

**65-4434. Grants; computation of amounts; proration of moneys; purchase of services; payments; basic level of services; governing body or local advisory committee.** (a) Subject to the provisions of appropriation acts and the provisions of K.S.A. 65-4436 and amendments thereto, the secretary shall make grants in accordance with this section to mental health centers which are providing the basic level of services in the service delivery area as required under subsection (f).

(b) (1) For the fiscal year ending June 30, 1989, the secretary shall make grants under this section to each mental health center, which is providing the basic level of services prescribed under subsection (f), as provided in this subsection. Subject to the other provisions of this subsection (b), the grants to each mental health center shall be based upon the total of:

(A) The mental health center's base grant which shall be the greater of either (i) the amount equal to the grant payments received by the mental health center under this section for the previous fiscal year or (ii) the amount computed on the basis of \$3.27 multiplied by the number of residents in the service area of the mental health center as of July 1, 1985, as certified by the division of the budget of the department of administration to the secretary of state in July of, 1986, plus

(B) each mental health center's pro rata share of any additional moneys, including any inflation adjustments, appropriated for such purpose in accordance with the base grant amounts so determined.

(2) If appropriations have been reduced from the previous fiscal year, the secretary shall prorate the available moneys based upon the grant payments received by mental health centers for the fiscal year ending June 30, 1988.

(c) For the fiscal year ending June 30, 1990, and for subsequent fiscal years, the secretary shall make grants to mental health centers as provided in this section, which are providing the basic level of services as prescribed under subsection (f) based upon the grant payments received by or for each mental health center for the previous fiscal year plus each mental health center's pro rata share of any increase in moneys, including any inflation adjustments, appropriated for such purpose, in accordance with the grant payments received by or for the mental health center for the previous fiscal year. If appropriations have been reduced from the previous fiscal year, the secretary shall prorate the available moneys based upon the grant payments for each center which were received during such fiscal year.

(d) At the beginning of each fiscal year, the secretary shall determine the amount of state funds due under this section to each mental health center which has applied for such funds and which is providing the basic level of services as prescribed under subsection (f). The secretary, with the consent of the governing board of a mental health center, may withhold funds that would otherwise be allocated to the mental health center and use the funds to match other funds for the purchase of services for the mental health center. Any funds withheld that are not used to purchase services in the various mental health centers shall be allocated to the mental health center from which such funds were originally withheld. In any case where a mental health center is not providing or has failed to continue providing the basic level of services as prescribed under subsection (f), the secretary shall withhold all or part of any grant otherwise payable to the mental health center, as warranted by the circumstances, until any deficiencies are corrected and the mental health center is providing such basic level of services.

(e) The state funds due under this section to each mental health center applying therefor shall be paid in four quarterly installments if it is providing the basic level of services prescribed under subsection (f). The moneys received in any quarter may be used at any time during the year. Installments shall be paid as follows: (1) On July 1st for the quarter beginning July 1 and ending September 30; (2) on October 1st for the quarter beginning October 1 and ending December 31; (3) on January 1st for the quarter beginning January 1 and ending March 31; and (4) on April 1st for the quarter beginning April 1 and ending June 30.

(f) The secretary shall adopt rules and regulations prescribing the basic level of services to be provided by mental health centers, including criteria prescribing such services in terms of types of services provided and minimum staffing levels therefor.

(g) In order to be eligible for grants under this section or for special purpose grants under K.S.A. 65-4435 and amendments thereto, each mental health center shall have a governing body which includes consumers of mental health services or representatives of mental health consumer groups and includes family members of mentally ill persons, except that, if the governing body of a mental health center is the board of county commissioners, such mental health center shall have a local advisory committee which includes consumers of mental health services or representatives of mental health consumer groups and includes family members of mentally ill persons.

**History:** L. 1987, ch. 249, § 4; L. 1988, ch. 262, § 1; L. 1990, ch. 92, § 33; Jan. 1, 1991.