

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.

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

17 Sec. 2. K.S.A. 21-5413 is hereby amended to read as follows: 21-
18 5413. (a) Battery is:

19 (1) Knowingly or recklessly causing bodily harm to another person;
20 or

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

23 (b) Aggravated battery is:

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

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

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

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

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

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

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

1 result from such act; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 officer's duty;
- 2 (B) uniformed or properly identified university or campus police
- 3 officer while such officer is engaged in the performance of such officer's
- 4 duty;
- 5 (C) uniformed or properly identified federal law enforcement officer
- 6 while such officer is engaged in the performance of such officer's duty;
- 7 (D) judge, while such judge is engaged in the performance of such
- 8 judge's duty;
- 9 (E) attorney, while such attorney is engaged in the performance of
- 10 such attorney's duty; or
- 11 (F) community corrections officer or court services officer, while
- 12 such officer is engaged in the performance of such officer's duty; or
- 13 (3) knowingly causing, with a motor vehicle, bodily harm to a:
- 14 (A) Uniformed or properly identified state, county or city law
- 15 enforcement officer while the officer is engaged in the performance of the
- 16 officer's duty;
- 17 (B) uniformed or properly identified university or campus police
- 18 officer while such officer is engaged in the performance of such officer's
- 19 duty; or
- 20 (C) uniformed or properly identified federal law enforcement officer
- 21 while such officer is engaged in the performance of such officer's duty.
- 22 (e) Battery against a school employee is a battery as defined in
- 23 subsection (a) committed against a school employee in or on any school
- 24 property or grounds upon which is located a building or structure used by a
- 25 unified school district or an accredited nonpublic school for student
- 26 instruction or attendance or extracurricular activities of pupils enrolled in
- 27 kindergarten or any of the grades one through 12 or at any regularly
- 28 scheduled school sponsored activity or event, while such employee is
- 29 engaged in the performance of such employee's duty.
- 30 (f) Battery against a mental health employee is a battery as defined in
- 31 subsection (a) committed against a mental health employee by a person in
- 32 the custody of the secretary for aging and disability services, while such
- 33 employee is engaged in the performance of such employee's duty.
- 34 (g) Battery against a healthcare provider is a battery as defined in
- 35 subsection (a) committed against a healthcare provider while such provider
- 36 is engaged in the performance of such provider's duty.
- 37 (h) (1) Battery is a class B person misdemeanor.
- 38 (2) Aggravated battery as defined in:
- 39 (A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;
- 40 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
- 41 felony;
- 42 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
- 43 felony; and

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

1 working at any such institution or facility;

2 (7) "judge" means a duly elected or appointed justice of the supreme
3 court, judge of the court of appeals, judge of any district court of Kansas,
4 district magistrate judge or municipal court judge;

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

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

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

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

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

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

31 (a) "Resident" means:

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

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

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

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

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

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

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

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

19 (1) Infliction of physical or mental injury;

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

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

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

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

34 (6) fiduciary abuse; or

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

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

42 (h) "Caretaker" means a person or institution who has assumed the
43 responsibility, whether legally or not, for the care of the resident

1 voluntarily, by contract or by order of a court of competent jurisdiction.

2 (i) "Exploitation" means misappropriation of resident property or
3 intentionally taking unfair advantage of an adult's physical or financial
4 resources for another individual's personal or financial advantage by the
5 use of undue influence, coercion, harassment, duress, deception, false
6 representation or false pretense by a caretaker or another person.

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

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

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

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

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

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

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

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

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

41 No person shall be considered to be abused, neglected or exploited or
42 in need of protective services for the sole reason that such person relies
43 upon spiritual means through prayer alone for treatment in accordance

1 with the tenets and practices of a recognized church or religious
2 denomination in lieu of medical treatment.

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

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

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

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

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

27 (e) "Department" means the Kansas department for aging and
28 disability services.

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

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

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

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

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

1 (h) "Screening" means the process performed by a participating
2 community mental health center, pursuant to a contract entered into with
3 the secretary under K.S.A. 39-1610, and amendments thereto, to determine
4 whether a person, under either voluntary or involuntary procedures, can be
5 evaluated or treated, or can be both evaluated and treated, in the
6 community or should be referred to the appropriate state psychiatric
7 hospital for such treatment or evaluation or for both treatment and
8 evaluation.

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

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

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

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

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

1 *Sumner.*

2 Sec. 5. K.S.A. 39-1613 is hereby amended to read as follows: 39-
 3 1613. (a) The secretary for aging and disability services is hereby
 4 authorized to adopt rules and regulations to define and redefine the
 5 ~~Oswatomic state hospital catchment area and Larned state hospital~~
 6 ~~catchment area~~ *areas* as may be necessary in the opinion of the secretary
 7 for aging and disability services to accommodate shifts in populations in
 8 need of mental health services within available community mental health
 9 facility and state ~~institution~~ *hospital* capacities ~~and resources and in~~
 10 ~~accordance with the following:~~(1) Each such catchment area shall be
 11 defined by contiguous counties that are designated by name;

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

13 (3) each county shall be included in the ~~Oswatomic state hospital~~
 14 ~~catchment area or Larned state hospital catchment area;~~ and

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

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

24 Sec. 6. K.S.A. 40-3401 is hereby amended to read as follows: 40-
 25 3401. As used in this act:

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

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

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

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

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

35 (f) *(I)* "Healthcare provider" means a:

36 *(A)* Person licensed to practice any branch of the healing arts by the
 37 state board of healing arts ~~—a~~;

38 *(B)* person who holds a temporary permit to practice any branch of
 39 the healing arts issued by the state board of healing arts ~~—a~~;

40 *(C)* person engaged in a postgraduate training program approved by
 41 the state board of healing arts ~~—a~~;

42 *(D)* medical care facility licensed by the state of Kansas ~~—a~~;

43 *(E)* podiatrist licensed by the state board of healing arts ~~—a~~;

- 1 **(F)** health maintenance organization issued a certificate of authority
2 by the commissioner;~~an~~;
- 3 **(G)** optometrist licensed by the board of examiners in optometry;~~a~~;
- 4 **(H)** pharmacist licensed by the state board of pharmacy;~~a~~;
- 5 **(I)** licensed professional nurse who is authorized to practice as a
6 registered nurse anesthetist;~~a~~;
- 7 **(J)** licensed professional nurse who has been granted a temporary
8 authorization to practice nurse anesthesia under K.S.A. 65-1153, and
9 amendments thereto;~~a~~;
- 10 **(K)** professional corporation organized pursuant to the professional
11 corporation law of Kansas by persons who are authorized by such law to
12 form such a corporation and who are healthcare providers as defined by
13 this subsection;~~a~~;
- 14 **(L)** Kansas limited liability company organized for the purpose of
15 rendering professional services by its members who are healthcare
16 providers as defined by this subsection and ~~who are~~ legally authorized to
17 render the professional services for which the limited liability company is
18 organized;~~a~~;
- 19 **(M)** partnership of persons who are healthcare providers under this
20 subsection;~~a~~;
- 21 **(N)** Kansas not-for-profit corporation organized for the purpose of
22 rendering professional services by persons who are healthcare providers as
23 defined by this subsection;~~a~~;
- 24 **(O)** nonprofit corporation organized to administer the graduate
25 medical education programs of community hospitals or medical care
26 facilities affiliated with the university of Kansas school of medicine;~~a~~;
- 27 **(P)** dentist certified by the state board of healing arts to administer
28 anesthetics under K.S.A. 65-2899, and amendments thereto;~~a~~;
- 29 **(Q)** psychiatric hospital licensed prior to January 1, 1988, and
30 continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its
31 repeal, and K.S.A. 39-2001 et seq., and amendments thereto, or a mental
32 health center or mental health clinic licensed by the state of Kansas; ~~On~~
33 ~~and after January 1, 2015, "healthcare provider" also means a~~;
- 34 **(R)** physician assistant licensed by the state board of healing arts;~~a~~;
- 35 **(S)** licensed advanced practice registered nurse who is authorized by
36 the board of nursing to practice as an advanced practice registered nurse in
37 the classification of a nurse-midwife;~~a~~;
- 38 **(T)** licensed advanced practice registered nurse who has been granted
39 a temporary authorization by the board of nursing to practice as an
40 advanced practice registered nurse in the classification of a nurse-midwife;
41 ~~a~~;
- 42 **(U)** nursing facility licensed by the state of Kansas;~~an~~;
- 43 **(V)** assisted living facility licensed by the state of Kansas; or

1 ~~(W)~~ a residential healthcare facility licensed by the state of Kansas.

2 ~~(2)~~ "Healthcare provider" does not include:

3 ~~(A)~~ Any state institution for people with intellectual disability;

4 ~~(B)~~ any state psychiatric hospital;

5 ~~(C)~~ any person holding an exempt license issued by the state board
6 of healing arts or the board of nursing;

7 ~~(D)~~ any person holding a visiting clinical professor license from
8 the state board of healing arts;

9 ~~(E)~~ any person holding an inactive license issued by the state
10 board of healing arts;

11 ~~(F)~~ any person holding a federally active license issued by the
12 state board of healing arts;

13 ~~(G)~~ an advanced practice registered nurse who is authorized by the
14 board of nursing to practice as an advanced practice registered nurse in the
15 classification of nurse-midwife or nurse anesthetist and who practices
16 solely in the course of employment or active duty in the United States
17 government or any of its departments, bureaus or agencies or who
18 provides professional services as a charitable healthcare provider as
19 defined under K.S.A. 75-6102, and amendments thereto; or

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

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

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

38 (i) "Plan" means the operating and administrative rules and
39 procedures developed by insurers and rating organizations or the
40 commissioner to make professional liability insurance available to
41 healthcare providers.

42 (j) "Professional liability insurance" means insurance providing
43 coverage for legal liability arising out of the performance of professional

1 services rendered or that should have been rendered by a healthcare
2 provider.

3 (k) "Rating organization" means a corporation, an unincorporated
4 association, a partnership or an individual licensed pursuant to K.S.A. 40-
5 956, and amendments thereto, to make rates for professional liability
6 insurance.

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

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

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

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

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

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

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

34 (1) A person engaged in a postgraduate training program approved by
35 the state board of healing arts who is employed by and is studying at the
36 university of Kansas medical center only when such person is engaged in
37 medical activities that do not include extracurricular, extra-institutional
38 medical service for which such person receives extra compensation and
39 that have not been approved by the dean of the school of medicine and the
40 executive vice-chancellor of the university of Kansas medical center.
41 Persons engaged in residency training shall be considered resident
42 healthcare providers for purposes of K.S.A. 40-3401 et seq., and
43 amendments thereto; and

1 (2) a person engaged in a postgraduate training program approved by
2 the state board of healing arts who is employed by a nonprofit corporation
3 organized to administer the graduate medical education programs of
4 community hospitals or medical care facilities affiliated with the university
5 of Kansas school of medicine or who is employed by an affiliate of the
6 university of Kansas school of medicine as defined in K.S.A. 76-367, and
7 amendments thereto, only when such person is engaged in medical
8 activities that do not include extracurricular, extra-institutional medical
9 service for which such person receives extra compensation and that have
10 not been approved by the chief operating officer of the nonprofit
11 corporation or the chief operating officer of the affiliate and the executive
12 vice-chancellor of the university of Kansas medical center.

13 (s) "Full-time physician faculty employed by the university of Kansas
14 medical center" means a person licensed to practice medicine and surgery
15 who holds a full-time appointment at the university of Kansas medical
16 center when such person is providing healthcare. A person licensed to
17 practice medicine and surgery who holds a full-time appointment at the
18 university of Kansas medical center may also be employed part-time by
19 the United States department of veterans affairs if such employment is
20 approved by the executive vice-chancellor of the university of Kansas
21 medical center.

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

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

26 (v) "Board of directors" means the governing board created by K.S.A.
27 40-3413, and amendments thereto.

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

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

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

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

38 Sec. 7. K.S.A. 41-1126 is hereby amended to read as follows: 41-
39 1126. (a) In addition to other purposes for which expenditures may be
40 made from the other state fees fund of the Kansas department for aging
41 and disability services, moneys in the other state fees fund of the Kansas
42 department for aging and disability services shall be used by the secretary
43 for aging and disability services to provide financial assistance to

1 community-based alcoholism and intoxication treatment programs for the
2 following purposes:

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

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

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

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

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

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

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

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

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

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

33 Sec. 8. K.S.A. 2024 Supp. 59-2006b is hereby amended to read as
34 follows: 59-2006b. (a) At least annually, the secretary for aging and
35 disability services shall establish the basic maximum rate of charge for
36 treatment of patients in each state institution, except that such rates shall
37 not exceed projected hospital costs of the state institution, including the
38 allocated costs of services by other state agencies, as determined by
39 application of generally acceptable hospital accounting principles. In
40 determining these rates, the secretary shall compute the average daily
41 projected operating cost of treatment of all patients in each state institution
42 and shall set a basic maximum rate of charge for each and every patient in
43 each state institution and each such patient's responsible relatives at the

1 average daily projected operating cost of each institution so computed.
2 When established pursuant to this section, each such rate shall be
3 published in the Kansas register by the secretary and thereafter, until a
4 subsequent rate is published as provided in this section, the rates last
5 published shall be the legal rate of charge. All courts in this state shall
6 recognize and take judicial notice of the procedure and the rates
7 established under this section.

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

14 (c) As used in this section, "state institution" means the Osawatomie
15 state hospital, ~~Rainbow mental health facility~~, Larned state hospital,
16 including the state security hospital, Parsons state hospital ~~and training~~
17 ~~center~~, *south central regional mental health hospital, including the*
18 *extension state security hospital* and the Kansas neurological institute.

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

22 (a) "Discharge" means the final and complete release from treatment,
23 by either the head of a treatment facility acting pursuant to K.S.A. 59-
24 2950, and amendments thereto, or by an order of a court issued pursuant to
25 K.S.A. 59-2973, and amendments thereto.

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

28 (c) "Law enforcement officer" means the same as defined in K.S.A.
29 22-2202, and amendments thereto.

30 (d) (1) "Mental health center" means any community mental health
31 center as defined in K.S.A. 39-2002, and amendments thereto, or a mental
32 health clinic organized as a not-for-profit or a for-profit corporation
33 pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or
34 K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in
35 accordance with the provisions of K.S.A. 39-2001 et seq., and
36 amendments thereto.

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

41 (e) "Mentally ill person" means any person who is suffering from a
42 mental disorder that is manifested by a clinically significant behavioral or
43 psychological syndrome or pattern and associated with either a painful

1 symptom or an impairment in one or more important areas of functioning,
2 and involving substantial behavioral, psychological or biological
3 dysfunction, to the extent that the person is in need of treatment.

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

11 (2) "Lacks capacity to make an informed decision concerning
12 treatment" means that the person, by reason of the person's mental
13 disorder, is unable, despite conscientious efforts at explanation, to
14 understand basically the nature and effects of hospitalization or treatment
15 or is unable to engage in a rational decision-making process regarding
16 hospitalization or treatment, as evidenced by an inability to weigh the
17 possible risks and benefits.

18 (3) "Likely to cause harm to self or others" means that the person, by
19 reason of the person's mental disorder: (A) Is likely, in the reasonably
20 foreseeable future, to cause substantial physical injury or physical abuse to
21 self or others or substantial damage to another's property, as evidenced by
22 behavior threatening, attempting or causing such injury, abuse or damage;
23 except that if the harm threatened, attempted or caused is only harm to the
24 property of another, the harm must be of such a value and extent that the
25 state's interest in protecting the property from such harm outweighs the
26 person's interest in personal liberty; or (B) is substantially unable, except
27 for reason of indigency, to provide for any of the person's basic needs,
28 such as food, clothing, shelter, health or safety, causing a substantial
29 deterioration of the person's ability to function on the person's own.

30 No person who is being treated by prayer in the practice of the religion
31 of any church that teaches reliance on spiritual means alone through prayer
32 for healing shall be determined to be a mentally ill person subject to
33 involuntary commitment for care and treatment under this act unless
34 substantial evidence is produced upon which the district court finds that
35 the proposed patient is likely in the reasonably foreseeable future to cause
36 substantial physical injury or physical abuse to self or others or substantial
37 damage to another's property, as evidenced by behavior threatening,
38 attempting or causing such injury, abuse or damage; except that if the harm
39 threatened, attempted or caused is only harm to the property of another, the
40 harm must be of such a value and extent that the state's interest in
41 protecting the property from such harm outweighs the person's interest in
42 personal liberty.

43 (g) "Patient" means a person who is a voluntary patient, a proposed

1 patient or an involuntary patient.

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

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

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

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

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

17 (j) "Qualified mental health professional" means a physician or
18 psychologist who is employed by a participating mental health center or
19 who is providing services as a physician or psychologist under a contract
20 with a participating mental health center, a licensed master's level
21 psychologist, a licensed clinical psychotherapist, a licensed marriage and
22 family therapist, a licensed clinical marriage and family therapist, a
23 licensed professional counselor, a licensed clinical professional counselor,
24 a licensed specialist social worker or a licensed master social worker or a
25 registered nurse who has a specialty in psychiatric nursing, who is
26 employed by a participating mental health center and who is acting under
27 the direction of a physician or psychologist who is employed by, or under
28 contract with, a participating mental health center.

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

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

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

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

40 (5) "Registered nurse" means a person licensed as a registered
41 professional nurse by the board of nursing under K.S.A. 65-1113 through
42 65-1164, and amendments thereto.

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

1 (l) "State psychiatric hospital" means Larned state hospital,
2 Osawatomic state hospital or ~~Rainbow mental health facility~~ *south central*
3 *regional mental health hospital*.

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

8 (n) "Treatment facility" means any mental health center or clinic,
9 psychiatric unit of a medical care facility, state psychiatric hospital,
10 psychologist, physician or other institution or person authorized or
11 licensed by law to provide either inpatient or outpatient treatment to any
12 patient.

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

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

18 (a) "Discharge" means the final and complete release from treatment,
19 by either the head of a treatment facility acting pursuant to K.S.A. 59-
20 29b50, and amendments thereto, or by an order of a court issued pursuant
21 to K.S.A. 59-29b73, and amendments thereto.

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

24 (c) "Law enforcement officer" means the same as defined in K.S.A.
25 22-2202, and amendments thereto.

26 (d) "Licensed addiction counselor" means a person who engages in
27 the practice of addiction counseling limited to substance use disorders and
28 who is licensed by the behavioral sciences regulatory board. Such person
29 shall engage in the practice of addiction counseling in a state-licensed or
30 certified alcohol and other drug treatment program or while completing a
31 Kansas domestic violence offender assessment for participants in a
32 certified batterer intervention program pursuant to K.S.A. 75-7d01 through
33 75-7d13, and amendments thereto, unless otherwise exempt from licensure
34 under subsection (n).

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

41 (f) "Licensed master's addiction counselor" means a person who
42 engages in the practice of addiction counseling limited to substance use
43 disorders and who is licensed under this act. Such person may diagnose

1 substance use disorders only under the direction of a licensed clinical
2 addiction counselor, a licensed psychologist, a person licensed to practice
3 medicine and surgery or a person licensed to provide mental health
4 services as an independent practitioner and whose licensure allows for the
5 diagnosis and treatment of substance abuse disorders or mental disorders.

6 (g) "Other facility for care or treatment" means any mental health
7 clinic, medical care facility, nursing home, the detox units at ~~either~~
8 ~~Oswatomic state hospital or Larned state hospital~~ *any state hospital*, any
9 physician or any other institution or individual authorized or licensed by
10 law to give care or treatment to any person.

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

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

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

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

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

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

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

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

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

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

39 (3) "Likely to cause harm to self or others" means that the person, by
40 reason of the person's use of alcohol or any substance: (A) Is likely, in the
41 reasonably foreseeable future, to cause substantial physical injury or
42 physical abuse to self or others or substantial damage to another's property,
43 as evidenced by behavior threatening, attempting or causing such injury,

1 abuse or damage; except that if the harm threatened, attempted or caused is
2 only harm to the property of another, the harm must be of such a value and
3 extent that the state's interest in protecting the property from such harm
4 outweighs the person's interest in personal liberty; or

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

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

14 (l) "Psychologist" means a licensed psychologist, as defined by
15 K.S.A. 74-5302, and amendments thereto.

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

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

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

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

42 (2) "Private treatment facility" means a private agency providing
43 facilities for the care and treatment or lodging of persons with either an

1 alcohol or other substance abuse problem and meeting the standards
2 prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto,
3 and licensed under either K.S.A. 65-4014 or 65-4607, and amendments
4 thereto.

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

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

12 Sec. 11. K.S.A. 2024 Supp. 59-29b54 is hereby amended to read as
13 follows: 59-29b54. (a) A treatment facility may admit and detain any
14 person for emergency observation and treatment upon an ex parte
15 emergency custody order issued by a district court pursuant to K.S.A. 59-
16 29b58, and amendments thereto.

17 (b) A treatment facility or the detox unit at ~~Osawatimic state hospital~~
18 ~~or at Larned state hospital~~ *any state hospital* may admit and detain any
19 person presented for emergency observation and treatment upon written
20 application of a law enforcement officer having custody of that person
21 pursuant to K.S.A. 59-29b53, and amendments thereto. The application
22 shall state:

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

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

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

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

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

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

- 1 (1) The name and address of the person sought to be admitted, if
2 known;
 - 3 (2) the name and address of the person's spouse or nearest relative, if
4 known;
 - 5 (3) the applicant's belief that the person may be a person with an
6 alcohol or substance abuse problem subject to involuntary commitment
7 and is likely to cause harm to self or others if not immediately detained;
 - 8 (4) the factual circumstances in support of that belief;
 - 9 (5) any pending criminal charges, if known;
 - 10 (6) the fact that the applicant will file the petition provided for in
11 K.S.A. 59-29b57, and amendments thereto, by the close of business of the
12 first day thereafter that the district court is open for the transaction of
13 business; and
 - 14 (7) the application shall also be accompanied by a statement in
15 writing of a physician, psychologist or licensed addiction counselor
16 finding that the person is likely to be a person with an alcohol or substance
17 abuse problem subject to involuntary commitment for care and treatment
18 under this act.
 - 19 (d) Any treatment facility or personnel thereof, who in good faith
20 renders treatment in accordance with law to any person admitted pursuant
21 to subsection (b) or (c), shall not be liable in a civil or criminal action
22 based upon a claim that the treatment was rendered without legal consent.
- 23 Sec. 12. K.S.A. 2024 Supp. 59-29b57 is hereby amended to read as
24 follows: 59-29b57. (a) A verified petition to determine whether or not a
25 person is a person with an alcohol or substance abuse problem subject to
26 involuntary commitment for care and treatment under this act may be filed
27 in the district court of the county wherein that person resides or wherein
28 such person may be found.
- 29 (b) The petition shall state:
 - 30 (1) The petitioner's belief that the named person is a person with an
31 alcohol or substance abuse problem subject to involuntary commitment
32 and the facts upon which this belief is based;
 - 33 (2) to the extent known, the name, age, present whereabouts and
34 permanent address of the person named as possibly a person with an
35 alcohol or substance abuse problem subject to involuntary commitment;
36 and if not known, any information the petitioner might have about this
37 person and where the person resides;
 - 38 (3) to the extent known, the name and address of the person's spouse
39 or nearest relative or relatives, or legal guardian, or if not known, any
40 information the petitioner might have about a spouse, relative or relatives
41 or legal guardian and where they might be found;
 - 42 (4) to the extent known, the name and address of the person's legal
43 counsel, or if not known, any information the petitioner might have about

1 this person's legal counsel;

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

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

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

13 (8) the name and address of the treatment facility to which the
14 petitioner recommends that the proposed patient be sent for treatment if
15 the proposed patient is found to be a person with an alcohol or substance
16 abuse problem subject to involuntary commitment for care and treatment
17 under this act, or if the petitioner is not able to recommend a treatment
18 facility to the court, then that fact and that the secretary for aging and
19 disability services has been notified and requested to determine which
20 treatment facility the proposed patient should be sent to.

21 (c) The petition shall be accompanied by:

22 (1) A signed certificate from a physician, psychologist or state
23 certified alcohol and substance abuse counselor stating that such
24 professional has personally examined the person and any available records
25 and has found that the person, in such professional's opinion, is likely to be
26 a person with an alcohol or substance abuse problem subject to involuntary
27 commitment for care and treatment under this act, unless the court allows
28 the petition to be accompanied by a verified statement by the petitioner
29 that the petitioner had attempted to have the person seen by a physician,
30 psychologist or state certified alcohol and substance abuse counselor, but
31 that the person failed to cooperate to such an extent that the examination
32 was impossible to conduct;

33 (2) a statement of consent to the admission of the proposed patient to
34 the treatment facility named by the petitioner pursuant to subsection (b)(8)
35 signed by the head of that treatment facility or other documentation which
36 shows the willingness of the treatment facility to admitting the proposed
37 patient for care and treatment; and

38 (3) if applicable, a copy of any notice given pursuant to K.S.A. 59-
39 29b51, and amendments thereto, in which the named person has sought
40 discharge from a treatment facility into which they had previously entered
41 voluntarily, or a statement from the treating physician or psychologist that
42 the person was admitted as a voluntary patient but now lacks capacity to
43 make an informed decision concerning treatment and is refusing

1 reasonable treatment efforts, and including a description of the treatment
2 efforts being refused.

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

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

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

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

14 (e) The petition may include a request that a temporary custody order
15 be issued pursuant to K.S.A. 59-29b59, and amendments thereto.

16 Sec. 13. K.S.A. 2024 Supp. 59-3077 is hereby amended to read as
17 follows: 59-3077. (a) At any time after the filing of the petition provided
18 for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments
19 thereto, any person may file in addition to that original petition, or as a
20 part thereof, or at any time after the appointment of a temporary guardian
21 as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian
22 as provided for in K.S.A. 59-3067, and amendments thereto, the temporary
23 guardian or guardian may file a verified petition requesting that the court
24 grant authority to the temporary guardian or guardian to admit the
25 proposed ward or ward to a treatment facility, as defined in subsection (h),
26 and to consent to the care and treatment of the proposed ward or ward
27 therein. The petition shall include:

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

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

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

36 (4) the factual basis upon which the petitioner alleges the need for the
37 proposed ward or ward to be admitted to and treated at a treatment facility,
38 or for the proposed ward or ward to continue to be treated at the treatment
39 facility to which the proposed ward or ward has already been admitted, or
40 for the guardian to have continuing authority to admit the ward for care
41 and treatment at a treatment facility pursuant to K.S.A. 59-2949(b)(3) or
42 K.S.A. 59-29b49(b)(3), and amendments thereto;

43 (5) the names and addresses of witnesses by whom the truth of this

1 petition may be proved; and

2 (6) a request that the court find that the proposed ward or ward is in
3 need of being admitted to and treated at a treatment facility, and that the
4 court grant to the temporary guardian or guardian the authority to admit
5 the proposed ward or ward to a treatment facility and to consent to the care
6 and treatment of the proposed ward or ward therein.

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

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

14 (1) An order fixing the date, time and place of a hearing on the
15 petition. Such hearing, in the court's discretion, may be conducted in a
16 courtroom, a treatment facility or at some other suitable place. The time
17 fixed in the order shall in no event be earlier than seven days or later than
18 21 days after the date of the filing of the petition. The court may
19 consolidate this hearing with the trial upon the original petition filed
20 pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and
21 amendments thereto, or with the trial provided for in the care and
22 treatment act for mentally ill persons or the care and treatment act for
23 persons with an alcohol or substance abuse problem, if the petition also
24 incorporates the allegations required by, and is filed in compliance with,
25 the provisions of either of those acts.

26 (2) An order requiring that the proposed ward or ward appear at the
27 time and place of the hearing on the petition unless the court makes a
28 finding prior to the hearing that the presence of the proposed ward or ward
29 will be injurious to the person's health or welfare, that the proposed ward's
30 or ward's impairment is such that the person could not meaningfully
31 participate in the proceedings or that the proposed ward or ward has filed
32 with the court a written waiver of such ward's right to appear in person. In
33 any such case, the court shall enter in the record of the proceedings the
34 facts upon which the court has found that the presence of the proposed
35 ward or ward at the hearing should be excused. Notwithstanding the
36 foregoing provisions of this subsection, if the proposed ward or ward files
37 with the court at least one day prior to the date of the hearing a written
38 notice stating the person's desire to be present at the hearing, the court
39 shall order that the person must be present at the hearing.

40 (3) An order appointing an attorney to represent the proposed ward or
41 ward. The court shall give preference, in the appointment of this attorney,
42 to any attorney who has represented the proposed ward or ward in other
43 matters, if the court has knowledge of that prior representation. The

1 proposed ward, or the ward with the consent of the ward's conservator, if
2 one has been appointed, shall have the right to engage an attorney of the
3 proposed ward's or ward's choice and, in such case, the attorney appointed
4 by the court shall be relieved of all duties by the court. Any appointment
5 made by the court shall terminate upon a final determination of the petition
6 and any appeal therefrom, unless the court continues the appointment by
7 further order.

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

14 (5) A notice similar to that provided for in K.S.A. 59-3066, and
15 amendments thereto.

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

18 (1) An order for a psychological or other examination and evaluation
19 of the proposed ward or ward, as may be specified by the court. The court
20 may order the proposed ward or ward to submit to such an examination
21 and evaluation to be conducted through a general hospital, psychiatric
22 hospital, community mental health center or community developmental
23 disability organization or by a private physician, psychiatrist, psychologist
24 or other person appointed by the court who is qualified to examine and
25 evaluate the proposed ward or ward. The costs of this examination and
26 evaluation shall be assessed as provided for in K.S.A. 59-3094, and
27 amendments thereto.

28 (2) If the petition is accompanied by a report of an examination and
29 evaluation of the proposed ward or ward as provided for in subsection (b),
30 an order granting temporary authority to the temporary guardian or
31 guardian to admit the proposed ward or ward to a treatment facility and to
32 consent to the care and treatment of the proposed ward or ward therein.
33 Any such order shall expire immediately after the hearing upon the
34 petition, or as the court may otherwise specify, or upon the discharge of
35 the proposed ward or ward by the head of the treatment facility, if the
36 proposed ward or ward is discharged prior to the time at which the order
37 would otherwise expire.

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

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

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

41 (e) The hearing on the petition shall be held at the time and place
42 specified in the court's order issued pursuant to subsection (c), unless an
43 order of advancement, continuance or a change of place of the hearing has

1 been issued pursuant to subsection (d). The petitioner and the proposed
2 ward or ward shall each be afforded an opportunity to appear at the
3 hearing, to testify and to present and cross-examine witnesses. If the
4 hearing has been consolidated with a trial being held pursuant to either the
5 care and treatment act for mentally ill persons or the care and treatment act
6 for persons with an alcohol or substance abuse problem, persons not
7 necessary for the conduct of the proceedings may be excluded as provided
8 for in those acts. The hearing shall be conducted in as informal a manner
9 as may be consistent with orderly procedure. The court shall have the
10 authority to receive all relevant and material evidence which may be
11 offered, including the testimony or written report, findings or
12 recommendations of any professional or other person who has examined
13 or evaluated the proposed ward or ward pursuant to any order issued by
14 the court pursuant to subsection (d). Such evidence shall not be privileged
15 for the purpose of this hearing.

16 (f) Upon completion of the hearing, if the court finds by clear and
17 convincing evidence that the criteria set out in K.S.A. 39-1803, 59-
18 2946(e), 59-29b46(i) or 76-12b03, and amendments thereto, are met, and
19 after a careful consideration of reasonable alternatives to admission of the
20 proposed ward or ward to a treatment facility, the court may enter an order
21 granting such authority to the temporary guardian or guardian as is
22 appropriate, including continuing authority to the guardian to readmit the
23 ward to an appropriate treatment facility as may later become necessary.
24 Any such grant of continuing authority shall expire two years after the date
25 of final discharge of the ward from such a treatment facility if the ward has
26 not had to be readmitted to a treatment facility during that two-year period
27 of time. Thereafter, any such grant of continuing authority may be renewed
28 only after the filing of another petition seeking authority in compliance
29 with the provision of this section.

30 (g) Nothing herein shall be construed so as to prohibit the head of a
31 treatment facility from admitting a proposed ward or ward to that facility
32 as a voluntary patient if the head of the treatment facility is satisfied that
33 the proposed ward or ward at that time has the capacity to understand such
34 ward's illness and need for treatment, and to consent to such ward's
35 admission and treatment. Upon any such admission, the head of the
36 treatment facility shall give notice to the temporary guardian or guardian
37 as soon as possible of the ward's admission, and shall provide to the
38 temporary guardian or guardian copies of any consents the proposed ward
39 or ward has given. Thereafter, the temporary guardian or guardian shall
40 timely either seek to obtain proper authority pursuant to this section to
41 admit the proposed ward or ward to a treatment facility and to consent to
42 further care and treatment, or shall otherwise assume responsibility for the
43 care of the proposed ward or ward, consistent with the authority of the

1 temporary guardian or guardian, and may arrange for the discharge from
2 the facility of the proposed ward or ward, unless the head of the treatment
3 facility shall file a petition requesting the involuntary commitment of the
4 proposed ward or ward to that or some other facility.

5 (h) As used herein, "treatment facility" means the Kansas
6 neurological institute, Larned state hospital, Osawatomie state hospital,
7 *south central regional mental health hospital*, Parsons state hospital ~~and~~
8 ~~training center, the Rainbow mental health facility~~, any intermediate care
9 facility for people with intellectual disability, any psychiatric hospital
10 licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, and
11 any other facility for mentally ill persons or people with intellectual or
12 developmental disabilities licensed pursuant to K.S.A. 39-2001 et seq., and
13 amendments thereto, if the proposed ward or ward is to be admitted as an
14 inpatient or resident of that facility.

15 Sec. 14. K.S.A. 65-4921 is hereby amended to read as follows: 65-
16 4921. As used in K.S.A. 65-4921 through 65-4930, and amendments
17 thereto:

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

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

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

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

25 (2) a dentist licensed by the Kansas dental board, a dental hygienist
26 licensed by the Kansas dental board, a professional nurse licensed by the
27 board of nursing, a practical nurse licensed by the board of nursing, a
28 mental health technician licensed by the board of nursing, a physical
29 therapist licensed by the state board of healing arts, a physical therapist
30 assistant certified by the state board of healing arts, an occupational
31 therapist licensed by the state board of healing arts, an occupational
32 therapy assistant licensed by the state board of healing arts and a
33 respiratory therapist licensed by the state board of healing arts.

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

36 (e) "Medical care facility" means:

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

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

41 (3) state psychiatric hospitals and state institutions for people with
42 intellectual disability, as follows: Larned state hospital, Osawatomie state
43 hospital, ~~Rainbow mental health facility~~, Kansas neurological institute,

1 *south central regional mental health hospital* and Parsons state hospital
2 ~~and training center.~~

3 (f) "Reportable incident" means an act by a ~~health care~~ *healthcare*
4 provider that:

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

7 (2) may be grounds for disciplinary action by the appropriate
8 licensing agency.

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

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

13 Sec. 15. K.S.A. 65-5601 is hereby amended to read as follows: 65-
14 5601. As used in K.S.A. 65-5601 through 65-5605, and amendments
15 thereto:

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

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

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

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

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

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

32 (g) "Psychiatric hospital" means Larned state hospital, Osawatomie
33 state hospital, ~~Rainbow mental health facility, Topeka state hospital~~ *south*
34 *central regional mental health hospital* and hospitals licensed under
35 K.S.A. 39-2001 et seq., and amendments thereto.

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

39 (i) "Community service provider" means: (1) A community facility
40 for people with intellectual disability organized pursuant to the provisions
41 of K.S.A. 19-4001 through 19-4015, and amendments thereto, and
42 licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and
43 amendments thereto; (2) community service provider as provided in the

1 developmental disabilities reform act; or (3) a nonprofit corporation that
2 provides services for people with intellectual disability pursuant to a
3 contract with an intellectual disability governing board.

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

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

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

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

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

14 (3) any community mental health center organized pursuant to K.S.A.
15 19-4001 through 19-4015, and amendments thereto, and licensed pursuant
16 to K.S.A. 39-2001 et seq., and amendments thereto;

17 (4) any mental health clinic organized pursuant to K.S.A. 65-211
18 through 65-215, and amendments thereto, and licensed pursuant to K.S.A.
19 39-2001 et seq., and amendments thereto;

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

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

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

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

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

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

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

37 (2) a municipal university; or

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

43 (d) "Sponsor" means any of the following that is located in a rural

1 opportunity zone as defined in K.S.A. 74-50,222, and amendments thereto:

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

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

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

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

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

11 (6) a state agency that employs licensed practical nurses or licensed
12 professional nurses.

13 Sec. 17. K.S.A. 75-3099 is hereby amended to read as follows: 75-
14 3099. (a) The governing board of any educational institution may enter
15 into agreements with any state agency for the provision of instruction at
16 the educational institution or off the campus thereof. Credit for such
17 instruction shall be awarded in accordance with the provisions of the
18 agreement.

19 (b) Any state agency may enter into agreements with the governing
20 board of any educational institution for the provision of instruction at the
21 educational institution or off the campus thereof. The amount to be paid by
22 the state agency for the provision of instruction under any such agreement
23 shall be determined as provided in the agreement, in accordance with the
24 provisions of this section and in any case within limitations of the
25 appropriations of the state agency therefor. The amount to be paid under
26 any such agreement shall be determined on the basis of a fixed dollar
27 amount for each enrolled credit hour of instruction in lieu of tuition, except
28 that (1) an additional dollar amount shall be paid for each credit hour value
29 of a course which is not taught by personnel of the state agency, (2) the
30 payment to be made under an agreement with a social welfare institution
31 shall be on the basis of four credit hours for an entry level course of
32 instruction for direct care staff, and (3) payments may be made to an
33 educational institution for special training materials and mileage expenses
34 where appropriate under the circumstances.

35 (c) (1) No credit hour state aid entitlement and no out-district state aid
36 entitlement of an educational institution shall be based upon any subject,
37 course or program which is taught under an agreement with a state agency,
38 and no such subject, course or program shall be counted in determining the
39 number of credit hours of out-district students for the purpose of
40 determining the amount of out-district tuition to be charged by an
41 educational institution.

42 (2) No tuition shall be charged to or collected from any person who
43 enrolls in any subject, course or program which is taught under an

1 agreement with a state agency.

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

3 (1) "Educational institution" means community college or municipal
4 university;

5 (2) "social welfare institution" means ~~Topoka state hospital,~~
6 ~~Osawatomie state hospital, Rainbow mental health facility,~~ Larned state
7 hospital, Parsons state hospital and training center, ~~Norton state hospital,~~
8 ~~Winfield state hospital and training center,~~ *south central regional mental*
9 *health hospital* and Kansas neurological institute; and

10 (3) "state agency" means any state office or officer, department,
11 board, commission, institution, bureau, or any agency, division or unit
12 within any office, department, board, commission or other authority of this
13 state.

14 Sec. 18. K.S.A. 75-3373 is hereby amended to read as follows: 75-
15 3373. (a) Notwithstanding any other provision of law, no state agency shall
16 enter into any agreement or take any action to outsource or privatize any
17 operations or facilities of the Larned state hospital, the Osawatomie state
18 hospital, *the south central regional mental health hospital* or any facility
19 that provides mental health services and that is operated by a state agency
20 without prior specific authorization by an act of the legislature or an
21 appropriation act of the legislature. The restriction imposed by this
22 subsection applies to any action to outsource or privatize all or any part of
23 any operation or facility of the Larned state hospital, the Osawatomie state
24 hospital, *the south central regional mental health hospital* or any facility
25 that provides mental health services and that is operated by a state agency,
26 including, but not limited to, any action to transfer all or any part of the
27 rated bed capacity at the Larned state hospital ~~or~~, the Osawatomie state
28 hospital; *or the south central regional mental health hospital*, in effect on
29 the effective date of this act, to another facility.

30 (b) Nothing in this section shall prevent the Kansas department for
31 aging and disability services from renewing, in substantially the same form
32 as an existing agreement, any agreement in existence prior to March 4,
33 2016, for services at the Larned state hospital or the Osawatomie state
34 hospital.

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

40 Sec. 19. K.S.A. 76-384 is hereby amended to read as follows: 76-384.
41 (a) Upon the selection of a service commitment area for the purposes of
42 satisfying a service obligation under a medical student loan agreement
43 entered into under this act, the person so selecting shall inform the

1 university of Kansas school of medicine of the service commitment area
2 selected.

3 (b) A person serving in a service commitment area pursuant to any
4 agreement under this act may serve all or part of any commitment in the
5 service commitment area initially selected by such person. If such person
6 moves from one service commitment area to another service commitment
7 area, such person shall notify the university of Kansas school of medicine
8 of such person's change of service commitment area. Service in any such
9 service commitment area shall be deemed to be continuous for the purpose
10 of satisfying any agreement entered into under this act.

11 (c) A person receiving a medical student loan under this act, may
12 satisfy the obligation to engage in the full-time practice of medicine and
13 surgery in a service commitment area if the person serves as a full-time
14 faculty member of the university of Kansas school of medicine in general
15 internal medicine, general pediatrics, family medicine, family practice,
16 general psychiatry or child psychiatry and serves two years for each one
17 year of such obligation, or the equivalent thereof on a two-for-one basis,
18 except that, at the time any person commences satisfying such service
19 obligation as a full-time faculty member pursuant to this subsection, the
20 number of persons satisfying service commitments or service obligations,
21 pursuant to agreements under the medical student loan act, as full-time
22 faculty members pursuant to this subsection shall not exceed the number
23 equal to 25% of the total number of full-time faculty members of the
24 university of Kansas school of medicine in general internal medicine,
25 general pediatrics, family medicine, family practice, general psychiatry or
26 child psychiatry.

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

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

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

43 Sec. 20. K.S.A. 76-12a01 is hereby amended to read as follows: 76-

1 12a01. As used in this act, unless the context otherwise requires:

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

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

7 (c) "Director" or "commissioner" means the commissioner of
8 community services and programs.

9 Sec. 21. K.S.A. 76-12a31 is hereby amended to read as follows: 76-
10 12a31. From and after October 1, 1996, no institution shall admit any
11 individual for care or treatment of alcohol abuse or drug abuse with the
12 exception that Larned state hospital ~~and~~, Osawatomie state hospital *and*
13 *south central regional mental health hospital* may admit an individual for
14 detoxification services or alcohol abuse or drug abuse care and treatment
15 provided to inmates in the custody of the secretary of corrections as
16 clinically indicated. From and after October 1, 1996, public treatment
17 facilities and other treatment facilities licensed under K.S.A. 65-4001 et
18 seq., 65-4601 et seq. or 65-5201 et seq. and amendments thereto as
19 specified or directed by the secretary or a district court shall admit and
20 give appropriate care and treatment to alcohol and drug abusers.

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

26 Sec. 23. K.S.A. 76-1409 is hereby amended to read as follows: 76-
27 1409. The object of the Parsons state hospital ~~and training center~~ shall be
28 to examine, treat, educate, train and rehabilitate the persons admitted and
29 retained ~~so as~~ to make such persons more comfortable, happy, and better
30 fitted to care for and support themselves. ~~To this end~~ The secretary shall
31 provide such examination, treatment, education ~~(~~, including academic and
32 vocational), training and rehabilitation facilities as ~~he or she~~ *the secretary*
33 shall deem necessary and advisable.

34 Sec. 24. K.S.A. 76-1409a is hereby amended to read as follows: 76-
35 1409a. The superintendent of Parsons state hospital ~~and training center~~
36 shall remit all moneys received by or for the superintendent from charges
37 made under K.S.A. 59-2006, and amendments thereto, and other
38 operations of such institution to the state treasurer in accordance with the
39 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
40 each such remittance, the state treasurer shall deposit the entire amount in
41 the state treasury to the credit of the Parsons state hospital ~~and training~~
42 ~~center~~ fee fund. All expenditures from such fund shall be made in
43 accordance with appropriation acts upon warrants of the director of

1 accounts and reports issued pursuant to vouchers approved by such
2 superintendent or by a person or persons designated by the superintendent.

3 Sec. 25. K.S.A. 2024 Supp. 76-1936 is hereby amended to read as
4 follows: 76-1936. (a) The commissioner of community services and
5 programs of the Kansas department for aging and disability services, with
6 the approval of the secretary for aging and disability services and the
7 director of the Kansas office of veterans services, may transfer patients in
8 the state hospitals at Osawatomie ~~and, Larned and patients in the Rainbow~~
9 ~~mental health facility, Wichita~~ and the Parsons state hospital ~~and training~~
10 ~~center~~ who have served in the military or naval forces of the United States
11 or whose husband, wife, father, son or daughter has served in the active
12 military or naval service of the United States during any period of any war
13 as defined in K.S.A. 76-1908, and amendments thereto, and who was
14 discharged or relieved therefrom under conditions other than dishonorable,
15 to the Kansas soldiers' home. No patient who is such a mentally ill person,
16 as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of
17 the commissioner of state hospitals, that because of such patient's illness
18 such patient is likely to injure themselves or others, shall be transferred to
19 such Kansas soldiers' home, and no such patient shall be transferred if such
20 transfer will deny admission to persons entitled to admission under K.S.A.
21 76-1908, and amendments thereto, and rules and regulations promulgated
22 thereunder. Persons transferred shall not be considered as members of the
23 Kansas soldiers' home but shall be considered as patients therein.

24 (b) All of the laws, rules and regulations relating to patients in state
25 hospitals and mental health facility specified in subsection (a) shall be
26 applicable to such patients transferred under subsection (a). Any patient
27 transferred who is found to be or shall become such a mentally ill person,
28 as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of
29 the commissioner of state hospitals, that because of such patient's illness
30 such patient is likely to injure themselves or others or who is determined to
31 need additional psychiatric treatment, shall be retransferred by the
32 superintendent of the Kansas soldiers' home, with the approval of the
33 commissioner of state hospitals and the director of the Kansas office of
34 veterans services, to the institution from whence the patient was originally
35 transferred.

36 Sec. 26. K.S.A. 2024 Supp. 76-1958 is hereby amended to read as
37 follows: 76-1958. (a) The commissioner of state hospitals of the Kansas
38 department for aging and disability services, with the approval of the
39 secretary for aging and disability services and the director of the Kansas
40 office of veterans services, may transfer patients in the state hospitals in
41 ~~Topoka, Osawatomie and, Larned and patients in the Rainbow mental~~
42 ~~health facility, Wichita~~ and the Parsons state hospital ~~and training center~~
43 ~~and the Winfield state hospital and training center~~ who have served in the

1 military or naval forces of the United States or whose husband, wife,
2 father, son or daughter has served in the active military or naval service of
3 the United States during any period of any war as defined in K.S.A. 76-
4 1954, and amendments thereto, and was discharged or relieved therefrom
5 under conditions other than dishonorable, to the Kansas veterans' home.
6 No patient who is such a mentally ill person, as defined in K.S.A. 59-2946,
7 and amendments thereto, in the opinion of the commissioner of state
8 hospitals, that because of such patient's illness such patient is likely to
9 injure oneself or others shall be so transferred to such Kansas veterans'
10 home, and no such patient shall be so transferred if such transfer will deny
11 admission to persons entitled to admission under K.S.A. 76-1954, and
12 amendments thereto, and rules and regulations promulgated thereunder.
13 Persons transferred shall not be considered as members of the Kansas
14 veterans' home but shall be considered as patients.

15 (b) All of the laws, rules and regulations relating to patients in the
16 above-specified state hospitals and mental health facilities shall be
17 applicable to such patients so transferred insofar as the same can be made
18 applicable. Any patient so transferred who is found to be or shall become
19 such a mentally ill person, as defined in K.S.A. 59-2946, and amendments
20 thereto, in the opinion of the commissioner of state hospitals, that because
21 of such patient's illness such patient is likely to injure oneself or others or
22 who is determined to need additional psychiatric treatment, shall be
23 retransferred by the superintendent of the Kansas veterans' home, with the
24 approval of the commissioner of mental health and developmental
25 disabilities and the director of the Kansas office of veterans services, to the
26 institution from which the patient was originally transferred.

27 Sec. 27. K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-
28 4921, 65-5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407,
29 76-1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-
30 2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and 76-
31 1958 are hereby repealed.

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