

## HOUSE BILL No. 2571

By Committee on Appropriations

1-28

1 AN ACT concerning community mental health centers; relating to license  
2 renewal; amending K.S.A. 2015 Supp. 75-3307b and repealing the  
3 existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 75-3307b is hereby amended to read as  
7 follows: 75-3307b. (a) The enforcement of the laws relating to the  
8 hospitalization of mentally ill persons of this state in a psychiatric hospital  
9 and the diagnosis, care, training or treatment of persons in community  
10 mental health centers or facilities for persons with mental illness,  
11 developmental disabilities or other persons with disabilities is entrusted to  
12 the secretary for aging and disability services. The secretary may adopt  
13 rules and regulations on the following matters, so far as the same are not  
14 inconsistent with any laws of this state:

15 (1) The licensing, certification or accrediting of private hospitals as  
16 suitable for the detention, care or treatment of mentally ill persons, and the  
17 withdrawal of licenses granted for causes shown;

18 (2) the forms to be observed relating to the hospitalization, admission,  
19 transfer, custody and discharge of patients;

20 (3) the visitation and inspection of psychiatric hospitals and of all  
21 persons detained therein;

22 (4) the setting of standards, the inspection and the licensing of all  
23 community mental health centers which receive or have received any state  
24 or federal funds, and the withdrawal of licenses granted for causes shown;

25 (5) the setting of standards, the inspection and licensing of all  
26 facilities for persons with mental illness, developmental disabilities or  
27 other persons with disabilities receiving assistance through the Kansas  
28 department for aging and disability services which receive or have  
29 received after June 30, 1967, any state or federal funds, or facilities where  
30 persons with mental illness or developmental disabilities reside who  
31 require supervision or require limited assistance with the taking of  
32 medication, and the withdrawal of licenses granted for causes shown. The  
33 secretary may adopt rules and regulations that allow the facility to assist a  
34 resident with the taking of medication when the medication is in a labeled  
35 container dispensed by a pharmacist. No license for a residential facility  
36 for eight or more persons may be issued under this paragraph unless the

1 secretary of health and environment has approved the facility as meeting  
2 the licensing standards for a lodging establishment under the food service  
3 and lodging act. No license for a residential facility for the elderly or for a  
4 residential facility for persons with disabilities not related to mental illness  
5 or developmental disability, or both, or related conditions shall be issued  
6 under this paragraph;

7 (6) reports and information to be furnished to the secretary by the  
8 superintendents or other executive officers of all psychiatric hospitals,  
9 community mental health centers or facilities for persons with  
10 developmental disabilities and facilities serving other persons with  
11 disabilities receiving assistance through the Kansas department for aging  
12 and disability services.

13 (b) An entity holding a license as a community mental health center  
14 under ~~paragraph (4)~~ of subsection (a)(4) on the day immediately preceding  
15 the effective date of this act, but which does not meet the definition of a  
16 community mental health center set forth in this act, shall continue to be  
17 licensed as a community mental health center as long as the entity remains  
18 affiliated with a licensed community mental health center and continues to  
19 meet the licensing standards established by the secretary.

20 (c) Notwithstanding the existence or pursuit of any other remedy, the  
21 secretary for aging and disability services, as the licensing agency, in the  
22 manner provided by the Kansas judicial review act, may maintain an  
23 action in the name of the state of Kansas for injunction against any person  
24 or facility to restrain or prevent the operation of a psychiatric hospital,  
25 community mental health center or facility for persons with mental illness,  
26 developmental disabilities or other persons with disabilities operating  
27 without a license.

28 (d) The secretary for aging and disability services shall license and  
29 inspect any facility or provider of residential services which serves two or  
30 more residents who are not self-directing their services and which is  
31 subject to licensure under subsection (a)(5) ~~of this section~~, unless the  
32 provider of services is already licensed to provide such services.

33 (e) *A community mental health center which has been licensed by the*  
34 *secretary for aging and disability services on or before July 1, 2016, and*  
35 *which has also been accredited by the commission on accreditation of*  
36 *rehabilitation facilities or the joint commission, or an equivalent entity,*  
37 *shall be granted a license renewal based on such accreditation.*

38 Sec. 2. K.S.A. 2015 Supp. 75-3307b is hereby repealed.

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