

Kansas Department of

Social and Rehabilitation Services

Don Jordan, Acting Secretary

Senate Ways and Means Committee

January 23, 2007

Senate Bill 11

Health Care Policy

Ray Dalton, Deputy Secretary

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Thank you Mr. Chairman and members of the Committee, my name is Ray Dalton and I am the Deputy Secretary for Health Care Policy at the Kansas Department of Social and Rehabilitation Services. I appreciate the opportunity to appear before you today to provide testimony on SB 11.

This bill was introduced by the Joint Committee on Administrative Rules and Regulations to correct a situation that originally occurred in 1998 when the care and treatment portion of the alcohol and substance abuse statutes was separated from the licensing statutes and moved to the probate code on the recommendation of the Judicial Council. When this action was taken, K.S.A. 65-4003 containing definitions was repealed in Chapter 65, Article 40 and a definitions section was included in Chapter 59. An unintended consequence of this was that although Article 40 gives the "secretary" certain duties and responsibilities, including the requirement to adopt rules and regulations, it no longer defines "secretary" as meaning the Secretary of Social and Rehabilitation Services.

This oversight was discovered during a recent presentation to the Joint Committee on Administrative Rules and Regulations when a set of proposed regulations was in the process of being promulgated. This bill, which re-adopts most of the definitions previously contained in the repealed statute, is needed to clarify that the Secretary of SRS is the "secretary" referred to in the Act, and to validate actions taken pursuant to K.S.A. 65-4001 et seq. since July 1, 1998.

For these reasons SRS is generally supportive of SB 11. However, we would respectfully ask the Committee to remove Section 2 (b) from the bill. This provision excludes the promulgation and adoption of rules and regulations pursuant to K.S.A. 65-4001 et seq. from the savings clause set out in Section 2 (a). We are concerned this provision may call into question the validity of any regulations promulgated and adopted since 1998.

With that amendment striking Section 2 (b), we would support the bill and ask that it be acted on favorably by the Committee.