

Proponent Testimony

HB 2316 - Directing the deposit of civil penalties collected for violations of correction orders issued by the state fire marshal into the disability community services providers civil monetary penalty reinvestment fund or the adult care homes civil monetary penalty reinvestment fund

House Health & Human Services Committee

February 17, 2025

Chairman Carpenter and Members of the Committee,

Thank you for allowing the Kansas Department for Aging and Disability Services an opportunity to provide proponent testimony on HB 2316. HB 2316 creates civil monetary penalty fund(s) which redirects current civil monetary penalties from the state general fund into the newly created fund. This fund will then be utilized to award grants to providers to enhance the health, safety, and welfare of the residents/patients/clients they serve. These funds also could be used by KDADS to fund costs related to facilities that close unexpectedly.

This bill will not increase the number of citations written by KDADS to the licensed providers. HB 2316 redirects funds received by such penalties from the State General Fund into a dedicated fund specific to those licensed providers under KSA 39-923 and KSA 39-2002.

No funds are set aside for these provider types to request access to when they need additional support to increase training, implement new technology, fix major physical plant equipment, or equipment failures. Passage of HB 2316 would ensure providers have access to the funds received by the state for regulatory infractions and reinvest those funds into the health, safety, and welfare of the residents/patients/clients they serve.

There is currently no fund set aside if KDADS needs to intervene and take into receivership a state licensed only adult care home or assist in emergency closures. As an example, on December 23, 2024, my Assistant Commissioner and I were on site at a Home Plus facility that notified our office the same day (12/23/24) that they were financially insolvent and needed to have all residents relocated by 5pm. Many staff had already sought other employment due to payroll not being met and the few that remained would only be available until 5pm that day. If our agency had access to emergency funds, we could have paid a third-party management company to run the daily operations of the home while finding proper resident centered placement for all 16 individuals in a manner consistent with the regulatory requirement of providing residents at least a 30 day notice to discharge instead of the less than 24 hours them and their families received. A dedicated fund for purposes specific to the types of facilities KDADS' licenses, would help with these emergent situations.

Thank you for the opportunity to share this information and I will stand for questions at the appropriate time.

Respectfully,

Lacey Hunter
Commissioner, Survey, Certification & Credentialing
Kansas Department for Aging & Disability Services