

HOUSE BILL No. 2362

By Committee on Appropriations

2-8

1 AN ACT concerning the secretary of aging and disability services; related
2 to the licensure or licensure renewal of facilities, hospitals, centers and
3 providers of disability services; removing state fire marshal approval as
4 a requirement for licensure or renewal of licensure; amending K.S.A.
5 39-2008 and repealing the existing section.
6

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

8 Section 1. K.S.A. 39-2008 is hereby amended to read as follows: 39-
9 2008. (a) Upon receipt of an initial or renewal application for a license, the
10 licensing agency, ~~with the approval of the state fire marshal,~~ shall issue a
11 license if the applicant is fit and qualified and if the center, facility,
12 hospital or provider meets the requirements established under this act and
13 such rules and regulations as are adopted under the provisions of this act.
14 The licensing agency, the state fire marshal and the county, city-county or
15 multi-county health departments or their designated representatives shall
16 make such inspections and investigations as are necessary to determine the
17 conditions existing in each case, and a written report of such inspections
18 and investigations and the recommendations of the state fire marshal and
19 the county, city-county or multi-county health department or their
20 authorized agents shall be filed with the licensing agency. A copy of any
21 inspection report required by this section shall be furnished to the
22 applicant.

23 (b) The initial application for licensure and renewal of licensure fees
24 for a license shall be fixed by the secretary by rules and regulations. The
25 initial application for licensure fee shall be paid to the secretary when the
26 license is applied for and annually thereafter. The fee shall not be
27 refundable. Fees in effect under this subsection immediately prior to the
28 effective date of this act shall continue in effect on and after the effective
29 date of this act until a different fee is established by the secretary by rules
30 and regulations.

31 (c) Each license shall be issued only for the premises or providers
32 named in the application, or both, and shall not be transferable or
33 assignable. The license shall be posted in a conspicuous place in the
34 center, facility, hospital or provider's principal location. If the annual report
35 is not so filed and a renewal of licensure fee, if any, is not paid, such
36 license shall be automatically denied or revoked. Any license granted

1 under the provisions of this act shall state the type of facility or service for
2 which the license is granted, the number of individuals for whom granted,
3 the person or persons to whom granted, the date and such additional
4 information and special limitations deemed appropriate by the licensing
5 agency.

6 (d) A license, unless sooner suspended or revoked, shall remain in
7 effect until the date of expiration specified by the secretary. Licensees
8 seeking renewal shall file a renewal application containing such
9 information in such form as the licensing agency prescribes together with
10 payment of any required annual fee. Upon review and approval by the
11 licensing agency ~~and the state fire marshal~~ or their duly authorized ~~agents~~
12 *agent*, a license shall be issued and effective until the date of expiration.

13 (e) (1) Programs and treatments provided by a community mental
14 health center that have been previously licensed by the secretary for aging
15 and disability services and that have also been accredited by the
16 commission on accreditation of rehabilitation facilities or the joint
17 commission, or another national accrediting body approved by the
18 secretary for aging and disability services, shall be granted a license
19 renewal based on such accreditation.

20 (2) The Kansas department for aging and disability services shall
21 inspect accredited community mental health centers to determine
22 compliance with state licensing standards and rules and regulations not
23 covered by the accrediting entity's standards. Community mental health
24 centers receiving accreditation shall continue to be subject to inspections
25 and investigations by the Kansas department for aging and disability
26 services resulting from complaints.

27 Sec. 2. K.S.A. 39-2008 is hereby repealed.

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