

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

To: Senate Committee on Public Health and Welfare  
From: Office of Revisor of Statutes  
Date: March 13, 2024  
Subject: HB 2751 - Authorizing the Kansas department for aging and disability services to condition or restrict a disability service provider license, granting the secretary authority to grant regulation waivers unrelated to health and safety and authorizing correction orders and civil fines to be appealed to the secretary.

---

House Bill 2751 authorizes the Kansas department for aging and disability services to condition or restrict a disability service provider license, granting the secretary authority to grant regulation waivers unrelated to health and safety and authorizing correction orders and civil fines to be appealed to the secretary.

Section 1 amends K.S.A. 39-2004 to allow the secretary to waive a requirement of the rules and regulations adopted under the act if the secretary finds that waving such requirement is in the public interest and will not detrimentally affect the life, safety, health or welfare of anyone receiving treatment in a center, facility or hospital licensed under this act.

Section 2 amends K.S.A. 39-2009 to include a definition for the term “day service provider.” It also includes updates to internal citations and language to bring it up to date with current drafting practices. Section 2 was added to the bill by the House committee.

Section 3 amends K.S.A. 39-2013 to allow the licensing agency to make an order denying, conditioning, restricting, suspending or revoking a license after issuing notice upon a finding of failure to comply with the requirements, standards or rules and regulations established under the act.

Section 4 amends K.S.A. 39-2014 to allow a correction order to be issued by the secretary or the secretary’s designee if the state fire marshal or the marshal's representative or a duly authorized representative of the secretary inspects or investigates a center, facility, hospital or provider and determines that the center, facility, hospital or provider is not in compliance with the rules and regulations adopted by the by the secretary pursuant to such authority. Section 4 also

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**  
LEGISLATURE *of* THE STATE *of* KANSAS

---

requires that upon re-inspection by the fire marshal or a duly authorized representative that such notice of the assessment shall advise the licensee of the opportunity to be heard in accordance with the Kansas administrative procedure act and to appeal such order in accordance with the provisions of the Kansas judicial review act. Additionally, any licensee against whom a civil penalty has been assessed may appeal such assessment to the secretary within 10 days.

HB 2751 would take effect on July 1, 2024, upon publication in the statute book.

The bill passed the House 111 to 9.