

January 20, 2021

The Honorable Susan Concannon, Chairperson
House Committee on Children and Seniors
Statehouse, Room 149A-S
Topeka, Kansas 66612

Dear Representative Concannon:

SUBJECT: Fiscal Note for HB 2004 by Representative Highland

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2004 is respectfully submitted to your committee.

HB 2004 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. If the resident were to file a timely appeal, the resident would be permitted to return and resume residence in the adult residential care facility while the appeal is pending. KDADS would be required to adopt rules and regulation as necessary to implement and administer the procedures.

KDADS indicates that enactment of HB 2004 would increase expenditures by \$419,490 from the State General Fund for salaries to fill an additional 2.00 FTE Attorney positions, 1.00 FTE Legal Assistant position, and for contractual services with the Kansas Office of Administrative Hearings (OAH) as described below. The agency states that the need for the added positions are a result of 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 OAH indicates that enactment of HB 2004 would increase off-budget expenditures for salaries and wages for an additional 1.00 Administrative Law Judge FTE position and an additional 1.00 Legal Assistant FTE position. Contractual services would also increase. Expenditures would

be offset by KDADS payment to OAH for administrative hearings services. The OAH notes its current office is not large enough to accommodate the two additional employees. The estimate for contractual services does not include the cost of leasing additional office space. Any fiscal effect associated with HB 2004 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Connie Hubbell, Aging & Disability Services