

2003 Legislative Session - Key Issues

Child Support Enforcement

Child Support Enforcement was the focus of the SRS legislative proposals for the 2003 session. SRS submitted three legislative proposals. All three bills passed and have been approved by the Governor. These bills include:

SB16 - Social Security Number (SSN) on Driver's License Application

The original SRS proposal was introduced as SB72. The language was incorporated into SB16. In order for Kansas to be in compliance with Title IV-D of the Social Security Act, state law must require all driver's license applicants to furnish a SSN on their license application. The proposal amends current statute to require a SSN on all driver's license applications. **Signed by the Governor 3/3/03.**

SB70 - Child Support Pass Through

The bill repeals abolishes the requirement that, entirely at state expense, SRS pass through \$40 of child support collected each month to custodial parents who receive public assistance. This requirement has been suspended by proviso in appropriation bills since FY 2000. **Signed by the Governor 4/10/03**

SB71 - Kansas Payment Center Sunset

The bill removes the sunset provision the Kansas Payment Center (KPC). Title IV-D of the Social Security Act requires the state to operate a centralized unit for the collection and disbursement of child support payments. The KPC satisfies this requirement. The 2001 Legislature approved legislation to create the KPC and set an expiration date of July 1, 2003. The bill as passed extends the sunset provision until July 1, 2005. **Signed by the Governor 4/21/03**

Child Welfare

A number of child welfare related bills were introduced this session. Key child welfare bills include:

SB67- Open Records After A Child Fatality

Amends the law regarding the confidentiality of records in child in need of care cases to remove the confidentiality requirement in near fatality and fatality cases involving a child. Records and reports of children in need of care would be public records and subject to public disclosure. **Remains in Conference Committee**

Other bills related to access to records include HB2095, HB2240, HB2300 and HB2354. Could be considered in the 2004 legislative session.

HB2035 - Children in Need of Care Cases - Guardian Ad Litem

Amends the Child in Need of Care Code dealing with the appointment of a guardian ad litem to represent a child's best interests. The bill provides that when the child's position is not consistent with the determination of the guardian ad litem as to the child's best interest, the guardian ad litem must inform the court of the disagreement. The guardian ad litem or the child may request the court

to appoint a second attorney to serve as attorney for the child, and the court may appoint such second attorney. **Signed by the Governor 4/14/03**

HB2125 - Foster Parents Right To Attend Certain Hearings

The bill provides for a pilot project until July 1, 2005, to be established in one rural and one urban judicial district in which the court may not exclude foster parents, and up to two people designated by the child's parents, in CINC proceedings. The two people allowed to attend who are designated by the parent, must have participated in an approved parent advocate program. **Signed by the Governor 5/15/03**

Developmental Disabilities

SB242 - Developmental Disability Reform Act

Separates the functions of intake and referral from the provision of treatment and care services for the developmental disabled. The bill would prohibit community developmental disability organizations (CDDOs) from providing client treatment and care services and limit them to the functions of intake and service referral. The bill would eliminate language in current law that specifies that CDDOs are the same organizations designated and funded by county government. Instead, the bill would direct the Secretary of Social and Rehabilitation Services to select no more than 13 agencies to carry out CDDO responsibilities specified in the Developmental Disabilities Reform Act. **Remains in Senate Ways and Means Committee**

Drug Abuse Treatment Sanctions

This topic is important to SRS since the Department is responsible for licensing drug treatment facilities.

SB123 - Treatment Programs for Drug Offenders

This bill establishes a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced after November 1, 2003. A pre-sentence criminal risk need assessment would be conducted by a court services officer or a community corrections officer. The pre-sentence drug abuse treatment program placement assessment shall be conducted by a certified drug abuse treatment program. The bill creates the drug abuse treatment program fund administered by the executive director of the Kansas Sentencing Commission. The cost for all drug abuse assessments and certified drug abuse treatment shall be paid by the Kansas Sentencing Commission. **Signed by the Governor 4/21/03**

Electronic Gaming

A number of bills were introduced regarding the expansion of gambling in the State. Health Care Policy - Addiction and Prevention Services tracked these bills since SRS administers the problem gambling grant fund.

SB226 - Electronic Gaming

This bill would have enacted the "Kansas Gaming Act" and authorized the Kansas Lottery to conduct games on "electronic gaming machines" at qualified parimutuel racetracks. The bill would earmark all revenue from those games and establish an oversight framework involving both the State Lottery and the Racing and Gaming Commission. Voters in the county in which the licensed racetracks are located and all contiguous counties would have to allow electronic gaming machines.

Killed During Senate Final Action

Other similar gaming bills that will carry over include SB108, SB207, SB208, SB249, HB2340 and HB2372.

Hospital Closure Commission

The 2003 Legislature considered creating a state hospital closure commission several times. The Legislature directed SRS to study the acute care system in the state for persons with significant mental health issues, with particular focus on the capacity of the state mental health hospitals and on the loss of private psychiatric beds in recent years. Over the coming months, SRS staff and stakeholders will receive national technical assistance to develop a timely, comprehensive report to guide the future access to and utilization of state mental health hospital resources. The report will be submitted to the 2004 Legislature.

Medicaid Reform

The Senate President appointed a special task force this session to review the Medicaid program and identify areas that may require additional attention. The task force met extensively throughout the session, focusing on both short and long-term ideas, including a pharmaceutical purchasing practices, increased tools regarding asset sheltering and estate recovery, and care management. Two key outcomes resulted from the task force's work: (1) The Senate introduced a bill that would give SRS new authority related to estate recovery and asset sheltering. The bill, which passed the Senate but not the House, is likely to be studied in greater depth by the 2004 Legislature. (2) The Task Force issued a report identifying many issues that will be studied further by the Legislature, state agencies and stakeholders.

HB2067 - Establishing a Statewide Independent Living Council/ Estate Recovery, Liens - Medicaid Recipients

The original language of the bill was to create a Statewide Independent Living Council. The Council would assess the need for services for disabled Kansans and develop a state plan for independent living. The state plan would be designed to ensure the existence of appropriate planning, financial support, evaluation, and coordination of a statewide network of Centers for Independent Living.

Language from SB272 was incorporated into HB2067 and authorizes the Secretary of Social and Rehabilitation Services to file and enforce a lien against the real property of a recipient of medical assistance in certain situations. The lien would be for payments of medical assistance made by SRS for the recipient who is an inpatient in a nursing home or other medical institution. The lien may be filed only when the community spouse of the spouse receiving medical assistance has vacated the home and the home is not being used as the permanent residence of the community spouse. The lien

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may be filed only after notice and an opportunity for a hearing has been given. The lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. **Remains in Conference Committee**