

SENATE BILL No. 500

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning inpatient psychiatric care; relating to psychiatric
2 residential treatment facilities; establishing a long-term care facility for
3 individuals who do not qualify for admission to psychiatric residential
4 treatment facilities or any state psychiatric hospital; amending K.S.A.
5 39-2001 and 39-2002 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) (1) The department shall establish a long-term
9 psychiatric residential treatment facility in this state. The department shall
10 determine the location for a new state long-term psychiatric residential
11 treatment facility by determining which current psychiatric residential
12 treatment facility is most centrally located within the state and establish
13 the long-term psychiatric residential treatment facility in such centrally
14 located psychiatric residential treatment facility.

15 (2) The secretary shall develop a fair and impartial method for the
16 reallocation of residents from such centrally located psychiatric residential
17 treatment facility to another psychiatric residential treatment facility
18 within the state.

19 (3) The secretary shall develop a long-term psychiatric residential
20 treatment facility program. Criteria for such program shall include, but not
21 be limited to:

22 (A) A program description;

23 (B) admissions criteria for residents;

24 (C) regular reviews to determine if residents of the long-term
25 psychiatric residential treatment facility are able to transition out of the
26 facility and into a community setting;

27 (C) staffing levels; and

28 (D) licensing and credentialing criteria.

29 (b) The department of health and environment shall submit to the
30 United States center for medicare and medicaid services any approval
31 request necessary to implement this section.

32 (c) The secretary may adopt rules and regulations as necessary to
33 implement and administer this section.

34 Sec. 2. K.S.A. 39-2001 is hereby amended to read as follows: 39-
35 2001. The purpose of this act is the development, establishment and
36 enforcement of standards:

1 (a) For the care, treatment, health, safety, welfare and comfort of
 2 individuals residing in or receiving treatment or services provided by
 3 residential care facilities, residential and day support facilities, private and
 4 public psychiatric hospitals, psychiatric residential treatment facilities,
 5 *long-term psychiatric residential treatment facilities*, community mental
 6 health centers, crisis intervention centers and providers of other disability
 7 services licensed by the secretary for aging and disability services; and

8 (b) for the construction, maintenance or operation, or any
 9 combination thereof, of facilities, hospitals, centers and providers of
 10 services that will promote safe and adequate accommodation, care and
 11 treatment of such individuals.

12 Sec. 3. K.S.A. 39-2002 is hereby amended to read as follows: 39-
 13 2002. As used in this act, ~~the following terms shall have the meanings~~
 14 ~~ascribed to them in this section:~~

15 (a) *"Act" means K.S.A. 39-2001 through 39-2017, and amendments*
 16 *thereto, and section 1, and amendments thereto.*

17 (b) "Center" means a community mental health center or crisis
 18 intervention center.

19 ~~(b)~~(c) "Community mental health center" means a center organized
 20 pursuant to article 40 of chapter 19 of the Kansas Statutes Annotated, and
 21 amendments thereto, or a mental health clinic organized pursuant to article
 22 2 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

23 ~~(c)~~(d) "Crisis intervention center" means an entity that is open 24
 24 hours a day, 365 days a year, equipped to serve voluntary and involuntary
 25 individuals in crisis due to mental illness, substance abuse or co-occurring
 26 conditions, and that uses certified specialists.

27 ~~(d)~~(e) "Department" means the department for aging and disability
 28 services.

29 ~~(e)~~(f) "Facility" means any place other than a center or hospital that
 30 meets the requirements as set forth by regulations created and adopted by
 31 the secretary, where individuals reside and receive treatment or services
 32 provided by a person or entity licensed under this act.

33 ~~(f)~~(g) "Hospital" means a psychiatric hospital.

34 ~~(g)~~(h) "Individual" means a person who is the recipient of behavioral
 35 health, intellectual disabilities, developmental disabilities or other
 36 disability services as set forth in this act.

37 ~~(h)~~(i) "Licensee" means one or more persons or entities licensed by
 38 the secretary under this act.

39 ~~(i)~~(j) "Licensing agency" means the secretary for aging and disability
 40 services.

41 ~~(j)~~(k) *"Long-term psychiatric residential treatment facility" means a*
 42 *facility that provides comprehensive inpatient mental health treatment or*
 43 *substance abuse services for individuals:*

1 (1) *With severe emotional disturbances, substance use disorder or*
2 *mental illness;*

3 (2) *who are not less than six years of age and not more than 22 years*
4 *of age and do not meet the criteria for admission to a state psychiatric*
5 *hospital because of the acuity of the individual's condition or are*
6 *otherwise not eligible for admission to a psychiatric residential treatment*
7 *facility; and*

8 (3) *who meet state and federal participation requirements on a long-*
9 *term basis.*

10 (1) "Other disabilities" means any condition for which individuals
11 receive home and community based waiver services.

12 ~~(k)~~(m) "Provider" means a person, partnership or corporation
13 employing or contracting with appropriately credentialed persons that
14 provide behavioral health, excluding substance use disorder services for
15 purposes of this act, intellectual disability, developmental disability or
16 other disability services in accordance with the requirements as set forth
17 by rules and regulations created and adopted by the secretary.

18 ~~(h)~~(n) "Psychiatric hospital" means an institution, excluding state
19 institutions as defined in K.S.A. 76-12a01, and amendments thereto, that is
20 primarily engaged in providing services, by and under the supervision of
21 qualified professionals, for the diagnosis and treatment of mentally ill
22 individuals, and the institution meets the licensing requirements as set
23 forth by rules and regulations created and adopted by the secretary.

24 ~~(m)~~(o) "Psychiatric residential treatment facility" means any non-
25 hospital facility with a provider agreement with the licensing agency to
26 provide the inpatient services for individuals under the age of 21 who will
27 receive highly structured, intensive treatment for which the licensee meets
28 the requirements as set forth by regulations created and adopted by the
29 secretary.

30 ~~(n)~~(p) "Residential care facility" means any place or facility, or a
31 contiguous portion of a place or facility, providing services for two or
32 more individuals not related within the third degree of relationship to the
33 administrator, provider or owner by blood or marriage and who, by choice
34 or due to functional impairments, may need personal care and supervised
35 nursing care to compensate for activities of daily living limitations, and
36 which place or facility includes individual living units and provides or
37 coordinates personal care or supervised nursing care available on a 24-
38 hour, seven-days-a-week basis for the support of an individual's
39 independence, including crisis residential care facilities.

40 ~~(o)~~(q) "Secretary" means the secretary for aging and disability
41 services.

42 ~~(p)~~(r) "Services" means the following types of behavioral health,
43 intellectual disability, developmental disability and other disability

1 services, including, but not limited to: Residential supports, day supports,
2 care coordination, case management, workshops, sheltered domiciles,
3 education, therapeutic services, assessments and evaluations, diagnostic
4 care, medicinal support and rehabilitative services.

5 Sec. 4. K.S.A. 39-2001 and 39-2002 are hereby repealed.

6 Sec. 5. This act shall take effect and be in force from and after its
7 publication in the statute book.