

HOUSE BILL No. 2571

By Committee on Appropriations

1-28

1 AN ACT concerning community mental health centers; relating to license
2 renewal; amending K.S.A. 2015 Supp. 75-3307b and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 75-3307b is hereby amended to read as
7 follows: 75-3307b. (a) The enforcement of the laws relating to the
8 hospitalization of mentally ill persons of this state in a psychiatric hospital
9 and the diagnosis, care, training or treatment of persons in community
10 mental health centers or facilities for persons with mental illness,
11 developmental disabilities or other persons with disabilities is entrusted to
12 the secretary for aging and disability services. The secretary may adopt
13 rules and regulations on the following matters, so far as the same are not
14 inconsistent with any laws of this state:

15 (1) The licensing, certification or accrediting of private hospitals as
16 suitable for the detention, care or treatment of mentally ill persons, and the
17 withdrawal of licenses granted for causes shown;

18 (2) the forms to be observed relating to the hospitalization, admission,
19 transfer, custody and discharge of patients;

20 (3) the visitation and inspection of psychiatric hospitals and of all
21 persons detained therein;

22 (4) the setting of standards, the inspection and the licensing of all
23 community mental health centers which receive or have received any state
24 or federal funds, and the withdrawal of licenses granted for causes shown;

25 (5) the setting of standards, the inspection and licensing of all
26 facilities for persons with mental illness, developmental disabilities or
27 other persons with disabilities receiving assistance through the Kansas
28 department for aging and disability services which receive or have
29 received after June 30, 1967, any state or federal funds, or facilities where
30 persons with mental illness or developmental disabilities reside who
31 require supervision or require limited assistance with the taking of
32 medication, and the withdrawal of licenses granted for causes shown. The
33 secretary may adopt rules and regulations that allow the facility to assist a
34 resident with the taking of medication when the medication is in a labeled

1 container dispensed by a pharmacist. No license for a residential facility
2 for eight or more persons may be issued under this paragraph unless the
3 secretary of health and environment has approved the facility as meeting
4 the licensing standards for a lodging establishment under the food service
5 and lodging act. No license for a residential facility for the elderly or for a
6 residential facility for persons with disabilities not related to mental illness
7 or developmental disability, or both, or related conditions shall be issued
8 under this paragraph;

9 (6) reports and information to be furnished to the secretary by the
10 superintendents or other executive officers of all psychiatric hospitals,
11 community mental health centers or facilities for persons with
12 developmental disabilities and facilities serving other persons with
13 disabilities receiving assistance through the Kansas department for aging
14 and disability services.

15 (b) An entity holding a license as a community mental health center
16 under ~~paragraph (4) of~~ subsection (a)(4) on the day immediately preceding
17 the effective date of this act, but which does not meet the definition of a
18 community mental health center set forth in this act, shall continue to be
19 licensed as a community mental health center as long as the entity remains
20 affiliated with a licensed community mental health center and continues to
21 meet the licensing standards established by the secretary.

22 (c) Notwithstanding the existence or pursuit of any other remedy, the
23 secretary for aging and disability services, as the licensing agency, in the
24 manner provided by the Kansas judicial review act, may maintain an
25 action in the name of the state of Kansas for injunction against any person
26 or facility to restrain or prevent the operation of a psychiatric hospital,
27 community mental health center or facility for persons with mental illness,
28 developmental disabilities or other persons with disabilities operating
29 without a license.

30 (d) The secretary for aging and disability services shall license and
31 inspect any facility or provider of residential services which serves two or
32 more residents who are not self-directing their services and which is
33 subject to licensure under subsection (a)(5) ~~of this section~~, unless the
34 provider of services is already licensed to provide such services.

35 (e) **{Programs and treatments provided by}** *a community mental*
36 *health center which ~~has~~ {have} been licensed by the secretary for aging*
37 *and disability services on or before July 1, 2016, and which ~~has~~ {have}*
38 *also been accredited by the commission on accreditation of rehabilitation*
39 *facilities or the joint commission, or ~~an equivalent entity~~ {another*
40 **national accrediting body approved by the Kansas department for**
41 **aging and disability services}, shall be granted a license renewal based**
42 *on such accreditation.*

43 (f) **The Kansas department for aging and disability services shall**

1 inspect accredited community mental health centers to determine
2 compliance with state licensing standards and rules and regulations
3 not covered by the accrediting entity's standards. Community mental
4 health centers receiving accreditation shall continue to be subject to
5 inspections and investigations resulting from complaints.

6 (g) In the event that an accredited community mental health
7 center loses accreditation, the community mental health center shall
8 immediately notify the Kansas department for aging and disability
9 services.}

10 Sec. 2. K.S.A. 2015 Supp. 75-3307b 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~~ *{Kansas register}*.