

Proposed amendment

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES, FY25

() During the fiscal year ending June 30,2025, notwithstanding the provisions of article 20 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024 as authorized by section 83 and 155 of 2024 Senate Bill No. 28, this or any other appropriation act of the 2024 regular session of the legislature: (1) Expenditures may be made from such moneys during fiscal year 2025 for the secretary for aging and disability services to: (A) Waive a requirement of the rules and regulations adopted under article 20 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, if the secretary finds that the waiver of the regulatory requirement is in the public interest and will not detrimentally affect the life, safety, health or welfare of any person receiving care or treatment in a center, facility or hospital licensed under article 20 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, or an individual receiving services from a provider licensed under article 20 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto: *Provided*, That for the purposes of paragraph (1)(A), “provider” includes a: (i) Day service provider who provides day support services for development in self-help, social, recreational skills and work skills for adults with intellectual or developmental disabilities that is licensed by the above agency; or (ii) separate and distinct dedicated division of a provider of day support services for development in self-help, social, recreational skills and work skills for adults with intellectual or developmental disabilities licensed by the above agency; and (B) make an order conditioning or restricting a license issued under article 20 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, using the notice and hearing procedure requirements pursuant to K.S.A. 39-2013, and amendments thereto; and (2) expenditures shall be made from such moneys during fiscal year 2025 for the secretary for aging and disability services to: (A) Advise the licensee of the opportunity to be heard in accordance with the Kansas administrative procedure act and to appeal such order in accordance with the provisions of the Kansas judicial review act when issuing the written notice of assessment pursuant to K.S.A. 39-2016, and amendments thereto; and (B) advise any licensee against whom a civil penalty has been assessed, that such licensee may appeal such assessment to the secretary within 10 days after receiving a written notice of assessment by filing a written notice of appeal with the office of administrative hearings specifying why such civil penalty should not be assessed: *Provided*, That such appeal shall not operate to stay the payment of the civil penalty: *Provided further*, That if the initial order issued by the office of administrative hearings finds in favor of the appellant and the secretary affirms the initial order, any civil penalties collected shall be refunded to the appellant licensee: *And provided further*, That either party may appeal the final order in accordance with the Kansas judicial review act.