

SENATE BILL No. 194

By Committee on Ways and Means

2-13

1 AN ACT concerning community developmental disability organizations;
2 functional assessments; amending K.S.A. 39-1805 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 39-1805 is hereby amended to read as follows: 39-
7 1805. In addition to any other power and duty prescribed by law, and
8 subject to appropriations, a community developmental disability
9 organization shall have the power and duty to:

10 (a) Directly or by subcontract, serve as a single point of application or
11 referral for services, and assist all persons with a developmental disability
12 to have access to and an opportunity to participate in community services,
13 except in those circumstances in which the secretary determines, subject to
14 an immediate hearing before the district court located in the county in
15 which the person with a developmental disability resides, participation in
16 community services is not the appropriate placement for such person
17 because such person is presently likely to cause harm to self or others;

18 (b) provide either directly or by subcontract, services to persons with
19 a developmental disability, including, but not limited to, ~~eligibility~~
20 ~~determination~~; explanation of available services and service providers;
21 case management services, if requested; assistance in establishing new
22 providers, if requested; and advocacy for participation in community
23 services; *however:*

24 (1) *The functional assessment of a person with a developmental*
25 *disability shall be performed by an independent agency which is not*
26 *affiliated with the community developmental disability organization or the*
27 *developmental disability provider; or*

28 (2) *if the community developmental disability organization performs*
29 *the functional assessment, the community developmental disability*
30 *organization shall not provide any services, including direct community*
31 *services or targeted case management, for the person with a*
32 *developmental disability;*

33 (c) organize a council of community members, consumers or their
34 family members or guardians, and community service providers,
35 composed of a majority of consumers or their family members or
36 guardians who shall meet not less than quarterly to address systems issues,

1 including, but not limited to, planning and implementation of services; and
2 develop and implement a method by which consumer complaints,
3 interagency and other intrasystem disputes are resolved;

4 (d) provide, directly or by subcontract, information about affiliate and
5 referral services to persons with a developmental disability whose
6 particular needs can be met in the community or through government; and

7 (e) ensure that affiliates have the option to review referrals and
8 waiting lists on a periodic basis to contact potential consumers with
9 information concerning their services.

10 Sec. 2. K.S.A. 39-1805 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.