

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2368

By Committee on Health and Human Services

2-15

1 AN ACT concerning social welfare; relating to the governor's mental  
2 health services planning council; amending K.S.A. 39-1606 and K.S.A.  
3 2012 Supp. 39-1605 and repealing the existing sections.

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

6 Section 1. K.S.A. 2012 Supp. 39-1605 is hereby amended to read as  
7 follows: 39-1605. (a) There is hereby established the governor's ~~mental~~  
8 *behavioral* health services planning council. The council shall consist of  
9 ~~25~~ 33 members.

10 (b) So the composition of the council is in compliance with the  
11 requirements of public law 102-321 and supplementary federal acts,  
12 persons appointed to the council will be in accordance with the following:

13 (1) Nine members shall be state agency representatives who shall  
14 include:

15 (A) ~~The commissioner of mental health and developmental~~  
16 ~~disabilities~~ *secretary for aging and disability services or the secretary's*  
17 *designee;*

18 (B) ~~the secretary of social and rehabilitation services for children and~~  
19 *families* shall appoint one member for each of the following areas:  
20 Vocational rehabilitation, ~~alcohol and drug abuse services, medical~~  
21 ~~services~~ and children and family services;

22 (C) the commissioner of juvenile justice, *or the commissioner's*  
23 *designee;*

24 (D) the commissioner of education;

25 (E) the secretary of corrections; ~~and~~

26 (F) the secretary of commerce. If a commissioner or secretary is  
27 unable to participate, the commissioner or secretary shall appoint a  
28 designee as the official member of the council.; *and*

29 (G) *the secretary for aging and disability services shall appoint one*  
30 *member for each of the following areas: Substance use disorder services*  
31 *and medical services.*

32 (2) The governor shall appoint the following persons to the council:

33 (A) One member shall be a person licensed to practice medicine and  
34 surgery with board certification in psychiatry;

35 (B) two members shall be executive directors of mental health  
36 centers; ~~and~~

1 (C) one member shall be a representative of a behavioral health  
2 advocacy group;

3 (D) one member shall be a substance use disorder prevention  
4 professional;

5 (E) ~~two members~~ **one member shall be an executive—directors—**  
6 **director of a substance use disorder treatment—centers center;**

7 ~~(E)—13~~ (F) **one member shall be a judge of the district court or a**  
8 **district magistrate judge;**

9 (G) 17 members shall be individuals who are not state employees or  
10 providers of ~~mental~~ behavioral health services. Of the ~~13~~ 17 members,  
11 four members shall be adult consumers with serious and persistent mental  
12 illness; ~~three~~ two members shall be immediate family members of adult  
13 consumers with serious and persistent mental illnesses; four members shall  
14 be family members of minor children or youth with severe emotional  
15 ~~disturbances;~~ disturbance; ~~one member shall be a child~~ **youth at least 16**  
16 **years of age but not more than 18 years of age at the time of**  
17 **appointment with severe emotional disturbance; two members shall be**  
18 **adults in recovery from substance use disorders; one member shall be a**  
19 **family member of an adult with a substance use disorder; one member**  
20 **shall be a mentor to an adult with a substance use disorder;** and two  
21 members shall be members of the general public.

22 (c) The terms of members who are currently serving on the council  
23 shall expire on the effective date of this act. At that time, appointees of the  
24 governor under subsection (b)(2) shall be appointed to the council by the  
25 governor with <sup>1</sup>/<sub>2</sub> appointed for a term of two years and the other <sup>1</sup>/<sub>2</sub> for a  
26 term of four years as specified by the governor *July 1, 2013*. Thereafter, **A**  
27 **member of the council prior to the effective date of this act whose**  
28 **term expires after June 30, 2013, shall continue to serve as a member**  
29 **of the council until the expiration of the term of the member. Except**  
30 **as otherwise provided in this subsection and in subsection (d), each**  
31 **member appointed to the council by the governor on and after July 1,**  
32 **2013, shall be appointed for a term of four years. Of the nine new**  
33 **members authorized by this act, four shall be appointed for an initial**  
34 **term of two years and five shall be appointed for an initial term of**  
35 **four years as specified by the governor.**

36 (d) Each member of the council shall serve until a successor is  
37 appointed and qualified. In the case of a vacancy on the council, a  
38 successor of like qualifications shall be appointed or designated to fill the  
39 unexpired term in accordance with ~~subsections (b)(1) and (2)~~ subsection  
40 (b).

41 (e) The governor shall designate the chairperson of the council. The  
42 members of the council shall elect a vice-chairperson.

43 (f) Members of the governor's ~~mental~~ behavioral health services

1 planning council attending meetings of the council, or attending a  
2 subcommittee meeting thereof authorized by the council, shall be paid  
3 amounts provided in subsection (e) of K.S.A. 75-3223, and amendments  
4 thereto.

5 **(g) Whenever the governor's mental health services planning**  
6 **council, or words of like effect, are referred to in a statute, contract or**  
7 **other document, such reference or designation shall be deemed to**  
8 **apply to the governor's behavioral health services planning council.**

9 Sec. 2. K.S.A. 39-1606 is hereby amended to read as follows: 39-  
10 1606. (a) The governor's—~~mental~~ *behavioral* health services planning  
11 council shall hold regular quarterly meetings and such other meetings as  
12 the chairperson of such council deems advisable, and in addition shall  
13 meet at such other times upon the call of the secretary.

14 (b) It is the duty of the governor's—~~mental~~ *behavioral* health services  
15 planning council to:

16 (1) Confer, advise and consult with the secretary with respect to the  
17 policies governing the management and operation of all state psychiatric  
18 hospitals and facilities and community based—~~mental~~ *behavioral* health  
19 services;

20 (2) serve as an advocate for targeted population members and other  
21 individuals with mental illness, *behavioral health* or emotional problems;

22 (3) monitor, review and evaluate, not less than once each year, the  
23 allocation and adequacy of—~~mental~~ *behavioral* health services within the  
24 state;

25 (4) perform such other planning, reviewing and evaluating of—~~mental~~  
26 *behavioral* health services in this state, as may be requested by the  
27 secretary or as may be prescribed by law; and

28 (5) consult with and advise the governor, from time to time, with  
29 reference to the management, conduct and operation of state psychiatric  
30 hospitals and—~~mental~~ *behavioral* health programs.

31 (c) A member or members of the governor's—~~mental~~ *behavioral* health  
32 services planning council, at least once each year, shall visit each state  
33 psychiatric hospital and may visit other providers of community based  
34 ~~mental~~ *behavioral* health services for the purpose of inspecting the state  
35 psychiatric hospital, mental health center or the facility of other such  
36 providers of community based—~~mental~~ *behavioral* health services. Such  
37 visits shall be made at such times and in such manner as the council  
38 determines at a regular meeting.

39 (d) The governor's—~~mental~~ *behavioral* health services planning  
40 council shall make annual reports to the governor and the members of the  
41 legislature and may make such recommendations as it deems advisable for  
42 appropriate legislation.

43 Sec. 3. K.S.A. 39-1606 and K.S.A. 2012 Supp. 39-1605 are hereby

1 repealed.

2       Sec. 4. This act shall take effect and be in force from and after its  
3 publication in the statute book.