

Senate Substitute for HOUSE BILL No. 2155

By Committee on Public Health and Welfare

3-22

1 AN ACT concerning community developmental disability organizations;
2 eligibility determination, needs assessment and case management;
3 amending K.S.A. 39-1805 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 39-1805 is hereby amended to read as follows: 39-
7 1805. In addition to any other power and duty prescribed by law, and
8 subject to appropriations, a community developmental disability
9 organization shall have the power and duty to:

10 (a) Directly or by subcontract, serve as a single point of application or
11 referral for services, and assist all persons with a developmental disability
12 to have access to and an opportunity to participate in community services,
13 except in those circumstances in which the secretary determines, subject to
14 an immediate hearing before the district court located in the county in
15 which the person with a developmental disability resides, participation in
16 community services is not the appropriate placement for such person
17 because such person is presently likely to cause harm to self or others;

18 (b) provide either directly or by subcontract, services to persons with
19 a developmental disability, including, but not limited to, eligibility
20 determination; explanation of available services and service providers;
21 case management services, if requested; assistance in establishing new
22 providers, if requested; and advocacy for participation in community
23 services; *however:*

24 (1) *No community developmental disability organization shall*
25 *conduct both eligibility determinations and services for persons with a*
26 *developmental disability, nor shall any combination of eligibility*
27 *determinations and services be provided by a community developmental*
28 *disability organization and a service provider with which it is affiliated or*
29 *has common ownership;*

30 (2) *no community developmental disability organization shall*
31 *conduct both needs assessments and services for persons with a*
32 *developmental disability, nor shall any combination of needs assessments*
33 *and services be provided by a community developmental disability*
34 *organization and a service provider with which it is affiliated or has*
35 *common ownership;*

36 (3) *no person employed by a community developmental disability*

1 organization or other entity shall provide case management to persons
2 with a developmental disability if the organization or entity also provides
3 services and supports to persons with a developmental disability;

4 (4) no person under contract with a community developmental
5 disability organization or other entity shall provide case management to
6 persons with a developmental disability if the organization or entity also
7 provides services and supports to persons with a developmental disability.

8 (5) any person with a developmental disability who chooses to obtain
9 case management from a managed care organization coordinating
10 medicaid services in this state may do so if the managed care organization
11 provides case management;

12 (6) the provisions of (b)(1) through (b)(4) shall be effective on and
13 after January 1, 2015; and

14 (7) the provisions of (b)(5) shall be effective on and after July 1,
15 2015;

16 (c) organize a council of community members, consumers or their
17 family members or guardians, and community service providers,
18 composed of a majority of consumers or their family members or
19 guardians who shall meet not less than quarterly to address systems issues,
20 including, but not limited to, planning and implementation of services; and
21 develop and implement a method by which consumer complaints,
22 interagency and other intrasystem disputes are resolved;

23 (d) provide, directly or by subcontract, information about affiliate and
24 referral services to persons with a developmental disability whose
25 particular needs can be met in the community or through government; and

26 (e) ensure that affiliates have the option to review referrals and
27 waiting lists on a periodic basis to contact potential consumers with
28 information concerning their services.

29 Sec. 2. K.S.A. 39-1805 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.