

February 24, 2020

The Honorable Gene Suellentrop, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Suellentrop:

SUBJECT: Fiscal Note for SB 451 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 451 is respectfully submitted to your committee.

SB 451 would permit a resident of an adult residential care facility to file an appeal with the Secretary of the Kansas Department for Aging and Disability Services (KDADS) within 15 days after the date of notice of a pending involuntary transfer or discharge. A presiding officer from the Office of Administrative Hearings would hold a hearing, in accordance with the Kansas Administrative Procedures Act, within 30 days after the receipt of the notice to appeal. KDADS would be required to adopt rules and regulation as necessary to implement and administer the procedures.

KDADS indicates that enactment of SB 451 would increase expenditures by \$221,622, including \$100,838 from the State General Fund to fill an additional 2.00 FTE Attorney positions and 1.00 FTE Legal Assistant position. The agency states that the need for the added positions would be from the agency being included in disputes between residents and adult residential care facilities. The agency estimates there would be a large increase in the number of appeals over existing numbers, which are currently between 10 and 15 appeals per month.

The Kansas Office of Administrative Hearings (OAH) indicates that enactment of SB 451 would increase expenditures by \$254,625 from the Administrative Hearings Office Fund in FY 2021. Salaries and wages would increase by \$169,617 for an additional 1.00 Administrative Law Judge FTE position, an additional 1.00 Legal Assistant FTE position. Contractual services would increase by \$85,008. Expenditures would be offset by the KDADS payment to OAH for administrative hearings services. Additionally, the OAH's current office is not large enough to

accommodate the two additional employees. The cost of leasing additional office space is unknown. Any fiscal effect associated with SB 451 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with the first name "L." and last name "Campbell" clearly visible.

Larry L. Campbell
Director of the Budget

cc: Connie Hubbell, Aging & Disability Services