

Governor's Behavioral Health Services Planning Council; HB 2368

HB 2368 amends statutes relating to the Governor's Mental Health Services Planning Council by replacing certain references to reflect a name change to the Governor's Behavioral Health Services Planning Council (Council) and to replace the term "mental health" with "behavioral health"; expands and adjusts the membership and prescribes the requirements for appointment; addresses the expiration of terms of current Council members whose terms expire after June 30, 2013, and the staggering of terms for the nine member positions created by the bill; and requires payment to members for attendance at Council meetings and subcommittee meetings be made from the administration account of the State General Fund appropriated for the Kansas Department for Aging and Disability Services (KDADS). The bill also clarifies that references to the "Governor's Mental Health Services Planning Council" in statute, contract, or other documents refer to the Governor's Behavioral Health Services Planning Council. Technical amendments also were made.

The bill makes the following changes in membership and member terms.

Membership; Compensation

The bill expands Council membership from 25 to 33 members. The bill adds 9 new membership positions, and one existing membership position is eliminated from the 16 positions previously appointed by the Governor.

Of the 33 members, 9 members continue to represent state agencies, with the following changes:

- The Secretary of KDADS or the Secretary's designee replaces the Commissioner of Mental Health and Developmental Disabilities;
- The reference to the Secretary of Social and Rehabilitation Services (SRS) changes to the Secretary for Children and Families, who appoints one member each in the areas of vocational rehabilitation and children and family services, instead of the four members under prior law. (The changes correspond to agency renaming and reorganization under Executive Reorganization Order [ERO] No. 41, 2012 Session.);
- The Commissioner of Juvenile Justice is allowed to appoint a designee to serve in the Commissioner's place on the Council; and
- The Secretary of KDADS appoints one member each in the areas of substance use disorder and medical services. (These positions previously were appointed by the Secretary of the Department of Social and Rehabilitation Services but, with changes made by ERO No. 41, these areas are under KDADS.)

Governor appointees to the Council change as follows:

- Four members are added:
 - One representative of a behavioral health advocacy group;
 - One substance use disorder prevention professional;
 - One executive director of a substance use disorder treatment center; and
 - One judge of the district court or a district magistrate judge.

- Of the 17 members appointed by the Governor who by statute cannot be state employees or providers of behavioral health services, 5 new positions are added and the number of positions for members who are immediate family members of adult consumers with serious and persistent mental illnesses is reduced from 3 to 2 members. The five new membership positions are:
 - One youth with severe emotional disturbance, who is at least 16 years of age, but not more than 18 years of age, at the time of appointment;
 - Two adults in recovery from substance use disorders;
 - One family member of an adult with a substance use disorder; and
 - One mentor to an adult with a substance use disorder.

The bill requires compensation provided to members for attendance at Council meetings and subcommittee meetings be paid from the administration account of the State General Fund appropriated for KDADS.

Member Terms

Members of the Governor’s Mental Health Services Planning Council prior to the effective date of this bill whose terms expire after June 30, 2013, continue to serve until the expiration of their appointed terms. Each member appointed by the Governor on or after July 1, 2013, is appointed to a term of four years, except those newly appointed to staggered terms, serving until the appointment of a successor, appointed to fill a vacancy on the Council, or otherwise provided for in statute.

A provision in prior law creating staggered initial terms for appointees of the Governor (half serving two-year terms and the other half serving four-year terms) is deleted, and a new provision provides for staggered initial terms for the nine member positions created by the bill. Of the nine new members authorized by the bill, four are appointed for an initial term of two years and five are appointed for an initial term of four years, as specified by the Governor.