

SENATE BILL No. 194

By Committee on Ways and Means

2-13

1 AN ACT concerning community developmental disability organizations;
2 functional assessments; amending K.S.A. 39-1805 and repealing the
3 existing section.

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

5 Section 1. K.S.A. 39-1805 is hereby amended to read as follows: 39-
6 1805. In addition to any other power and duty prescribed by law, and
7 subject to appropriations, a community developmental disability
8 organization shall have the power and duty to:

9 (a) Directly or by subcontract, serve as a single point of application or
10 referral for services, and assist all persons with a developmental disability
11 to have access to and an opportunity to participate in community services,
12 except in those circumstances in which the secretary determines, subject to
13 an immediate hearing before the district court located in the county in
14 which the person with a developmental disability resides, participation in
15 community services is not the appropriate placement for such person
16 because such person is presently likely to cause harm to self or others;

17 (b) provide either directly or by subcontract, services to persons with
18 a developmental disability, including, but not limited to, ~~eligibility~~
19 ~~determination~~, explanation of available services and service providers;
20 case management services, if requested; assistance in establishing new
21 providers, if requested; and advocacy for participation in community
22 services; *however:*

23 (1) ~~The functional assessment of a person with a developmental~~
24 ~~disability shall be performed by an independent agency which is not~~
25 ~~affiliated with the community developmental disability organization or the~~
26 ~~developmental disability provider; or~~

27 (2) ~~if the community developmental disability organization performs~~
28 ~~the functional assessment, the community developmental disability~~
29 ~~organization shall not provide any services, including direct community~~
30 ~~services or targeted case management, for the person with a~~
31 ~~developmental disability;~~

32 (c) organize a council of community members, consumers or their
33 family members or guardians, and community service providers,
34 composed of a majority of consumers or their family members or
35 guardians who shall meet not less than quarterly to address systems issues,
36

eligibility determination

Proposed Amendments to SB 194
Senate Committee on Public Health and Welfare
Prepared by Nobuko Folmsbee
Office of Revisor of Statutes
March 20, 2013

- (1) No community developmental disability organization shall conduct both eligibility determinations and services for persons with a developmental disability, nor shall any combination of eligibility determinations and services be provided by a community developmental disability organization and a service provider with which it is affiliated or has common ownership;
- (2) no community developmental disability organization shall conduct both needs assessments and services for persons with a developmental disability, nor shall any combination of needs assessments and services be provided by a community developmental disability organization and a service provider with which it is affiliated or has common ownership;
- (3) no person employed by a community developmental disability organization or other entity shall provide case management to persons with a developmental disability if the organization or entity also provides services and supports to persons with a developmental disability;
- (4) no person under contract with a community developmental disability organization or other entity shall provide case management to persons with a developmental disability if the organization or entity also provides services and supports to persons with a developmental disability;
- (5) any person with a developmental disability who chooses to obtain case management from a managed care organization coordinating Medicaid services in this state may do so if the managed care organization provides case management;
- (6) the provisions of (b)(1) through (b)(4) shall be effective on and after January 1, 2014; and
- (7) the provisions of (b)(5) shall be effective on and after July 1, 2014;

1 including, but not limited to, planning and implementation of services; and
2 develop and implement a method by which consumer complaints,
3 interagency and other intrasystem disputes are resolved;

4 (d) provide, directly or by subcontract, information about affiliate and
5 referral services to persons with a developmental disability whose
6 particular needs can be met in the community or through government; and
7 (e) ensure that affiliates have the option to review referrals and
8 waiting lists on a periodic basis to contact potential consumers with
9 information concerning their services.

10 Sec. 2. K.S.A. 39-1805 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.