered nurse who has a specialty in psychiatric nursing, who is
12 employed by a participating mental health center and who is acting under
13 the direction of a physician or psychologist who is employed by, or under
14 contract with, a participating mental health center.

15 (1) "Direction" means monitoring and oversight including regular,
16 periodic evaluation of services.

17 (2) "Licensed master social worker" means a person licensed as a
18 master social worker by the behavioral sciences regulatory board under
19 K.S.A. 65-6301 through 65-6318, and amendments thereto.

20 (3) "Licensed specialist social worker" means a person licensed in a
21 social work practice specialty by the behavioral sciences regulatory board
22 under K.S.A. 65-6301 through 65-6318, and amendments thereto.

23 (4) "Licensed master's level psychologist" means a person licensed as
24 a licensed master's level psychologist by the behavioral sciences regulatory
25 board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

26 (5) "Registered nurse" means a person licensed as a registered
27 professional nurse by the board of nursing under K.S.A. 65-1113 through
28 65-1164, and amendments thereto.

29 (k) "Secretary" means the secretary for aging and disability services.

30 (l) "State psychiatric hospital" means Larned state hospital,
31 Osawatomic state hospital or ~~Rainbow mental health facility~~ *south central*
32 *regional mental health hospital*.

33 (m) "Treatment" means any service intended to promote the mental
34 health of the patient and rendered by a qualified professional, licensed or
35 certified by the state to provide such service as an independent practitioner
36 or under the supervision of such practitioner.

37 (n) "Treatment facility" means any mental health center or clinic,
38 psychiatric unit of a medical care facility, state psychiatric hospital,
39 psychologist, physician or other institution or person authorized or
40 licensed by law to provide either inpatient or outpatient treatment to any
41 patient.

42 (o) The terms defined in K.S.A. 59-3051, and amendments thereto,
43 shall have the meanings provided by that section.

1 Sec. 10. K.S.A. 2024 Supp. 59-29b46 is hereby amended to read as
2 follows: 59-29b46. When used in the care and treatment act for persons
3 with an alcohol or substance abuse problem:

4 (a) "Discharge" means the final and complete release from treatment,
5 by either the head of a treatment facility acting pursuant to K.S.A. 59-
6 29b50, and amendments thereto, or by an order of a court issued pursuant
7 to K.S.A. 59-29b73, and amendments thereto.

8 (b) "Head of a treatment facility" means the administrative director of
9 a treatment facility or such person's designee.

10 (c) "Law enforcement officer" means the same as defined in K.S.A.
11 22-2202, and amendments thereto.

12 (d) "Licensed addiction counselor" means a person who engages in
13 the practice of addiction counseling limited to substance use disorders and
14 who is licensed by the behavioral sciences regulatory board. Such person
15 shall engage in the practice of addiction counseling in a state-licensed or
16 certified alcohol and other drug treatment program or while completing a
17 Kansas domestic violence offender assessment for participants in a
18 certified batterer intervention program pursuant to K.S.A. 75-7d01 through
19 75-7d13, and amendments thereto, unless otherwise exempt from licensure
20 under subsection (n).

21 (e) "Licensed clinical addiction counselor" means a person who
22 engages in the independent practice of addiction counseling and diagnosis
23 and treatment of substance use disorders specified in the edition of the
24 American psychiatric association's diagnostic and statistical manual of
25 mental disorders (DSM) designated by the board by rules and regulations
26 and is licensed by the behavioral sciences regulatory board.

27 (f) "Licensed master's addiction counselor" means a person who
28 engages in the practice of addiction counseling limited to substance use
29 disorders and who is licensed under this act. Such person may diagnose
30 substance use disorders only under the direction of a licensed clinical
31 addiction counselor, a licensed psychologist, a person licensed to practice
32 medicine and surgery or a person licensed to provide mental health
33 services as an independent practitioner and whose licensure allows for the
34 diagnosis and treatment of substance abuse disorders or mental disorders.

35 (g) "Other facility for care or treatment" means any mental health
36 clinic, medical care facility, nursing home, the detox units at ~~either~~
37 ~~Oswatimic state hospital or Larned state hospital~~ *any state hospital*, any
38 physician or any other institution or individual authorized or licensed by
39 law to give care or treatment to any person.

40 (h) "Patient" means a person who is a voluntary patient, a proposed
41 patient or an involuntary patient.

42 (i) "Voluntary patient" means a person who is receiving treatment at
43 a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

1 (2) "Proposed patient" means a person for whom a petition pursuant
2 to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

3 (3) "Involuntary patient" means a person who is receiving treatment
4 under order of a court or a person admitted and detained by a treatment
5 facility pursuant to an application filed pursuant to K.S.A. 59-29b54(b) or
6 (c), and amendments thereto.

7 (i) "Person with an alcohol or substance abuse problem" means a
8 person who: (1) Lacks self-control as to the use of alcoholic beverages or
9 any substance as defined in subsection (m); or

10 (2) uses alcoholic beverages or any substance to the extent that the
11 person's health may be substantially impaired or endangered without
12 treatment.

13 (j) (1) "Person with an alcohol or substance abuse problem subject to
14 involuntary commitment for care and treatment" means a person with an
15 alcohol or substance abuse problem who also is incapacitated by alcohol or
16 any substance and is likely to cause harm to self or others.

17 (2) "Incapacitated by alcohol or any substance" means that the
18 person, as the result of the use of alcohol or any substance, has impaired
19 judgment resulting in the person:

20 (A) Being incapable of realizing and making a rational decision with
21 respect to the need for treatment; or

22 (B) lacking sufficient understanding or capability to make or
23 communicate responsible decisions concerning either the person's well-
24 being or estate.

25 (3) "Likely to cause harm to self or others" means that the person, by
26 reason of the person's use of alcohol or any substance: (A) Is likely, in the
27 reasonably foreseeable future, to cause substantial physical injury or
28 physical abuse to self or others or substantial damage to another's property,
29 as evidenced by behavior threatening, attempting or causing such injury,
30 abuse or damage; except that if the harm threatened, attempted or caused is
31 only harm to the property of another, the harm must be of such a value and
32 extent that the state's interest in protecting the property from such harm
33 outweighs the person's interest in personal liberty; or

34 (B) is substantially unable, except for reason of indigency, to provide
35 for any of the person's basic needs, such as food, clothing, shelter, health
36 or safety, causing a substantial deterioration of the person's ability to
37 function on the person's own.

38 (k) "Physician" means a person licensed to practice medicine and
39 surgery as provided for in the Kansas healing arts act or a person who is
40 employed by a state psychiatric hospital or by an agency of the United
41 States and who is authorized by law to practice medicine and surgery
42 within that hospital or agency.

43 (l) "Psychologist" means a licensed psychologist, as defined by

1 K.S.A. 74-5302, and amendments thereto.

2 (m) "Substance" means: (1) The same as the term "controlled
3 substance" as defined in K.S.A. 21-5701, and amendments thereto; or

4 (2) fluorocarbons, toluene or volatile hydrocarbon solvents.

5 (n) "Treatment" means the broad range of emergency, outpatient,
6 intermediate and inpatient services and care, including diagnostic
7 evaluation, medical, psychiatric, psychological and social service care,
8 vocational rehabilitation and career counseling, which may be extended to
9 persons with an alcohol or substance abuse problem.

10 (o) (1) "Treatment facility" means a treatment program, public or
11 private treatment facility, or any facility of the United States government
12 available to treat a person for an alcohol or other substance abuse problem,
13 but such term does not include a licensed medical care facility, a licensed
14 adult care home, a facility licensed under K.S.A. 2015 Supp. 75-3307b,
15 prior to its repeal or under K.S.A. 39-2001 et seq., and amendments
16 thereto, a community-based alcohol and drug safety action program
17 certified under K.S.A. 8-1008, and amendments thereto, and performing
18 only those functions for which the program is certified to perform under
19 K.S.A. 8-1008, and amendments thereto, or a professional licensed by the
20 behavioral sciences regulatory board to diagnose and treat mental
21 disorders at the independent level or a physician, who may treat in the
22 usual course of the behavioral sciences regulatory board licensee's or
23 physician's professional practice individuals incapacitated by alcohol or
24 other substances, but who are not primarily engaged in the usual course of
25 the individual's professional practice in treating such individuals, or any
26 state institution, even if detoxification services may have been obtained at
27 such institution.

28 (2) "Private treatment facility" means a private agency providing
29 facilities for the care and treatment or lodging of persons with either an
30 alcohol or other substance abuse problem and meeting the standards
31 prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto,
32 and licensed under either K.S.A. 65-4014 or 65-4607, and amendments
33 thereto.

34 (3) "Public treatment facility" means a treatment facility owned and
35 operated by any political subdivision of the state of Kansas and licensed
36 under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an
37 appropriate place for the care and treatment or lodging of persons with an
38 alcohol or other substance abuse problem.

39 (p) The terms defined in K.S.A. 59-3051, and amendments thereto,
40 shall have the meanings provided by that section.

41 Sec. 11. K.S.A. 2024 Supp. 59-29b54 is hereby amended to read as
42 follows: 59-29b54. (a) A treatment facility may admit and detain any
43 person for emergency observation and treatment upon an ex parte

1 emergency custody order issued by a district court pursuant to K.S.A. 59-
2 29b58, and amendments thereto.

3 (b) A treatment facility or the detox unit at ~~Oswatomie state hospital~~
4 ~~or at Larned state hospital~~ *any state hospital* may admit and detain any
5 person presented for emergency observation and treatment upon written
6 application of a law enforcement officer having custody of that person
7 pursuant to K.S.A. 59-29b53, and amendments thereto. The application
8 shall state:

9 (1) The name and address of the person sought to be admitted, if
10 known;

11 (2) the name and address of the person's spouse or nearest relative, if
12 known;

13 (3) the officer's belief that the person is or may be a person with an
14 alcohol or substance abuse problem subject to involuntary commitment for
15 care and treatment and is likely to cause harm to self or others if not
16 immediately detained;

17 (4) the factual circumstances in support of that belief and the factual
18 circumstances under which the person was taken into custody including
19 any known pending criminal charges; and

20 (5) the fact that the law enforcement officer will file the petition
21 provided for in K.S.A. 59-29b57, and amendments thereto, by the close of
22 business of the first day thereafter that the district court is open for the
23 transaction of business, or that the officer has been informed by a parent,
24 legal guardian or other person, whose name shall be stated in the
25 application will file the petition provided for in K.S.A. 59-29b57, and
26 amendments thereto, within that time.

27 (c) A treatment facility may admit and detain any person presented
28 for emergency observation and treatment upon the written application of
29 any individual. The application shall state:

30 (1) The name and address of the person sought to be admitted, if
31 known;

32 (2) the name and address of the person's spouse or nearest relative, if
33 known;

34 (3) the applicant's belief that the person may be a person with an
35 alcohol or substance abuse problem subject to involuntary commitment
36 and is likely to cause harm to self or others if not immediately detained;

37 (4) the factual circumstances in support of that belief;

38 (5) any pending criminal charges, if known;

39 (6) the fact that the applicant will file the petition provided for in
40 K.S.A. 59-29b57, and amendments thereto, by the close of business of the
41 first day thereafter that the district court is open for the transaction of
42 business; and

43 (7) the application shall also be accompanied by a statement in

1 writing of a physician, psychologist or licensed addiction counselor
2 finding that the person is likely to be a person with an alcohol or substance
3 abuse problem subject to involuntary commitment for care and treatment
4 under this act.

5 (d) Any treatment facility or personnel thereof, who in good faith
6 renders treatment in accordance with law to any person admitted pursuant
7 to subsection (b) or (c), shall not be liable in a civil or criminal action
8 based upon a claim that the treatment was rendered without legal consent.

9 Sec. 12. K.S.A. 2024 Supp. 59-29b57 is hereby amended to read as
10 follows: 59-29b57. (a) A verified petition to determine whether or not a
11 person is a person with an alcohol or substance abuse problem subject to
12 involuntary commitment for care and treatment under this act may be filed
13 in the district court of the county wherein that person resides or wherein
14 such person may be found.

15 (b) The petition shall state:

16 (1) The petitioner's belief that the named person is a person with an
17 alcohol or substance abuse problem subject to involuntary commitment
18 and the facts upon which this belief is based;

19 (2) to the extent known, the name, age, present whereabouts and
20 permanent address of the person named as possibly a person with an
21 alcohol or substance abuse problem subject to involuntary commitment;
22 and if not known, any information the petitioner might have about this
23 person and where the person resides;

24 (3) to the extent known, the name and address of the person's spouse
25 or nearest relative or relatives, or legal guardian, or if not known, any
26 information the petitioner might have about a spouse, relative or relatives
27 or legal guardian and where they might be found;

28 (4) to the extent known, the name and address of the person's legal
29 counsel, or if not known, any information the petitioner might have about
30 this person's legal counsel;

31 (5) to the extent known, whether or not this person is able to pay for
32 medical services, or if not known, any information the petitioner might
33 have about the person's financial circumstances or indigency;

34 (6) to the extent known, the name and address of any person who has
35 custody of the person, and any known pending criminal charge or charges
36 or of any arrest warrant or warrants outstanding or, if there are none, that
37 fact or if not known, any information the petitioner might have about any
38 current criminal justice system involvement with the person;

39 (7) the name or names and address or addresses of any witness or
40 witnesses the petitioner believes has knowledge of facts relevant to the
41 issue being brought before the court; and

42 (8) the name and address of the treatment facility to which the
43 petitioner recommends that the proposed patient be sent for treatment if

1 the proposed patient is found to be a person with an alcohol or substance
2 abuse problem subject to involuntary commitment for care and treatment
3 under this act, or if the petitioner is not able to recommend a treatment
4 facility to the court, then that fact and that the secretary for aging and
5 disability services has been notified and requested to determine which
6 treatment facility the proposed patient should be sent to.

7 (c) The petition shall be accompanied by:

8 (1) A signed certificate from a physician, psychologist or state
9 certified alcohol and substance abuse counselor stating that such
10 professional has personally examined the person and any available records
11 and has found that the person, in such professional's opinion, is likely to be
12 a person with an alcohol or substance abuse problem subject to involuntary
13 commitment for care and treatment under this act, unless the court allows
14 the petition to be accompanied by a verified statement by the petitioner
15 that the petitioner had attempted to have the person seen by a physician,
16 psychologist or state certified alcohol and substance abuse counselor, but
17 that the person failed to cooperate to such an extent that the examination
18 was impossible to conduct;

19 (2) a statement of consent to the admission of the proposed patient to
20 the treatment facility named by the petitioner pursuant to subsection (b)(8)
21 signed by the head of that treatment facility or other documentation which
22 shows the willingness of the treatment facility to admitting the proposed
23 patient for care and treatment; and

24 (3) if applicable, a copy of any notice given pursuant to K.S.A. 59-
25 29b51, and amendments thereto, in which the named person has sought
26 discharge from a treatment facility into which they had previously entered
27 voluntarily, or a statement from the treating physician or psychologist that
28 the person was admitted as a voluntary patient but now lacks capacity to
29 make an informed decision concerning treatment and is refusing
30 reasonable treatment efforts, and including a description of the treatment
31 efforts being refused.

32 (d) The petition may include a request that an ex parte emergency
33 custody order be issued pursuant to K.S.A. 59-29b58, and amendments
34 thereto. If such request is made the petition shall also include:

35 (1) A brief statement explaining why the person should be
36 immediately detained or continue to be detained;

37 (2) the place where the petitioner requests that the person be detained
38 or continue to be detained; and

39 (3) if applicable, because detention is requested in a facility other
40 than the detox unit at either Osawatomie state hospital or at Larned a state
41 hospital, a statement that the facility is willing to accept and detain such
42 person.

43 (e) The petition may include a request that a temporary custody order

1 be issued pursuant to K.S.A. 59-29b59, and amendments thereto.

2 Sec. 13. K.S.A. 2024 Supp. 59-3077 is hereby amended to read as
3 follows: 59-3077. (a) At any time after the filing of the petition provided
4 for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments
5 thereto, any person may file in addition to that original petition, or as a
6 part thereof, or at any time after the appointment of a temporary guardian
7 as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian
8 as provided for in K.S.A. 59-3067, and amendments thereto, the temporary
9 guardian or guardian may file a verified petition requesting that the court
10 grant authority to the temporary guardian or guardian to admit the
11 proposed ward or ward to a treatment facility, as defined in subsection (h),
12 and to consent to the care and treatment of the proposed ward or ward
13 therein. The petition shall include:

14 (1) The petitioner's name and address, and if the petitioner is the
15 proposed ward's or ward's court appointed temporary guardian or guardian,
16 that fact;

17 (2) the proposed ward's or ward's name, age, date of birth, address of
18 permanent residence and present address or whereabouts, if different from
19 the proposed ward's or ward's permanent residence;

20 (3) the name and address of the proposed ward's or ward's court
21 appointed temporary guardian or guardian, if different from the petitioner;

22 (4) the factual basis upon which the petitioner alleges the need for the
23 proposed ward or ward to be admitted to and treated at a treatment facility,
24 or for the proposed ward or ward to continue to be treated at the treatment
25 facility to which the proposed ward or ward has already been admitted, or
26 for the guardian to have continuing authority to admit the ward for care
27 and treatment at a treatment facility pursuant to K.S.A. 59-2949(b)(3) or
28 K.S.A. 59-29b49(b)(3), and amendments thereto;

29 (5) the names and addresses of witnesses by whom the truth of this
30 petition may be proved; and

31 (6) a request that the court find that the proposed ward or ward is in
32 need of being admitted to and treated at a treatment facility, and that the
33 court grant to the temporary guardian or guardian the authority to admit
34 the proposed ward or ward to a treatment facility and to consent to the care
35 and treatment of the proposed ward or ward therein.

36 (b) The petition may be accompanied by a report of an examination
37 and evaluation of the proposed ward or ward conducted by an
38 appropriately qualified professional that shows that the criteria set out in
39 K.S.A. 39-1803, 59-2946(e), 59-29b46(i) or 76-12b03, and amendments
40 thereto, are met.

41 (c) Upon the filing of such a petition, the court shall issue the
42 following:

43 (1) An order fixing the date, time and place of a hearing on the

1 petition. Such hearing, in the court's discretion, may be conducted in a
2 courtroom, a treatment facility or at some other suitable place. The time
3 fixed in the order shall in no event be earlier than seven days or later than
4 21 days after the date of the filing of the petition. The court may
5 consolidate this hearing with the trial upon the original petition filed
6 pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and
7 amendments thereto, or with the trial provided for in the care and
8 treatment act for mentally ill persons or the care and treatment act for
9 persons with an alcohol or substance abuse problem, if the petition also
10 incorporates the allegations required by, and is filed in compliance with,
11 the provisions of either of those acts.

12 (2) An order requiring that the proposed ward or ward appear at the
13 time and place of the hearing on the petition unless the court makes a
14 finding prior to the hearing that the presence of the proposed ward or ward
15 will be injurious to the person's health or welfare, that the proposed ward's
16 or ward's impairment is such that the person could not meaningfully
17 participate in the proceedings or that the proposed ward or ward has filed
18 with the court a written waiver of such ward's right to appear in person. In
19 any such case, the court shall enter in the record of the proceedings the
20 facts upon which the court has found that the presence of the proposed
21 ward or ward at the hearing should be excused. Notwithstanding the
22 foregoing provisions of this subsection, if the proposed ward or ward files
23 with the court at least one day prior to the date of the hearing a written
24 notice stating the person's desire to be present at the hearing, the court
25 shall order that the person must be present at the hearing.

26 (3) An order appointing an attorney to represent the proposed ward or
27 ward. The court shall give preference, in the appointment of this attorney,
28 to any attorney who has represented the proposed ward or ward in other
29 matters, if the court has knowledge of that prior representation. The
30 proposed ward, or the ward with the consent of the ward's conservator, if
31 one has been appointed, shall have the right to engage an attorney of the
32 proposed ward's or ward's choice and, in such case, the attorney appointed
33 by the court shall be relieved of all duties by the court. Any appointment
34 made by the court shall terminate upon a final determination of the petition
35 and any appeal therefrom, unless the court continues the appointment by
36 further order.

37 (4) An order fixing the date, time and a place that is in the best
38 interest of the proposed ward or ward at which the proposed ward or ward
39 shall have the opportunity to consult with such ward's attorney. This
40 consultation shall be scheduled to occur prior to the time at which the
41 examination and evaluation ordered pursuant to subsection (d)(1), if
42 ordered, is scheduled to occur.

43 (5) A notice similar to that provided for in K.S.A. 59-3066, and

1 amendments thereto.

2 (d) Upon the filing of such a petition, the court may issue the
3 following:

4 (1) An order for a psychological or other examination and evaluation
5 of the proposed ward or ward, as may be specified by the court. The court
6 may order the proposed ward or ward to submit to such an examination
7 and evaluation to be conducted through a general hospital, psychiatric
8 hospital, community mental health center or community developmental
9 disability organization or by a private physician, psychiatrist, psychologist
10 or other person appointed by the court who is qualified to examine and
11 evaluate the proposed ward or ward. The costs of this examination and
12 evaluation shall be assessed as provided for in K.S.A. 59-3094, and
13 amendments thereto.

14 (2) If the petition is accompanied by a report of an examination and
15 evaluation of the proposed ward or ward as provided for in subsection (b),
16 an order granting temporary authority to the temporary guardian or
17 guardian to admit the proposed ward or ward to a treatment facility and to
18 consent to the care and treatment of the proposed ward or ward therein.
19 Any such order shall expire immediately after the hearing upon the
20 petition, or as the court may otherwise specify, or upon the discharge of
21 the proposed ward or ward by the head of the treatment facility, if the
22 proposed ward or ward is discharged prior to the time at which the order
23 would otherwise expire.

24 (3) For good cause shown, an order of continuance of the hearing.

25 (4) For good cause shown, an order of advancement of the hearing.

26 (5) For good cause shown, an order changing the place of the hearing.

27 (e) The hearing on the petition shall be held at the time and place
28 specified in the court's order issued pursuant to subsection (c), unless an
29 order of advancement, continuance or a change of place of the hearing has
30 been issued pursuant to subsection (d). The petitioner and the proposed
31 ward or ward shall each be afforded an opportunity to appear at the
32 hearing, to testify and to present and cross-examine witnesses. If the
33 hearing has been consolidated with a trial being held pursuant to either the
34 care and treatment act for mentally ill persons or the care and treatment act
35 for persons with an alcohol or substance abuse problem, persons not
36 necessary for the conduct of the proceedings may be excluded as provided
37 for in those acts. The hearing shall be conducted in as informal a manner
38 as may be consistent with orderly procedure. The court shall have the
39 authority to receive all relevant and material evidence which may be
40 offered, including the testimony or written report, findings or
41 recommendations of any professional or other person who has examined
42 or evaluated the proposed ward or ward pursuant to any order issued by
43 the court pursuant to subsection (d). Such evidence shall not be privileged

1 for the purpose of this hearing.

2 (f) Upon completion of the hearing, if the court finds by clear and
3 convincing evidence that the criteria set out in K.S.A. 39-1803, 59-
4 2946(e), 59-29b46(i) or 76-12b03, and amendments thereto, are met, and
5 after a careful consideration of reasonable alternatives to admission of the
6 proposed ward or ward to a treatment facility, the court may enter an order
7 granting such authority to the temporary guardian or guardian as is
8 appropriate, including continuing authority to the guardian to readmit the
9 ward to an appropriate treatment facility as may later become necessary.
10 Any such grant of continuing authority shall expire two years after the date
11 of final discharge of the ward from such a treatment facility if the ward has
12 not had to be readmitted to a treatment facility during that two-year period
13 of time. Thereafter, any such grant of continuing authority may be renewed
14 only after the filing of another petition seeking authority in compliance
15 with the provision of this section.

16 (g) Nothing herein shall be construed so as to prohibit the head of a
17 treatment facility from admitting a proposed ward or ward to that facility
18 as a voluntary patient if the head of the treatment facility is satisfied that
19 the proposed ward or ward at that time has the capacity to understand such
20 ward's illness and need for treatment, and to consent to such ward's
21 admission and treatment. Upon any such admission, the head of the
22 treatment facility shall give notice to the temporary guardian or guardian
23 as soon as possible of the ward's admission, and shall provide to the
24 temporary guardian or guardian copies of any consents the proposed ward
25 or ward has given. Thereafter, the temporary guardian or guardian shall
26 timely either seek to obtain proper authority pursuant to this section to
27 admit the proposed ward or ward to a treatment facility and to consent to
28 further care and treatment, or shall otherwise assume responsibility for the
29 care of the proposed ward or ward, consistent with the authority of the
30 temporary guardian or guardian, and may arrange for the discharge from
31 the facility of the proposed ward or ward, unless the head of the treatment
32 facility shall file a petition requesting the involuntary commitment of the
33 proposed ward or ward to that or some other facility.

34 (h) As used herein, "treatment facility" means the Kansas
35 neurological institute, Larned state hospital, Osawatomie state hospital,
36 *south central regional mental health hospital*, Parsons state hospital ~~and~~
37 ~~training center, the Rainbow mental health facility~~, any intermediate care
38 facility for people with intellectual disability, any psychiatric hospital
39 licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, and
40 any other facility for mentally ill persons or people with intellectual or
41 developmental disabilities licensed pursuant to K.S.A. 39-2001 et seq., and
42 amendments thereto, if the proposed ward or ward is to be admitted as an
43 inpatient or resident of that facility.

1 Sec. 14. K.S.A. 65-4921 is hereby amended to read as follows: 65-
2 4921. As used in K.S.A. 65-4921 through 65-4930, and amendments
3 thereto:

4 (a) "Appropriate licensing agency" means the agency that issued the
5 license to the individual or ~~health-care~~ *healthcare* provider who is the
6 subject of a report under this act.

7 (b) "Department" means the department of health and environment.

8 (c) "~~Health-care~~*Healthcare* provider" means:

9 (1) Those persons and entities defined as a ~~health-care~~ *healthcare*
10 provider under K.S.A. 40-3401, and amendments thereto; and

11 (2) a dentist licensed by the Kansas dental board, a dental hygienist
12 licensed by the Kansas dental board, a professional nurse licensed by the
13 board of nursing, a practical nurse licensed by the board of nursing, a
14 mental health technician licensed by the board of nursing, a physical
15 therapist licensed by the state board of healing arts, a physical therapist
16 assistant certified by the state board of healing arts, an occupational
17 therapist licensed by the state board of healing arts, an occupational
18 therapy assistant licensed by the state board of healing arts and a
19 respiratory therapist licensed by the state board of healing arts.

20 (d) "License," "licensee" and "licensing" include comparable terms
21 that relate to regulation similar to licensure, such as registration.

22 (e) "Medical care facility" means:

23 (1) A medical care facility licensed under K.S.A. 65-425 et seq., and
24 amendments thereto;

25 (2) a private psychiatric hospital licensed under K.S.A. 39-2001 et
26 seq., and amendments thereto; and

27 (3) state psychiatric hospitals and state institutions for people with
28 intellectual disability, as follows: Larned state hospital, Osawatomie state
29 hospital, ~~Rainbow mental health facility~~, Kansas neurological institute,
30 *south central regional mental health hospital* and Parsons state hospital
31 ~~and training center~~.

32 (f) "Reportable incident" means an act by a ~~health-care~~ *healthcare*
33 provider that:

34 (1) Is or may be below the applicable standard of care and has a
35 reasonable probability of causing injury to a patient; or

36 (2) may be grounds for disciplinary action by the appropriate
37 licensing agency.

38 (g) "Risk manager" means the individual designated by a medical
39 care facility to administer its internal risk management program and to
40 receive reports of reportable incidents within the facility.

41 (h) "Secretary" means the secretary of health and environment.

42 Sec. 15. K.S.A. 65-5601 is hereby amended to read as follows: 65-
43 5601. As used in K.S.A. 65-5601 through 65-5605, and amendments

1 thereto:

2 (a) "Patient" means a person who consults or is examined or
3 interviewed by treatment personnel.

4 (b) "Treatment personnel" means any employee of a treatment facility
5 who receives a confidential communication from a patient while engaged
6 in the diagnosis or treatment of a mental, alcoholic, drug dependency or
7 emotional condition, if such communication was not intended to be
8 disclosed to third persons.

9 (c) "Ancillary personnel" means any employee of a treatment facility
10 who is not included in the definition of treatment personnel.

11 (d) "Treatment facility" means a community mental health center,
12 community service provider, psychiatric hospital and state institution for
13 people with intellectual disability.

14 (e) "Head of the treatment facility" means the administrative director
15 of a treatment facility or the designee of the administrative director.

16 (f) "Community mental health center" means the same as defined in
17 K.S.A. 39-2002, and amendments thereto.

18 (g) "Psychiatric hospital" means Larned state hospital, Osawatomic
19 state hospital, ~~Rainbow mental health facility, Topeka state hospital~~ *south*
20 *central regional mental health hospital* and hospitals licensed under
21 K.S.A. 39-2001 et seq., and amendments thereto.

22 (h) "State institution for people with intellectual disability" means
23 ~~Winfield state hospital and training center, Parsons state hospital and~~
24 ~~training center~~ and the Kansas neurological institute.

25 (i) "Community service provider" means: (1) A community facility
26 for people with intellectual disability organized pursuant to the provisions
27 of K.S.A. 19-4001 through 19-4015, and amendments thereto, and
28 licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and
29 amendments thereto; (2) community service provider as provided in the
30 developmental disabilities reform act; or (3) a nonprofit corporation that
31 provides services for people with intellectual disability pursuant to a
32 contract with an intellectual disability governing board.

33 Sec. 16. K.S.A. 2024 Supp. 74-3292 is hereby amended to read as
34 follows: 74-3292. As used in this act:

35 (a) "Executive officer" means the chief executive officer of the state
36 board of regents appointed under K.S.A. 74-3203a, and amendments
37 thereto.

38 (b) "Mental health or treatment facility" means:

39 (1) Any private treatment facility as defined in K.S.A. 59-29b46, and
40 amendments thereto;

41 (2) any public treatment facility as defined in K.S.A. 59-29b46, and
42 amendments thereto;

43 (3) any community mental health center organized pursuant to K.S.A.

1 19-4001 through 19-4015, and amendments thereto, and licensed pursuant
2 to K.S.A. 39-2001 et seq., and amendments thereto;

3 (4) any mental health clinic organized pursuant to K.S.A. 65-211
4 through 65-215, and amendments thereto, and licensed pursuant to K.S.A.
5 39-2001 et seq., and amendments thereto;

6 (5) any psychiatric hospital, psychiatric residential treatment facility
7 or residential care facility as such terms are defined in K.S.A. 39-2002,
8 and amendments thereto;

9 (6) any hospital as defined in K.S.A. 65-425, and amendments
10 thereto, if:

11 (A) The hospital has a psychiatric unit; and

12 (B) the scholarship recipient is required to fulfill the nursing service
13 scholarship's employment obligations as an employee in the psychiatric
14 unit of the hospital; or

15 (7) Osawatomie state hospital, ~~Rainbow mental health facility~~, Larned
16 state hospital, *south central regional mental health hospital*, Parsons state
17 hospital ~~and training center~~ or the Kansas neurological institute.

18 (c) "School of nursing" means a school within the state of Kansas that
19 is approved by the state board of nursing to grant an associate degree or a
20 baccalaureate degree in professional nursing or a certificate of completion
21 in practical nursing and is:

22 (1) Under the control and supervision of the state board of regents;

23 (2) a municipal university; or

24 (3) a not-for-profit independent institution of higher education that
25 has its main campus or principal place of operation in Kansas, maintains
26 open enrollment as defined in K.S.A. 74-32,120, and amendments thereto,
27 and is operated independently and not controlled or administered by the
28 state or any agency or subdivision thereof.

29 (d) "Sponsor" means any of the following that is located in a rural
30 opportunity zone as defined in K.S.A. 74-50,222, and amendments thereto:

31 (1) An adult care home licensed under the adult care home licensure
32 act, K.S.A. 39-923 et seq., and amendments thereto;

33 (2) a medical care facility licensed under K.S.A. 65-425 et seq., and
34 amendments thereto;

35 (3) a home health agency licensed under K.S.A. 65-5101 et seq., and
36 amendments thereto;

37 (4) a local health department as defined in K.S.A. 65-241, and
38 amendments thereto;

39 (5) a mental health or treatment facility; and

40 (6) a state agency that employs licensed practical nurses or licensed
41 professional nurses.

42 Sec. 17. K.S.A. 75-3099 is hereby amended to read as follows: 75-
43 3099. (a) The governing board of any educational institution may enter

1 into agreements with any state agency for the provision of instruction at
 2 the educational institution or off the campus thereof. Credit for such
 3 instruction shall be awarded in accordance with the provisions of the
 4 agreement.

5 (b) Any state agency may enter into agreements with the governing
 6 board of any educational institution for the provision of instruction at the
 7 educational institution or off the campus thereof. The amount to be paid by
 8 the state agency for the provision of instruction under any such agreement
 9 shall be determined as provided in the agreement, in accordance with the
 10 provisions of this section and in any case within limitations of the
 11 appropriations of the state agency therefor. The amount to be paid under
 12 any such agreement shall be determined on the basis of a fixed dollar
 13 amount for each enrolled credit hour of instruction in lieu of tuition, except
 14 that (1) an additional dollar amount shall be paid for each credit hour value
 15 of a course which is not taught by personnel of the state agency, (2) the
 16 payment to be made under an agreement with a social welfare institution
 17 shall be on the basis of four credit hours for an entry level course of
 18 instruction for direct care staff, and (3) payments may be made to an
 19 educational institution for special training materials and mileage expenses
 20 where appropriate under the circumstances.

21 (c) (1) No credit hour state aid entitlement and no out-district state aid
 22 entitlement of an educational institution shall be based upon any subject,
 23 course or program which is taught under an agreement with a state agency,
 24 and no such subject, course or program shall be counted in determining the
 25 number of credit hours of out-district students for the purpose of
 26 determining the amount of out-district tuition to be charged by an
 27 educational institution.

28 (2) No tuition shall be charged to or collected from any person who
 29 enrolls in any subject, course or program which is taught under an
 30 agreement with a state agency.

31 (d) For the purpose of this section,:

32 (1) "educational institution" means community college or municipal
 33 university;

34 (2) "social welfare institution" means ~~Topeka state hospital,~~
 35 ~~Osawatomie state hospital, Rainbow mental health facility, Larned state~~
 36 ~~hospital, Parsons state hospital and training center, Norton state hospital,~~
 37 ~~Winfield state hospital and training center, south central regional mental~~
 38 ~~health hospital~~ and Kansas neurological institute; and

39 (3) "state agency" means any state office or officer, department,
 40 board, commission, institution, bureau, or any agency, division or unit
 41 within any office, department, board, commission or other authority of this
 42 state.

43 Sec. 18. K.S.A. 75-3373 is hereby amended to read as follows: 75-

1 3373. (a) Notwithstanding any other provision of law, no state agency shall
2 enter into any agreement or take any action to outsource or privatize any
3 operations or facilities of the Larned state hospital, the Osawatomie state
4 hospital, *the south central regional mental health hospital* or any facility
5 that provides mental health services and that is operated by a state agency
6 without prior specific authorization by an act of the legislature or an
7 appropriation act of the legislature. The restriction imposed by this
8 subsection applies to any action to outsource or privatize all or any part of
9 any operation or facility of the Larned state hospital, the Osawatomie state
10 hospital, *the south central regional mental health hospital* or any facility
11 that provides mental health services and that is operated by a state agency,
12 including, but not limited to, any action to transfer all or any part of the
13 rated bed capacity at the Larned state hospital~~or~~, the Osawatomie state
14 hospital; *or the south central regional mental health hospital*, in effect on
15 the effective date of this act, to another facility.

16 (b) Nothing in this section shall prevent the Kansas department for
17 aging and disability services from renewing, in substantially the same form
18 as an existing agreement, any agreement in existence prior to March 4,
19 2016, for services at the Larned state hospital or the Osawatomie state
20 hospital.

21 (c) Nothing in this section shall prevent the Kansas department for
22 aging and disability services from entering into an agreement for services
23 at the Larned state hospital or the Osawatomie state hospital with a
24 different provider if such agreement is substantially similar to an
25 agreement for services in existence prior to March 4, 2016.

26 Sec. 19. K.S.A. 76-384 is hereby amended to read as follows: 76-384.

27 (a) Upon the selection of a service commitment area for the purposes of
28 satisfying a service obligation under a medical student loan agreement
29 entered into under this act, the person so selecting shall inform the
30 university of Kansas school of medicine of the service commitment area
31 selected.

32 (b) A person serving in a service commitment area pursuant to any
33 agreement under this act may serve all or part of any commitment in the
34 service commitment area initially selected by such person. If such person
35 moves from one service commitment area to another service commitment
36 area, such person shall notify the university of Kansas school of medicine
37 of such person's change of service commitment area. Service in any such
38 service commitment area shall be deemed to be continuous for the purpose
39 of satisfying any agreement entered into under this act.

40 (c) A person receiving a medical student loan under this act, may
41 satisfy the obligation to engage in the full-time practice of medicine and
42 surgery in a service commitment area if the person serves as a full-time
43 faculty member of the university of Kansas school of medicine in general

1 internal medicine, general pediatrics, family medicine, family practice,
 2 general psychiatry or child psychiatry and serves two years for each one
 3 year of such obligation, or the equivalent thereof on a two-for-one basis,
 4 except that, at the time any person commences satisfying such service
 5 obligation as a full-time faculty member pursuant to this subsection, the
 6 number of persons satisfying service commitments or service obligations,
 7 pursuant to agreements under the medical student loan act, as full-time
 8 faculty members pursuant to this subsection shall not exceed the number
 9 equal to 25% of the total number of full-time faculty members of the
 10 university of Kansas school of medicine in general internal medicine,
 11 general pediatrics, family medicine, family practice, general psychiatry or
 12 child psychiatry.

13 (d) A person may satisfy the obligation to engage in the full-time
 14 practice of medicine and surgery in a service commitment area by
 15 performing at least 100 hours per month of on-site primary care or mental
 16 health care at a medical facility operated by a local health department or
 17 nonprofit organization in this state serving medically indigent persons or at
 18 a community mental health center or at Larned state hospital, Osawatomie
 19 state hospital, *south central regional mental health hospital* or any facility
 20 that provides mental health services and that is operated by a state agency.
 21 As used in this subsection, "medically indigent" means a person:

22 (1) Who is unable to secure ~~health care~~ *healthcare* because of
 23 inability to pay for all or a part of the costs thereof due to inadequate
 24 personal resources, being uninsured, being underinsured, being ineligible
 25 for governmental health benefits; or

26 (2) who is eligible for governmental benefits but is unable to obtain
 27 medical services; and "primary care" means general pediatrics, general
 28 internal medicine, family medicine and family practice.

29 Sec. 20. K.S.A. 76-12a01 is hereby amended to read as follows: 76-
 30 12a01. As used in this act, unless the context otherwise requires:

31 (a) "Secretary" means the secretary for aging and disability services.

32 (b) "Institution" means the following institutions: Osawatomie state
 33 hospital, ~~Rainbow mental health facility~~, Larned state hospital, *south*
 34 *central regional mental health hospital*, Parsons state hospital ~~and training~~
 35 ~~center~~, and Kansas neurological institute.

36 (c) "Director" or "commissioner" means the commissioner of
 37 community services and programs.

38 Sec. 21. K.S.A. 76-12a31 is hereby amended to read as follows: 76-
 39 12a31. From and after October 1, 1996, no institution shall admit any
 40 individual for care or treatment of alcohol abuse or drug abuse with the
 41 exception that Larned state hospital ~~and~~, Osawatomie state hospital *and*
 42 *south central regional mental health hospital* may admit an individual for
 43 detoxification services or alcohol abuse or drug abuse care and treatment

1 provided to inmates in the custody of the secretary of corrections as
2 clinically indicated. From and after October 1, 1996, public treatment
3 facilities and other treatment facilities licensed under K.S.A. 65-4001 et
4 seq., 65-4601 et seq. or 65-5201 et seq. and amendments thereto as
5 specified or directed by the secretary or a district court shall admit and
6 give appropriate care and treatment to alcohol and drug abusers.

7 Sec. 22. K.S.A. 76-1407 is hereby amended to read as follows: 76-
8 1407. Any reference in the laws of this state to "Parsons state training
9 school," "state hospital for epileptics at Parsons" or words of similar
10 import, shall be deemed to mean the Parsons state hospital ~~and training~~
11 ~~center~~.

12 Sec. 23. K.S.A. 76-1409 is hereby amended to read as follows: 76-
13 1409. The object of the Parsons state hospital ~~and training center~~ shall be
14 to examine, treat, educate, train and rehabilitate the persons admitted and
15 retained ~~so as~~ to make such persons more comfortable, happy, and better
16 fitted to care for and support themselves. ~~To this end~~ The secretary shall
17 provide such examination, treatment, education ~~(, including academic and~~
18 ~~vocational),~~ training and rehabilitation facilities ~~as he or she~~ *the secretary*
19 shall deem necessary and advisable.

20 Sec. 24. K.S.A. 76-1409a is hereby amended to read as follows: 76-
21 1409a. The superintendent of Parsons state hospital ~~and training center~~
22 shall remit all moneys received by or for the superintendent from charges
23 made under K.S.A. 59-2006, and amendments thereto, and other
24 operations of such institution to the state treasurer in accordance with the
25 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
26 each such remittance, the state treasurer shall deposit the entire amount in
27 the state treasury to the credit of the Parsons state hospital ~~and training~~
28 ~~center~~ fee fund. All expenditures from such fund shall be made in
29 accordance with appropriation acts upon warrants of the director of
30 accounts and reports issued pursuant to vouchers approved by such
31 superintendent or by a person or persons designated by the superintendent.

32 Sec. 25. K.S.A. 2024 Supp. 76-1936 is hereby amended to read as
33 follows: 76-1936. (a) The commissioner of community services and
34 programs of the Kansas department for aging and disability services, with
35 the approval of the secretary for aging and disability services and the
36 director of the Kansas office of veterans services, may transfer patients in
37 the state hospitals at Osawatomic ~~and~~, Larned ~~and~~ patients in the Rainbow
38 ~~mental health facility, Wichita~~ and the Parsons state hospital ~~and training~~
39 ~~center~~ who have served in the military or naval forces of the United States
40 or whose husband, wife, father, son or daughter has served in the active
41 military or naval service of the United States during any period of any war
42 as defined in K.S.A. 76-1908, and amendments thereto, and who was
43 discharged or relieved therefrom under conditions other than dishonorable,

1 to the Kansas soldiers' home. No patient who is such a mentally ill person,
2 as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of
3 the commissioner of state hospitals, that because of such patient's illness
4 such patient is likely to injure themselves or others, shall be transferred to
5 such Kansas soldiers' home, and no such patient shall be transferred if such
6 transfer will deny admission to persons entitled to admission under K.S.A.
7 76-1908, and amendments thereto, and rules and regulations promulgated
8 thereunder. Persons transferred shall not be considered as members of the
9 Kansas soldiers' home but shall be considered as patients therein.

10 (b) All of the laws, rules and regulations relating to patients in state
11 hospitals and mental health facility specified in subsection (a) shall be
12 applicable to such patients transferred under subsection (a). Any patient
13 transferred who is found to be or shall become such a mentally ill person,
14 as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of
15 the commissioner of state hospitals, that because of such patient's illness
16 such patient is likely to injure themselves or others or who is determined to
17 need additional psychiatric treatment, shall be retransferred by the
18 superintendent of the Kansas soldiers' home, with the approval of the
19 commissioner of state hospitals and the director of the Kansas office of
20 veterans services, to the institution from whence the patient was originally
21 transferred.

22 Sec. 26. K.S.A. 2024 Supp. 76-1958 is hereby amended to read as
23 follows: 76-1958. (a) The commissioner of state hospitals of the Kansas
24 department for aging and disability services, with the approval of the
25 secretary for aging and disability services and the director of the Kansas
26 office of veterans services, may transfer patients in the state hospitals in
27 ~~Topeka, Osawatomic and Larned and patients in the Rainbow mental~~
28 ~~health facility, Wichita and the Parsons state hospital and training center~~
29 ~~and the Winfield state hospital and training center~~ who have served in the
30 military or naval forces of the United States or whose husband, wife,
31 father, son or daughter has served in the active military or naval service of
32 the United States during any period of any war as defined in K.S.A. 76-
33 1954, and amendments thereto, and was discharged or relieved therefrom
34 under conditions other than dishonorable, to the Kansas veterans' home.
35 No patient who is such a mentally ill person, as defined in K.S.A. 59-2946,
36 and amendments thereto, in the opinion of the commissioner of state
37 hospitals, that because of such patient's illness such patient is likely to
38 injure oneself or others shall be so transferred to such Kansas veterans'
39 home, and no such patient shall be so transferred if such transfer will deny
40 admission to persons entitled to admission under K.S.A. 76-1954, and
41 amendments thereto, and rules and regulations promulgated thereunder.
42 Persons transferred shall not be considered as members of the Kansas
43 veterans' home but shall be considered as patients.

1 (b) All of the laws, rules and regulations relating to patients in the
2 above-specified state hospitals and mental health facilities shall be
3 applicable to such patients so transferred insofar as the same can be made
4 applicable. Any patient so transferred who is found to be or shall become
5 such a mentally ill person, as defined in K.S.A. 59-2946, and amendments
6 thereto, in the opinion of the commissioner of state hospitals, that because
7 of such patient's illness such patient is likely to injure oneself or others or
8 who is determined to need additional psychiatric treatment, shall be
9 retransferred by the superintendent of the Kansas veterans' home, with the
10 approval of the commissioner of mental health and developmental
11 disabilities and the director of the Kansas office of veterans services, to the
12 institution from which the patient was originally transferred.

13 Sec. 27. K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-
14 4921, 65-5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407,
15 76-1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-
16 2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and 76-
17 1958 are hereby repealed.

18 Sec. 28. This act shall take effect and be in force from and after its
19 publication in the statute book.