

65-4431

Chapter 65.--PUBLIC HEALTH

Article 44.--COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION ASSISTANCE

65-4431. Citation of act. This act shall be known and may be cited as the Kansas community mental health centers assistance act.

History: L. 1987, ch. 249, § 1; July 1.

65-4432. Definitions. (a) "Mental health center" means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto, or mental health clinics organized pursuant to the provisions of K.S.A. 65-211 to 65-215, inclusive, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b and amendments thereto.

(b) "Secretary" means the secretary of social and rehabilitation services.

History: L. 1987, ch. 249, § 2; July 1.

65-4433. State participation in financing mental health centers;

purpose. For the purpose of insuring that adequate mental health services are available to all inhabitants of Kansas, the state shall participate in the financing of mental health centers in the manner provided by this act.

History: L. 1987, ch. 249, § 3; July 1.

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.

65-4435. Special purpose grants; additional local effort funding defined. Any moneys appropriated to fund grants under the Kansas community mental health centers assistance act and not designated to fund grants pursuant to K.S.A. 65-4434 and amendments thereto shall be distributed as special purpose grants in accordance with this section to individual mental health centers at the discretion of the secretary to establish priority services. All special purpose grants shall be awarded through a request for proposal process for programs determined to be priority programs by the secretary in accordance with criteria established by rules and regulations. On and after July 1, 1989, each special purpose grant awarded to a mental health center in accordance with this section shall be matched by additional local effort funding as required by rules and regulations of the secretary. As used in this section, "additional local effort funding" means additional funding provided for the mental health center submitting the proposal for a special purpose grant, which is above the amount of such funding for the fiscal year preceding the fiscal year for which the proposal is submitted, which is received from all local sources, including taxes levied for the mental health center, and which qualifies as additional local effort funding under rules and regulations of the secretary.

History: L. 1987, ch. 249, § 5; L. 1988, ch. 262, § 2; July 1.

65-4436. Defunct mental health center; use of moneys for special purpose grants. In the event that a mental health center becomes defunct and no other mental health center assumes responsibility for providing services to the geographic area formerly served by the defunct center, the secretary may use those quarterly installments that would otherwise be paid to such defunct center for the purpose of making special purpose grants under this section.

History: L. 1987, ch. 249, § 6; July 1.

65-4437. Overpayment or underpayment of moneys; procedure. (a) In the event any mental health center is paid more than it is entitled to receive under any distribution made under this act, the secretary shall notify the governing board of the mental health center of the amount of such overpayment and such governing board shall remit the same to the secretary. The secretary shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such governing board fails so to remit, the secretary shall deduct the excess amount so paid from future payments becoming due to such mental health center.

(b) In the event any mental health center is paid less than the amount to which it is entitled under any distribution made under this act, the secretary shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

History: L. 1987, ch. 249, § 7; L. 2001, ch. 5, § 257; July 1.

65-4438. Secretary to provide consultative staff services to mental health centers. The secretary shall provide consultative staff services to mental health centers to assist in ascertaining local needs, in obtaining federal funds and assistance and in the delivery of mental health services at the local level.

History: L. 1987, ch. 249, § 8; July 1.

65-4439. Application by governing board; annual budget and report.

The governing board of any mental health center may apply for assistance provided under K.S.A. 65-4434 by submitting annually to the secretary a budget showing the estimated receipts and intended disbursements for the calendar year immediately following the date the budget is submitted and a report detailing the income received and disbursements made during the calendar year just preceding the date the report is submitted.

History: L. 1987, ch. 249, § 9; July 1.

65-4440. Withdrawal of funds from facility, when. The secretary shall review the budgets and expenditures of the mental health centers, from time to time during the fiscal year, and may withdraw funds from any facility which is not being administered substantially in accordance with the provisions of the annual budget submitted to the secretary.

History: L. 1987, ch. 249, § 10; July 1.

65-4441. Notice of new programs; duplication of programs, effect. As a prerequisite for receiving assistance provided under this act, each mental health center shall agree to provide the secretary with at least 45 days' notice prior to initiating a new program. If the secretary determines that such program duplicates a program which is adequately serving the geographic area served by such mental health center, the secretary may subsequently withdraw assistance provided under this act equal to the net loss, if any, generated by the program in the previous calendar year unless the mental health center agrees to purchase the service from or otherwise cooperate with such other program.

History: L. 1987, ch. 249, § 11; July 1.

65-4442. Rules and regulations. The secretary shall adopt rules and regulations for the administration of the provisions of this act, including the content of budgets, reports and the criteria for the awarding of special purpose grants, determining program duplication and the redistribution of moneys if a new mental health center is created or if the geographic area served by a mental health center is added to or subtracted from.

History: L. 1987, ch. 249, § 12; July 1.