

SESSION OF 2005

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 116**

As Amended by House Committee of the Whole

**Brief\***

SB 116 would amend an existing statute that concerns the licensing and enforcement of state laws relating to private psychiatric hospitals, community mental health centers, and facilities for the mentally ill, mentally retarded, or other handicapped persons by the Secretary of Social and Rehabilitation Services (SRS). The amendments would give the Secretary authority to seek an injunction to restrain or prevent the operation of any facilities that are operating without a license. Other amendments update the statutory language used to describe the populations served by the facilities and services regulated under KSA 75-3307b. A second statute is amended to delete a reference to Kansas Advocacy and Protective Services and to replace the deleted term with a reference to the state protection and advocacy system.

The bill also would authorize the Secretary of SRS to license and monitor group homes and similar residential settings or providers of such services which serve two or more residents who are not self-directing their care, unless the provider of services is already licensed to provide such services.

**Background**

In its original form, SB 116 was introduced at the request of the Acting Secretary of Social and Rehabilitation Services who also appeared in support of giving the agency an additional tool to prevent unlicensed and unregulated facilities and services that serve vulnerable populations from operating. The additional amendments were requested

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

by a representative of the Disability Rights Center of Kansas, formerly Kansas Advocacy and Protective Services.

The Senate Committee of the Whole amendment deleted language added to KSA 75-3307b by the Senate Committee that would have given authority to the state protection and advocacy system to have unaccompanied access to public and private facilities and programs treating those with disabilities, as well as to individuals and the records of individuals receiving care or services from such facilities.

The House Committee on Health and Human Services amended the bill to reinsert language deleted by the Senate Committee of the Whole and to add additional clarifying language regarding unaccompanied access. In addition, the House Committee provision would define the state protection and advocacy system, provided under federal law, and allow the system to have reasonable unaccompanied access to individuals with disabilities in facilities licensed under KSA 75-3307b; have reasonable unaccompanied access to those facilities; and have access to the records of a disabled individual when the protection and advocacy system has received a complaint of, or has a probable cause to suspect, the abuse or neglect of the individual in such facility. The House Committee amendment created a new section to allow the Secretary of SRS the authority to license and monitor either group homes and other residential settings or the provider of services to two or more residents who are not self-directing their services, unless the provider of such services is already licensed. The amendments were requested by the Disability Rights Center of Kansas.

The House Committee of the Whole amendment deleted the provision that would have authorized the state protection and advocacy system, as defined in federal law, reasonable unaccompanied access to certain facilities and individuals receiving care from such facilities, and access to records of those individuals.

The fiscal note on the introduced version of SB 116 indicates passage of the bill would have no fiscal effect.