

January 23, 2018

The Honorable Daniel Hawkins, Chairperson
House Committee on Health and Human Services
Statehouse, Room 186-N
Topeka, Kansas 66612

Dear Representative Hawkins:

SUBJECT: Fiscal Note for HB 2495 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2495 is respectfully submitted to your committee.

HB 2495 would amend the Developmental Disabilities Reform Act as it relates to failure of community service providers to comply with requirements, standards or laws. Enactment of the bill would give authority to the Secretary of the Department for Aging and Disability Services to inspect and review the operations of a community provider and identify deficiencies when a community service provider has failed to comply with the requirements, standards or rules and regulations established pursuant to the Developmental Disabilities Reform Act or any other provision of law. The bill outlines the requirements for mediation, the possible need for a plan of correction, and a maximum civil penalty in the amount of \$125 per day being assessed to the community provider, if they fail to carry out the plan of correction within 30 days of submission.

In addition, the bill would provide the Secretary the authority to require the community provider to maintain consumers in place until alternative community services can be secured and to remove the designation as a "community service provider." The bill would also allow the Secretary to issue an emergency order if written findings show the situation involves imminent danger to the health, safety or welfare of the person with a developmental disability unless immediate action is taken. The bill outlines the requirements for an emergency order.

Because the number of community service providers that would fail to carry out plans of correction and the number of days that they would fail to do so is unknown, a precise fiscal effect for HB 2495 cannot be estimated. Any fiscal effect associated with HB 2495 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Cody Gwaltney, Aging & Disability Services