

**Kansas Department of Social and Rehabilitation Services
Gary Daniels, Acting Secretary**

House Health and Human Services Committee
March 8, 2005

SB 116 - Injunctive Authority to Cease Operations

Chairperson Morrison, and members of the Health and Human Services Committee, I am Gary Daniels, Acting Secretary of the Kansas Department of Social and Rehabilitation Services. I appreciate the opportunity to testify today in support of Senate Bill 116 as amended by the Senate, which is one of SRS' legislative proposals.

Senate Bill 116 would add the authority to take injunctive action to current law governing the licensure of these facilities. The addition of this language to the current law will allow the Secretary to seek the closure of facilities and/or providers who do not meet or seek to meet established minimum standards of care and treatment through licensure. This type of authority is similar to the authority bestowed upon other state agencies with facility licensing responsibilities such as Kansas Department of Health and Environment and the Kansas Department on Aging.

The Secretary of SRS has statutory authority per KSA 75-3307b for setting of standards, inspection, and licensing of facilities for persons with mental illness, mental retardation, or developmental disabilities. It is implied through this statute that SRS has responsibility for ensuring the health and safety of the populations that reside in these facilities through the creation of regulations that set out requirements for minimum standards. While existing law does allow for the creation of regulations and inspection of facilities, it does not currently enable the Secretary to take action against facilities which refuse to obtain or to maintain an appropriate license. The absence of enforcement authority hampers the Secretary's ability to ensure the health and safety of individuals residing in facilities or who are receiving services from facilities which refuse to obtain a license or refuse to maintain a license in good standing.

The majority of facilities that SRS licenses under this statute receive funding from SRS for the provision of services to individuals with mental illness or a developmental disability. Continued funding from SRS is contingent upon the facility maintaining a license in good standing. However, Residential Care Facilities or group homes for individuals with mental illness usually **do not** receive funding from SRS. Thus the ability to seek closure through an injunction is necessary as other remedial actions related to funding are not an option for SRS with these facilities.

I would ask your support of Senate Bill 116.