

**As Amended by House Committee**

*Session of 2025*

**HOUSE BILL No. 2365**

By Committee on Health and Human Services

Requested by Representative W. Carpenter on behalf of the Kansas Department for  
Aging and Disability Services

2-7

1 AN ACT concerning health and healthcare; relating to state hospitals;  
2 establishing the south central regional mental health hospital; amending  
3 K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-4921, 65-  
4 5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407, 76-  
5 1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-  
6 2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and  
7 76-1958 and repealing the existing sections.

8  
9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) South central regional mental health hospital is a  
11 state hospital that shall be open for the reception of patients, under the  
12 same rules and regulations as provided for by law for the government and  
13 regulation of the other state hospitals.

14 (b) There is hereby created in the state treasury the south central  
15 regional mental health hospital fee fund. Such fund shall be administered  
16 by the Kansas department for aging and disability services. The  
17 superintendent of south central regional mental health hospital shall remit  
18 all moneys received by or for the superintendent from charges made under  
19 K.S.A. 59-2006, and amendments thereto, and other operations of such  
20 institution to the state treasurer in accordance with the provisions of  
21 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
22 remittance, the state treasurer shall deposit the entire amount in the state  
23 treasury to the credit of the south central regional mental health hospital  
24 fee fund. All expenditures from such fund shall be made in accordance  
25 with appropriation acts upon warrants of the director of accounts and  
26 reports issued pursuant to vouchers approved by such superintendent or by  
27 a person or persons designated by the superintendent.

28 (c) As authorized by section 74(a) of chapter 81 of the 2022 Session  
29 Laws of Kansas and Sec. 28(c) of chapter 97 of the 2022 Session Laws of  
30 Kansas, a regional state psychiatric hospital shall be established in  
31 Wichita, Kansas, for Sedgwick county and the surrounding regional area to  
32 expand access to mental health beds in south-central Kansas.

33 (d) The secretary for aging and disability services is authorized and  
34 directed to establish, equip and maintain, in connection with and as a part

1 of the south central regional mental health hospital, suitable buildings for  
2 an extension to the state security hospital for the purpose of holding in  
3 custody, examining, treating and caring for such mentally ill persons as  
4 may be committed or ordered to the state security hospital by courts of  
5 criminal jurisdiction or inmates with mental illness who are transferred for  
6 care or treatment to the state security hospital from a correctional  
7 institution under the control of the secretary of corrections, or patients with  
8 a mental illness, other than minors, who are transferred for care or  
9 treatment to the state security hospital from any institution under the  
10 jurisdiction of the secretary for aging and disability services. The secretary  
11 for aging and disability services is hereby authorized and empowered to  
12 supervise and manage the extension to the state security hospital. The  
13 superintendent of the Larned state hospital shall act as the superintendent  
14 of the extension to the state security hospital.

15 Sec. 2. K.S.A. 21-5413 is hereby amended to read as follows: 21-  
16 5413. (a) Battery is:

17 (1) Knowingly or recklessly causing bodily harm to another person;  
18 or

19 (2) knowingly causing physical contact with another person when  
20 done in a rude, insulting or angry manner.

21 (b) Aggravated battery is:

22 (1) (A) Knowingly causing great bodily harm to another person or  
23 disfigurement of another person;

24 (B) knowingly causing bodily harm to another person with a deadly  
25 weapon, or in any manner whereby great bodily harm, disfigurement or  
26 death can be inflicted; or

27 (C) knowingly causing physical contact with another person when  
28 done in a rude, insulting or angry manner with a deadly weapon, or in any  
29 manner whereby great bodily harm, disfigurement or death can be  
30 inflicted;

31 (2) (A) recklessly causing great bodily harm to another person or  
32 disfigurement of another person;

33 (B) recklessly causing bodily harm to another person with a deadly  
34 weapon, or in any manner whereby great bodily harm, disfigurement or  
35 death can be inflicted; or

36 (3) (A) committing an act described in K.S.A. 8-1567, and  
37 amendments thereto, when great bodily harm to another person or  
38 disfigurement of another person results from such act; or

39 (B) committing an act described in K.S.A. 8-1567, and amendments  
40 thereto, when bodily harm to another person results from such act under  
41 circumstances whereby great bodily harm, disfigurement or death can  
42 result from such act; or

43 (4) committing an act described in K.S.A. 8-1567, and amendments

1 thereto, when great bodily harm to another person or disfigurement of  
2 another person results from such act while:

3 (A) In violation of any restriction imposed on such person's driving  
4 privileges pursuant to article 10 of chapter 8 of the Kansas Statutes  
5 Annotated, and amendments thereto;

6 (B) such person's driving privileges are suspended or revoked  
7 pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and  
8 amendments thereto; or

9 (C) such person has been deemed a habitual violator as defined in  
10 K.S.A. 8-285, and amendments thereto, including at least one violation of  
11 K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any  
12 city in this state, any resolution of any county in this state or any law of  
13 another state, which ordinance, resolution or law declares to be unlawful  
14 the acts prohibited by that statute.

15 (c) Battery against a law enforcement officer is:

16 (1) Battery as defined in subsection (a)(2) committed against a:

17 (A) Uniformed or properly identified university or campus police  
18 officer while such officer is engaged in the performance of such officer's  
19 duty;

20 (B) uniformed or properly identified state, county or city law  
21 enforcement officer, other than a state correctional officer or employee, a  
22 city or county correctional officer or employee or a juvenile detention  
23 facility officer, or employee, while such officer is engaged in the  
24 performance of such officer's duty;

25 (C) uniformed or properly identified federal law enforcement officer  
26 while such officer is engaged in the performance of such officer's duty;

27 (D) judge, while such judge is engaged in the performance of such  
28 judge's duty;

29 (E) attorney, while such attorney is engaged in the performance of  
30 such attorney's duty; or

31 (F) community corrections officer or court services officer, while  
32 such officer is engaged in the performance of such officer's duty;

33 (2) battery as defined in subsection (a)(1) committed against a:

34 (A) Uniformed or properly identified university or campus police  
35 officer while such officer is engaged in the performance of such officer's  
36 duty;

37 (B) uniformed or properly identified state, county or city law  
38 enforcement officer, other than a state correctional officer or employee, a  
39 city or county correctional officer or employee or a juvenile detention  
40 facility officer, or employee, while such officer is engaged in the  
41 performance of such officer's duty;

42 (C) uniformed or properly identified federal law enforcement officer  
43 while such officer is engaged in the performance of such officer's duty;

- 1 (D) judge, while such judge is engaged in the performance of such  
2 judge's duty;
- 3 (E) attorney, while such attorney is engaged in the performance of  
4 such attorney's duty; or
- 5 (F) community corrections officer or court services officer, while  
6 such officer is engaged in the performance of such officer's duty; or
- 7 (3) battery as defined in subsection (a) committed against a:
- 8 (A) State correctional officer or employee by a person in custody of  
9 the secretary of corrections, while such officer or employee is engaged in  
10 the performance of such officer's or employee's duty;
- 11 (B) state correctional officer or employee by a person confined in  
12 such juvenile correctional facility, while such officer or employee is  
13 engaged in the performance of such officer's or employee's duty;
- 14 (C) juvenile detention facility officer or employee by a person  
15 confined in such juvenile detention facility, while such officer or employee  
16 is engaged in the performance of such officer's or employee's duty; or
- 17 (D) city or county correctional officer or employee by a person  
18 confined in a city holding facility or county jail facility, while such officer  
19 or employee is engaged in the performance of such officer's or employee's  
20 duty.
- 21 (d) Aggravated battery against a law enforcement officer is:
- 22 (1) Aggravated battery as defined in subsection (b)(1)(A) committed  
23 against a:
- 24 (A) Uniformed or properly identified state, county or city law  
25 enforcement officer while the officer is engaged in the performance of the  
26 officer's duty;
- 27 (B) uniformed or properly identified university or campus police  
28 officer while such officer is engaged in the performance of such officer's  
29 duty;
- 30 (C) uniformed or properly identified federal law enforcement officer  
31 while such officer is engaged in the performance of such officer's duty;
- 32 (D) judge, while such judge is engaged in the performance of such  
33 judge's duty;
- 34 (E) attorney, while such attorney is engaged in the performance of  
35 such attorney's duty; or
- 36 (F) community corrections officer or court services officer, while  
37 such officer is engaged in the performance of such officer's duty;
- 38 (2) aggravated battery as defined in subsection (b)(1)(B) or (b)(1)(C)  
39 committed against a:
- 40 (A) Uniformed or properly identified state, county or city law  
41 enforcement officer while the officer is engaged in the performance of the  
42 officer's duty;
- 43 (B) uniformed or properly identified university or campus police

1 officer while such officer is engaged in the performance of such officer's  
2 duty;

3 (C) uniformed or properly identified federal law enforcement officer  
4 while such officer is engaged in the performance of such officer's duty;

5 (D) judge, while such judge is engaged in the performance of such  
6 judge's duty;

7 (E) attorney, while such attorney is engaged in the performance of  
8 such attorney's duty; or

9 (F) community corrections officer or court services officer, while  
10 such officer is engaged in the performance of such officer's duty; or

11 (3) knowingly causing, with a motor vehicle, bodily harm to a:

12 (A) Uniformed or properly identified state, county or city law  
13 enforcement officer while the officer is engaged in the performance of the  
14 officer's duty;

15 (B) uniformed or properly identified university or campus police  
16 officer while such officer is engaged in the performance of such officer's  
17 duty; or

18 (C) uniformed or properly identified federal law enforcement officer  
19 while such officer is engaged in the performance of such officer's duty.

20 (e) Battery against a school employee is a battery as defined in  
21 subsection (a) committed against a school employee in or on any school  
22 property or grounds upon which is located a building or structure used by a  
23 unified school district or an accredited nonpublic school for student  
24 instruction or attendance or extracurricular activities of pupils enrolled in  
25 kindergarten or any of the grades one through 12 or at any regularly  
26 scheduled school sponsored activity or event, while such employee is  
27 engaged in the performance of such employee's duty.

28 (f) Battery against a mental health employee is a battery as defined in  
29 subsection (a) committed against a mental health employee by a person in  
30 the custody of the secretary for aging and disability services, while such  
31 employee is engaged in the performance of such employee's duty.

32 (g) Battery against a healthcare provider is a battery as defined in  
33 subsection (a) committed against a healthcare provider while such provider  
34 is engaged in the performance of such provider's duty.

35 (h) (1) Battery is a class B person misdemeanor.

36 (2) Aggravated battery as defined in:

37 (A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

38 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person  
39 felony;

40 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person  
41 felony; and

42 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person  
43 felony.

- 1 (3) Battery against a law enforcement officer as defined in:  
2 (A) Subsection (c)(1) is a class A person misdemeanor;  
3 (B) subsection (c)(2) is a severity level 7, person felony; and  
4 (C) subsection (c)(3) is a severity level 5, person felony.  
5 (4) Aggravated battery against a law enforcement officer as defined  
6 in:  
7 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;  
8 and  
9 (B) subsection (d)(2) is a severity level 4, person felony.  
10 (5) Battery against a school employee is a class A person  
11 misdemeanor.  
12 (6) Battery against a mental health employee is a severity level 7,  
13 person felony.  
14 (7) Battery against a healthcare provider is a class A person  
15 misdemeanor.  
16 (i) As used in this section:  
17 (1) "Correctional institution" means any institution or facility under  
18 the supervision and control of the secretary of corrections;  
19 (2) "state correctional officer or employee" means any officer or  
20 employee of the Kansas department of corrections or any independent  
21 contractor, or any employee of such contractor, whose duties include  
22 working at a correctional institution;  
23 (3) "juvenile detention facility officer or employee" means any officer  
24 or employee of a juvenile detention facility as defined in K.S.A. 38-2302,  
25 and amendments thereto;  
26 (4) "city or county correctional officer or employee" means any  
27 correctional officer or employee of the city or county or any independent  
28 contractor, or any employee of such contractor, whose duties include  
29 working at a city holding facility or county jail facility;  
30 (5) "school employee" means any employee of a unified school  
31 district or an accredited nonpublic school for student instruction or  
32 attendance or extracurricular activities of pupils enrolled in kindergarten or  
33 any of the grades one through 12;  
34 (6) "mental health employee" means:  
35 (A) An employee of the Kansas department for aging and disability  
36 services working at Larned state hospital, Osawatomie state hospital,  
37 *south central regional mental health hospital*, Kansas neurological  
38 institute and Parsons state hospital ~~and training center~~ and the treatment  
39 staff as defined in K.S.A. 59-29a02, and amendments thereto; and  
40 (B) contractors and employees of contractors under contract to  
41 provide services to the Kansas department for aging and disability services  
42 working at any such institution or facility;  
43 (7) "judge" means a duly elected or appointed justice of the supreme

1 court, judge of the court of appeals, judge of any district court of Kansas,  
2 district magistrate judge or municipal court judge;

3 (8) "attorney" means a: (A) County attorney, assistant county  
4 attorney, special assistant county attorney, district attorney, assistant  
5 district attorney, special assistant district attorney, attorney general,  
6 assistant attorney general or special assistant attorney general; and (B)  
7 public defender, assistant public defender, contract counsel for the state  
8 board of indigents' defense services or an attorney who is appointed by the  
9 court to perform services for an indigent person as provided by article 45  
10 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

11 (9) "community corrections officer" means an employee of a  
12 community correctional services program responsible for supervision of  
13 adults or juveniles as assigned by the court to community corrections  
14 supervision and any other employee of a community correctional services  
15 program that provides enhanced supervision of offenders such as house  
16 arrest and surveillance programs;

17 (10) "court services officer" means an employee of the Kansas  
18 judicial branch or local judicial district responsible for supervising,  
19 monitoring or writing reports relating to adults or juveniles as assigned by  
20 the court, or performing related duties as assigned by the court;

21 (11) "federal law enforcement officer" means a law enforcement  
22 officer employed by the United States federal government who, as part of  
23 such officer's duties, is permitted to make arrests and to be armed; and

24 (12) "healthcare provider" means an individual who is licensed,  
25 registered, certified or otherwise authorized by the state of Kansas to  
26 provide healthcare services in this state.

27 Sec. 3. K.S.A. 2024 Supp. 39-1401 is hereby amended to read as  
28 follows: 39-1401. As used in this act:

29 (a) "Resident" means:

30 (1) Any resident, as defined by K.S.A. 39-923, and amendments  
31 thereto; or

32 (2) any individual kept, cared for, treated, boarded or otherwise  
33 accommodated in a medical care facility; or

34 (3) any individual, kept, cared for, treated, boarded or otherwise  
35 accommodated in a state psychiatric hospital or state institution for people  
36 with intellectual disability.

37 (b) "Adult care home" means the same as defined in K.S.A. 39-923,  
38 and amendments thereto.

39 (c) "In need of protective services" means that a resident is unable to  
40 perform or obtain services which are necessary to maintain physical or  
41 mental health, or both.

42 (d) "Services which are necessary to maintain physical and mental  
43 health" include, but are not limited to, the provision of medical care for

1 physical and mental health needs, the relocation of a resident to a facility  
2 or institution able to offer such care, assistance in personal hygiene, food,  
3 clothing, adequately heated and ventilated shelter, protection from health  
4 and safety hazards, protection from maltreatment the result of which  
5 includes, but is not limited to, malnutrition, deprivation of necessities or  
6 physical punishment and transportation necessary to secure any of the  
7 above stated needs, except that this term shall not include taking such  
8 person into custody without consent, except as provided in this act.

9 (e) "Protective services" means services provided by the state or other  
10 governmental agency or any private organizations or individuals which are  
11 necessary to prevent abuse, neglect or exploitation. Such protective  
12 services shall include, but not be limited to, evaluation of the need for  
13 services, assistance in obtaining appropriate social services and assistance  
14 in securing medical and legal services.

15 (f) "Abuse" means any act or failure to act performed intentionally or  
16 recklessly that causes or is likely to cause harm to a resident, including:

17 (1) Infliction of physical or mental injury;

18 (2) any sexual act with a resident when the resident does not consent  
19 or when the other person knows or should know that the resident is  
20 incapable of resisting or declining consent to the sexual act due to mental  
21 deficiency or disease or due to fear of retribution or hardship;

22 (3) unreasonable use of a physical restraint, isolation or medication  
23 that harms or is likely to harm a resident;

24 (4) unreasonable use of a physical or chemical restraint, medication  
25 or isolation as punishment, for convenience, in conflict with a physician's  
26 orders or as a substitute for treatment, except where such conduct or  
27 physical restraint is in furtherance of the health and safety of the resident  
28 or another resident;

29 (5) a threat or menacing conduct directed toward a resident that  
30 results or might reasonably be expected to result in fear or emotional or  
31 mental distress to a resident;

32 (6) fiduciary abuse; or

33 (7) omission or deprivation by a caretaker or another person of goods  
34 or services which are necessary to avoid physical or mental harm or  
35 illness.

36 (g) "Neglect" means the failure or omission by one's self, caretaker or  
37 another person with a duty to provide goods or services which are  
38 reasonably necessary to ensure safety and well-being and to avoid physical  
39 or mental harm or illness.

40 (h) "Caretaker" means a person or institution who has assumed the  
41 responsibility, whether legally or not, for the care of the resident  
42 voluntarily, by contract or by order of a court of competent jurisdiction.

43 (i) "Exploitation" means misappropriation of resident property or

1 intentionally taking unfair advantage of an adult's physical or financial  
2 resources for another individual's personal or financial advantage by the  
3 use of undue influence, coercion, harassment, duress, deception, false  
4 representation or false pretense by a caretaker or another person.

5 (j) "Medical care facility" means a facility licensed under K.S.A. 65-  
6 425 et seq., and amendments thereto, but shall not include, for purposes of  
7 this act, a state psychiatric hospital or state institution for people with  
8 intellectual disability, including Larned state hospital, Osawatomie state  
9 hospital and ~~Rainbow mental health facility~~, Kansas neurological institute  
10 and, Parsons state hospital and ~~training center south central regional~~  
11 ~~mental health hospital~~.

12 (k) "Fiduciary abuse" means a situation in which any person who is  
13 the caretaker of, or who stands in a position of trust to, a resident, takes,  
14 secretes, or appropriates the resident's money or property, to any use or  
15 purpose not in the due and lawful execution of such person's trust.

16 (l) "State psychiatric hospital" means Larned state hospital,  
17 Osawatomie state hospital and ~~Rainbow mental health facility south~~  
18 ~~central regional mental health hospital~~.

19 (m) "State institution for people with intellectual disability" means  
20 Kansas neurological institute and Parsons state hospital and ~~training~~  
21 ~~center~~.

22 (n) "Report" means a description or accounting of an incident or  
23 incidents of abuse, neglect or exploitation under this act and for the  
24 purposes of this act shall not include any written assessment or findings.

25 (o) "Law enforcement" means the public office which is vested by  
26 law with the duty to maintain public order, make arrests for crimes and  
27 investigate criminal acts, whether that duty extends to all crimes or is  
28 limited to specific crimes.

29 (p) "Legal representative" means an agent designated in a durable  
30 power of attorney, power of attorney or durable power of attorney for  
31 health care decisions or a court appointed guardian, conservator or trustee.

32 (q) "Financial institution" means any bank, trust company, escrow  
33 company, finance company, saving institution, credit union or fiduciary  
34 financial institution, chartered and supervised under state or federal law.

35 (r) "Governmental assistance provider" means an agency, or  
36 employee of such agency, which is funded solely or in part to provide  
37 assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and  
38 amendments thereto, including medicaid and medicare.

39 No person shall be considered to be abused, neglected or exploited or  
40 in need of protective services for the sole reason that such person relies  
41 upon spiritual means through prayer alone for treatment in accordance  
42 with the tenets and practices of a recognized church or religious  
43 denomination in lieu of medical treatment.

1       Sec. 4. K.S.A. 39-1602 is hereby amended to read as follows: 39-  
2 1602. As used in K.S.A. 39-1601 through 39-1612, and amendments  
3 thereto:

4       (a) "Targeted population" means the population group designated by  
5 rules and regulations of the secretary as most in need of mental health  
6 services that are funded, in whole or in part, by state or other public  
7 funding sources, and such group shall include adults with severe and  
8 persistent mental illness, severely emotionally disturbed children and  
9 adolescents and other individuals at risk of requiring institutional care.

10       (b) "Community based mental health services" includes, but is not  
11 limited to, evaluation and diagnosis, case management services, mental  
12 health inpatient and outpatient services, prescription and management of  
13 psychotropic medication, prevention, education, consultation, treatment  
14 and rehabilitation services, 24-hour emergency services, and any facilities  
15 required therefor, that are provided within one or more local communities  
16 in order to provide a continuum of care and support services to enable  
17 mentally ill persons, including targeted population members, to function  
18 outside of inpatient institutions to the extent of their capabilities.  
19 Community based mental health services also include assistance in  
20 securing employment services, housing services, medical and dental care  
21 and other support services.

22       (c) "Mental health center" means any community mental health  
23 center as defined in K.S.A. 39-2002, and amendments thereto.

24       (d) "Secretary" means the secretary for aging and disability services.

25       (e) "Department" means the Kansas department for aging and  
26 disability services.

27       (f) "State psychiatric hospital" means Osawatomie state hospital,  
28 ~~Rainbow mental health facility~~ or Larned state hospital *or south central*  
29 *regional mental health hospital*.

30       (g) "Mental health reform phased program" means the program in  
31 three phases for the implementation of mental health reform in Kansas as  
32 follows:

33       (1) The first phase covers the counties in the Osawatomie state  
34 hospital catchment area and is to commence on July 1, 1990, and is to be  
35 completed by June 30, 1994;

36       (2) the second phase covers the counties in the Topeka state hospital  
37 catchment area and is to commence on July 1, 1992, and is to be  
38 completed by June 30, 1996; and

39       (3) the third phase covers the counties in the Larned state hospital  
40 catchment area and is to commence on July 1, 1993, and is to be  
41 completed by June 30, 1997.

42       (h) "Screening" means the process performed by a participating  
43 community mental health center, pursuant to a contract entered into with

1 the secretary under K.S.A. 39-1610, and amendments thereto, to determine  
2 whether a person, under either voluntary or involuntary procedures, can be  
3 evaluated or treated, or can be both evaluated and treated, in the  
4 community or should be referred to the appropriate state psychiatric  
5 hospital for such treatment or evaluation or for both treatment and  
6 evaluation.

7 (i) "Osawatomie state hospital catchment area" means, except as  
8 otherwise defined by rules and regulations of the secretary adopted  
9 pursuant to K.S.A. 39-1613, and amendments thereto, the area composed  
10 of the following counties: Allen, Anderson, Atchison, Bourbon, Brown,  
11 ~~Butler~~, Chase, Chautauqua, Cherokee, Clay, **Cloud**, Coffey, ~~Cowley~~,  
12 Crawford, Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Jackson,  
13 Jefferson, Jewell, Johnson, Labette, Leavenworth, Linn, Lyon, Marshall,  
14 Miami, Mitchell, Montgomery, Morris, Nemaha, Neosho, Osage,  
15 Pottawatomie, Republic, Riley, ~~Sedgwick~~, Shawnee, Wabaunsee,  
16 Washington, Wilson, Woodson and Wyandotte.

17 (j) "Larned state hospital catchment area" means, except as otherwise  
18 defined by rules and regulations of the secretary adopted pursuant to  
19 K.S.A. 39-1613, and amendments thereto, the area composed of the  
20 following counties: Barber, Barton, Cheyenne, Clark, Comanche, Decatur,  
21 Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant,  
22 Gray, Greeley, Hamilton, Harper, ~~Harvey~~, Haskell, Hodgeman, Kearny,  
23 Kingman, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade,  
24 Morton, Ness, Norton, Osborne, **Ottawa**, Pawnee, Phillips, Pratt, Rawlins,  
25 Reno, Rice, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan,  
26 Sherman, Smith, Stafford, Stanton, Stevens, ~~Sumner~~, Thomas, Trego,  
27 Wallace and Wichita.

28 (k) "Catchment area" means the Osawatomie state hospital catchment  
29 area or the Larned state hospital catchment area *or the south central*  
30 *regional mental health hospital catchment area as defined in subsections*  
31 *(i) and (m).*

32 (l) "Participating mental health center" means a mental health center  
33 that has entered into a contract with the secretary for aging and disability  
34 services to provide screening, treatment and evaluation, court ordered  
35 evaluation and other treatment services pursuant to the care and treatment  
36 act for mentally ill persons, in keeping with the phased concept of the  
37 mental health reform act.

38 (m) "*South central regional mental hospital catchment area*" means,  
39 *except as otherwise defined by rules and regulations of the secretary*  
40 *adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area*  
41 *composed of the following counties: Sedgwick, Butler, Cowley, Harvey and*  
42 *Sumner.*

43 Sec. 5. K.S.A. 39-1613 is hereby amended to read as follows: 39-

1 1613. (a) The secretary for aging and disability services is hereby  
2 authorized to adopt rules and regulations to define and redefine the  
3 ~~Osawatimie state hospital catchment area and Larned state hospital~~  
4 ~~catchment area~~ *areas* as may be necessary in the opinion of the secretary  
5 for aging and disability services to accommodate shifts in populations in  
6 need of mental health services within available community mental health  
7 facility and state ~~institution~~ *hospital* capacities ~~and resources and in~~  
8 ~~accordance with the following:~~(1) Each such catchment area shall be  
9 defined by contiguous counties that are designated by name;

10 (2) no county shall be included in more than one such catchment area;

11 (3) each county shall be included in the ~~Osawatimie state hospital~~  
12 ~~catchment area or Larned state hospital catchment area;~~ and

13 (4) ~~No designated community mental health center shall be included~~  
14 ~~in more than one such catchment area.~~ *The designation of a county to a*  
15 *particular catchment area shall not prevent the admission of persons to a*  
16 *state hospital in another catchment area when there are insufficient*  
17 *capacities and resources currently available in the designated state*  
18 *hospital catchment area.*

19 (b) Each rule and regulation adopted, amended or revived under this  
20 section shall be published in its entirety in the Kansas register in the first  
21 issue published after such adoption, amendment or revival.

22 Sec. 6. K.S.A. 40-3401 is hereby amended to read as follows: 40-  
23 3401. As used in this act:

24 (a) "Applicant" means any healthcare provider.

25 (b) "Basic coverage" means a policy of professional liability  
26 insurance required to be maintained by each healthcare provider pursuant  
27 to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

28 (c) "Commissioner" means the commissioner of insurance.

29 (d) "Fiscal year" means the year commencing on the effective date of  
30 this act and each year, commencing on the first day of July thereafter.

31 (e) "Fund" means the healthcare stabilization fund established  
32 pursuant to K.S.A. 40-3403(a), and amendments thereto.

33 (f) "Healthcare provider" means a person licensed to practice any  
34 branch of the healing arts by the state board of healing arts, a person who  
35 holds a temporary permit to practice any branch of the healing arts issued  
36 by the state board of healing arts, a person engaged in a postgraduate  
37 training program approved by the state board of healing arts, a medical  
38 care facility licensed by the state of Kansas, a podiatrist licensed by the  
39 state board of healing arts, a health maintenance organization issued a  
40 certificate of authority by the commissioner, an optometrist licensed by the  
41 board of examiners in optometry, a pharmacist licensed by the state board  
42 of pharmacy, a licensed professional nurse who is authorized to practice as  
43 a registered nurse anesthetist, a licensed professional nurse who has been

1 granted a temporary authorization to practice nurse anesthesia under  
2 K.S.A. 65-1153, and amendments thereto, a professional corporation  
3 organized pursuant to the professional corporation law of Kansas by  
4 persons who are authorized by such law to form such a corporation and  
5 who are healthcare providers as defined by this subsection, a Kansas  
6 limited liability company organized for the purpose of rendering  
7 professional services by its members who are healthcare providers as  
8 defined by this subsection and who are legally authorized to render the  
9 professional services for which the limited liability company is organized,  
10 a partnership of persons who are healthcare providers under this  
11 subsection, a Kansas not-for-profit corporation organized for the purpose  
12 of rendering professional services by persons who are healthcare providers  
13 as defined by this subsection, a nonprofit corporation organized to  
14 administer the graduate medical education programs of community  
15 hospitals or medical care facilities affiliated with the university of Kansas  
16 school of medicine, a dentist certified by the state board of healing arts to  
17 administer anesthetics under K.S.A. 65-2899, and amendments thereto, a  
18 psychiatric hospital licensed prior to January 1, 1988, and continuously  
19 thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and  
20 K.S.A. 39-2001 et seq., and amendments thereto, or a mental health center  
21 or mental health clinic licensed by the state of Kansas. On and after  
22 January 1, 2015, "healthcare provider" also means a physician assistant  
23 licensed by the state board of healing arts, a licensed advanced practice  
24 registered nurse who is authorized by the board of nursing to practice as an  
25 advanced practice registered nurse in the classification of a nurse-midwife,  
26 a licensed advanced practice registered nurse who has been granted a  
27 temporary authorization by the board of nursing to practice as an advanced  
28 practice registered nurse in the classification of a nurse-midwife, a nursing  
29 facility licensed by the state of Kansas, an assisted living facility licensed  
30 by the state of Kansas or a residential healthcare facility licensed by the  
31 state of Kansas. "Healthcare provider" does not include:

- 32 (1) Any state institution for people with intellectual disability;
- 33 (2) any state psychiatric hospital;
- 34 (3) any person holding an exempt license issued by the state board of  
35 healing arts or the board of nursing;
- 36 (4) any person holding a visiting clinical professor license from the  
37 state board of healing arts;
- 38 (5) any person holding an inactive license issued by the state board of  
39 healing arts;
- 40 (6) any person holding a federally active license issued by the state  
41 board of healing arts;
- 42 (7) an advanced practice registered nurse who is authorized by the  
43 board of nursing to practice as an advanced practice registered nurse in the

1 classification of nurse-midwife or nurse anesthetist and who practices  
2 solely in the course of employment or active duty in the United States  
3 government or any of its departments, bureaus or agencies or who  
4 provides professional services as a charitable healthcare provider as  
5 defined under K.S.A. 75-6102, and amendments thereto; or

6 (8) a physician assistant licensed by the state board of healing arts  
7 who practices solely in the course of employment or active duty in the  
8 United States government or any of its departments, bureaus or agencies or  
9 who provides professional services as a charitable healthcare provider as  
10 defined under K.S.A. 75-6102, and amendments thereto.

11 (g) "Inactive healthcare provider" means a person or other entity who  
12 purchased basic coverage or qualified as a self-insurer on or subsequent to  
13 the effective date of this act but who, at the time a claim is made for  
14 personal injury or death arising out of the rendering of or the failure to  
15 render professional services by such healthcare provider, does not have  
16 basic coverage or self-insurance in effect solely because such person is no  
17 longer engaged in rendering professional service as a healthcare provider.

18 (h) "Insurer" means any corporation, association, reciprocal  
19 exchange, inter-insurer and any other legal entity authorized to write  
20 bodily injury or property damage liability insurance in this state, including  
21 workers compensation and automobile liability insurance, pursuant to the  
22 provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of  
23 the Kansas Statutes Annotated, and amendments thereto.

24 (i) "Plan" means the operating and administrative rules and  
25 procedures developed by insurers and rating organizations or the  
26 commissioner to make professional liability insurance available to  
27 healthcare providers.

28 (j) "Professional liability insurance" means insurance providing  
29 coverage for legal liability arising out of the performance of professional  
30 services rendered or that should have been rendered by a healthcare  
31 provider.

32 (k) "Rating organization" means a corporation, an unincorporated  
33 association, a partnership or an individual licensed pursuant to K.S.A. 40-  
34 956, and amendments thereto, to make rates for professional liability  
35 insurance.

36 (l) "Self-insurer" means a healthcare provider who qualifies as a self-  
37 insurer pursuant to K.S.A. 40-3414, and amendments thereto.

38 (m) "Medical care facility" means the same when used in the  
39 healthcare provider insurance availability act as defined in K.S.A. 65-425,  
40 and amendments thereto, except that as used in the healthcare provider  
41 insurance availability act such term, as it relates to insurance coverage  
42 under the healthcare provider insurance availability act, also includes any  
43 director, trustee, officer or administrator of a medical care facility.

1 (n) "Mental health center" means a mental health center licensed by  
2 the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto,  
3 except that as used in the healthcare provider insurance availability act  
4 such term, as it relates to insurance coverage under the healthcare provider  
5 insurance availability act, also includes any director, trustee, officer or  
6 administrator of a mental health center.

7 (o) "Mental health clinic" means a mental health clinic licensed by  
8 the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto,  
9 except that as used in the healthcare provider insurance availability act  
10 such term, as it relates to insurance coverage under the healthcare provider  
11 insurance availability act, also includes any director, trustee, officer or  
12 administrator of a mental health clinic.

13 (p) "State institution for people with intellectual disability" means  
14 ~~Winfield state hospital and training center, Parsons state hospital and~~  
15 ~~training center~~ and the Kansas neurological institute.

16 (q) "State psychiatric hospital" means Larned state hospital,  
17 Osawatomic state hospital and ~~Rainbow mental health facility south~~  
18 ~~central regional mental health hospital~~.

19 (r) "Person engaged in residency training" means:

20 (1) A person engaged in a postgraduate training program approved by  
21 the state board of healing arts who is employed by and is studying at the  
22 university of Kansas medical center only when such person is engaged in  
23 medical activities that do not include extracurricular, extra-institutional  
24 medical service for which such person receives extra compensation and  
25 that have not been approved by the dean of the school of medicine and the  
26 executive vice-chancellor of the university of Kansas medical center.  
27 Persons engaged in residency training shall be considered resident  
28 healthcare providers for purposes of K.S.A. 40-3401 et seq., and  
29 amendments thereto; and

30 (2) a person engaged in a postgraduate training program approved by  
31 the state board of healing arts who is employed by a nonprofit corporation  
32 organized to administer the graduate medical education programs of  
33 community hospitals or medical care facilities affiliated with the university  
34 of Kansas school of medicine or who is employed by an affiliate of the  
35 university of Kansas school of medicine as defined in K.S.A. 76-367, and  
36 amendments thereto, only when such person is engaged in medical  
37 activities that do not include extracurricular, extra-institutional medical  
38 service for which such person receives extra compensation and that have  
39 not been approved by the chief operating officer of the nonprofit  
40 corporation or the chief operating officer of the affiliate and the executive  
41 vice-chancellor of the university of Kansas medical center.

42 (s) "Full-time physician faculty employed by the university of Kansas  
43 medical center" means a person licensed to practice medicine and surgery

1 who holds a full-time appointment at the university of Kansas medical  
2 center when such person is providing healthcare. A person licensed to  
3 practice medicine and surgery who holds a full-time appointment at the  
4 university of Kansas medical center may also be employed part-time by  
5 the United States department of veterans affairs if such employment is  
6 approved by the executive vice-chancellor of the university of Kansas  
7 medical center.

8 (t) "Sexual act" or "sexual activity" means that sexual conduct that  
9 constitutes a criminal or tortious act under the laws of the state of Kansas.

10 (u) "Board" means the board of governors created by K.S.A. 40-3403,  
11 and amendments thereto.

12 (v) "Board of directors" means the governing board created by K.S.A.  
13 40-3413, and amendments thereto.

14 (w) "Locum tenens contract" means a temporary agreement not  
15 exceeding 182 days per calendar year that employs a healthcare provider  
16 to actively render professional services in this state.

17 (x) "Professional services" means patient care or other services  
18 authorized under the act governing licensure of a healthcare provider.

19 (y) "Healthcare facility" means a nursing facility, an assisted living  
20 facility or a residential healthcare facility as all such terms are defined in  
21 K.S.A. 39-923, and amendments thereto.

22 (z) "Charitable healthcare provider" means the same as defined in  
23 K.S.A. 75-6102, and amendments thereto.

24 Sec. 7. K.S.A. 41-1126 is hereby amended to read as follows: 41-  
25 1126. (a) In addition to other purposes for which expenditures may be  
26 made from the other state fees fund of the Kansas department for aging  
27 and disability services, moneys in the other state fees fund of the Kansas  
28 department for aging and disability services shall be used by the secretary  
29 for aging and disability services to provide financial assistance to  
30 community-based alcoholism and intoxication treatment programs for the  
31 following purposes:

32 (1) Matching money under title XX of the federal social security act  
33 to purchase treatment services from approved treatment facilities;

34 (2) providing start-up or expansion grants for halfway houses or  
35 rehabilitation centers for alcoholics;

36 (3) purchasing services from approved treatment facilities for persons  
37 who are needy but who are not eligible for assistance under either title  
38 XIX or title XX of the federal social security act, and administrative costs  
39 of the alcohol and drug abuse section which shall not exceed 10% of the  
40 total moneys in the community alcoholism and intoxication programs  
41 fund; and

42 (4) assisting to develop programs for prevention, education, early  
43 identification and facility assistance and review team.

1 (b) No state alcohol treatment program at Osawatomie state hospital,  
2 ~~Rainbow mental health facility or~~, Larned state hospital *or south central*  
3 *regional mental health hospital* shall receive any moneys under the  
4 provisions of subsection (a) of this section.

5 (c) There is hereby established in the state treasury the community  
6 alcoholism and intoxication programs fund.

7 (d) On or before the 10<sup>th</sup> day of each month, the director of accounts  
8 and reports shall transfer from the state general fund to the community  
9 alcoholism and intoxication programs fund interest earnings based on:

10 (1) The average daily balance of moneys in the community  
11 alcoholism and intoxication programs fund for the preceding month; and

12 (2) the net earnings rate of the pooled money investment portfolio for  
13 the preceding month.

14 (e) All expenditures from the community alcoholism and intoxication  
15 programs fund shall be made in accordance with appropriations acts upon  
16 warrants of the director of accounts and reports issued pursuant to  
17 vouchers approved by the secretary for aging and disability services or the  
18 secretary's designee.

19 Sec. 8. K.S.A. 2024 Supp. 59-2006b is hereby amended to read as  
20 follows: 59-2006b. (a) At least annually, the secretary for aging and  
21 disability services shall establish the basic maximum rate of charge for  
22 treatment of patients in each state institution, except that such rates shall  
23 not exceed projected hospital costs of the state institution, including the  
24 allocated costs of services by other state agencies, as determined by  
25 application of generally acceptable hospital accounting principles. In  
26 determining these rates, the secretary shall compute the average daily  
27 projected operating cost of treatment of all patients in each state institution  
28 and shall set a basic maximum rate of charge for each and every patient in  
29 each state institution and each such patient's responsible relatives at the  
30 average daily projected operating cost of each institution so computed.  
31 When established pursuant to this section, each such rate shall be  
32 published in the Kansas register by the secretary and thereafter, until a  
33 subsequent rate is published as provided in this section, the rates last  
34 published shall be the legal rate of charge. All courts in this state shall  
35 recognize and take judicial notice of the procedure and the rates  
36 established under this section.

37 (b) In lieu of the procedure for computing the basic maximum rate of  
38 charge established under subsection (a), the secretary for aging and  
39 disability services may authorize any state institution to compute an  
40 individual patient charge on the basis of rates for services based on cost  
41 incurred by such state institution as determined by application of generally  
42 acceptable hospital accounting principles.

43 (c) As used in this section, "state institution" means the Osawatomie

1 state hospital, ~~Rainbow mental health facility~~, Larned state hospital,  
2 including the state security hospital, Parsons state hospital ~~and training~~  
3 ~~center~~, *south central regional mental health hospital*, including the  
4 *extension state security hospital* and the Kansas neurological institute.

5 Sec. 9. K.S.A. 2024 Supp. 59-2946 is hereby amended to read as  
6 follows: 59-2946. When used in the care and treatment act for mentally ill  
7 persons:

8 (a) "Discharge" means the final and complete release from treatment,  
9 by either the head of a treatment facility acting pursuant to K.S.A. 59-  
10 2950, and amendments thereto, or by an order of a court issued pursuant to  
11 K.S.A. 59-2973, and amendments thereto.

12 (b) "Head of a treatment facility" means the administrative director of  
13 a treatment facility or such person's designee.

14 (c) "Law enforcement officer" means the same as defined in K.S.A.  
15 22-2202, and amendments thereto.

16 (d) (1) "Mental health center" means any community mental health  
17 center as defined in K.S.A. 39-2002, and amendments thereto, or a mental  
18 health clinic organized as a not-for-profit or a for-profit corporation  
19 pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or  
20 K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in  
21 accordance with the provisions of K.S.A. 39-2001 et seq., and  
22 amendments thereto.

23 (2) "Participating mental health center" means a mental health center  
24 that has entered into a contract with the secretary for aging and disability  
25 services pursuant to the provisions of K.S.A. 39-1601 through 39-1612,  
26 and amendments thereto.

27 (e) "Mentally ill person" means any person who is suffering from a  
28 mental disorder that is manifested by a clinically significant behavioral or  
29 psychological syndrome or pattern and associated with either a painful  
30 symptom or an impairment in one or more important areas of functioning,  
31 and involving substantial behavioral, psychological or biological  
32 dysfunction, to the extent that the person is in need of treatment.

33 (f) (1) "Mentally ill person subject to involuntary commitment for  
34 care and treatment" means a mentally ill person, as defined in subsection  
35 (e), who also lacks capacity to make an informed decision concerning  
36 treatment, is likely to cause harm to self or others, and whose diagnosis is  
37 not solely one of the following mental disorders: Alcohol or chemical  
38 substance abuse; antisocial personality disorder; intellectual disability;  
39 organic personality syndrome; or an organic mental disorder.

40 (2) "Lacks capacity to make an informed decision concerning  
41 treatment" means that the person, by reason of the person's mental  
42 disorder, is unable, despite conscientious efforts at explanation, to  
43 understand basically the nature and effects of hospitalization or treatment

1 or is unable to engage in a rational decision-making process regarding  
2 hospitalization or treatment, as evidenced by an inability to weigh the  
3 possible risks and benefits.

4 (3) "Likely to cause harm to self or others" means that the person, by  
5 reason of the person's mental disorder: (A) Is likely, in the reasonably  
6 foreseeable future, to cause substantial physical injury or physical abuse to  
7 self or others or substantial damage to another's property, as evidenced by  
8 behavior threatening, attempting or causing such injury, abuse or damage;  
9 except that if the harm threatened, attempted or caused is only harm to the  
10 property of another, the harm must be of such a value and extent that the  
11 state's interest in protecting the property from such harm outweighs the  
12 person's interest in personal liberty; or (B) is substantially unable, except  
13 for reason of indigency, to provide for any of the person's basic needs,  
14 such as food, clothing, shelter, health or safety, causing a substantial  
15 deterioration of the person's ability to function on the person's own.

16 No person who is being treated by prayer in the practice of the religion  
17 of any church that teaches reliance on spiritual means alone through prayer  
18 for healing shall be determined to be a mentally ill person subject to  
19 involuntary commitment for care and treatment under this act unless  
20 substantial evidence is produced upon which the district court finds that  
21 the proposed patient is likely in the reasonably foreseeable future to cause  
22 substantial physical injury or physical abuse to self or others or substantial  
23 damage to another's property, as evidenced by behavior threatening,  
24 attempting or causing such injury, abuse or damage; except that if the harm  
25 threatened, attempted or caused is only harm to the property of another, the  
26 harm must be of such a value and extent that the state's interest in  
27 protecting the property from such harm outweighs the person's interest in  
28 personal liberty.

29 (g) "Patient" means a person who is a voluntary patient, a proposed  
30 patient or an involuntary patient.

31 (1) "Voluntary patient" means a person who is receiving treatment at  
32 a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

33 (2) "Proposed patient" means a person for whom a petition pursuant  
34 to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

35 (3) "Involuntary patient" means a person who is receiving treatment  
36 under order of a court or a person admitted and detained by a treatment  
37 facility pursuant to an application filed pursuant to K.S.A. 59-2954(b) or  
38 (c), and amendments thereto.

39 (h) "Physician" means a person licensed to practice medicine and  
40 surgery as provided for in the Kansas healing arts act or a person who is  
41 employed by a state psychiatric hospital or by an agency of the United  
42 States and who is authorized by law to practice medicine and surgery  
43 within that hospital or agency.

1 (i) "Psychologist" means a licensed psychologist, as defined by  
2 K.S.A. 74-5302, and amendments thereto.

3 (j) "Qualified mental health professional" means a physician or  
4 psychologist who is employed by a participating mental health center or  
5 who is providing services as a physician or psychologist under a contract  
6 with a participating mental health center, a licensed master's level  
7 psychologist, a licensed clinical psychotherapist, a licensed marriage and  
8 family therapist, a licensed clinical marriage and family therapist, a  
9 licensed professional counselor, a licensed clinical professional counselor,  
10 a licensed specialist social worker or a licensed master social worker or a  
11 registered nurse who has a specialty in psychiatric nursing, who is  
12 employed by a participating mental health center and who is acting under  
13 the direction of a physician or psychologist who is employed by, or under  
14 contract with, a participating mental health center.

15 (1) "Direction" means monitoring and oversight including regular,  
16 periodic evaluation of services.

17 (2) "Licensed master social worker" means a person licensed as a  
18 master social worker by the behavioral sciences regulatory board under  
19 K.S.A. 65-6301 through 65-6318, and amendments thereto.

20 (3) "Licensed specialist social worker" means a person licensed in a  
21 social work practice specialty by the behavioral sciences regulatory board  
22 under K.S.A. 65-6301 through 65-6318, and amendments thereto.

23 (4) "Licensed master's level psychologist" means a person licensed as  
24 a licensed master's level psychologist by the behavioral sciences regulatory  
25 board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

26 (5) "Registered nurse" means a person licensed as a registered  
27 professional nurse by the board of nursing under K.S.A. 65-1113 through  
28 65-1164, and amendments thereto.

29 (k) "Secretary" means the secretary for aging and disability services.

30 (l) "State psychiatric hospital" means Larned state hospital,  
31 Osawatomic state hospital or ~~Rainbow mental health facility~~ *south central*  
32 *regional mental health hospital*.

33 (m) "Treatment" means any service intended to promote the mental  
34 health of the patient and rendered by a qualified professional, licensed or  
35 certified by the state to provide such service as an independent practitioner  
36 or under the supervision of such practitioner.

37 (n) "Treatment facility" means any mental health center or clinic,  
38 psychiatric unit of a medical care facility, state psychiatric hospital,  
39 psychologist, physician or other institution or person authorized or  
40 licensed by law to provide either inpatient or outpatient treatment to any  
41 patient.

42 (o) The terms defined in K.S.A. 59-3051, and amendments thereto,  
43 shall have the meanings provided by that section.

1       Sec. 10. K.S.A. 2024 Supp. 59-29b46 is hereby amended to read as  
2 follows: 59-29b46. When used in the care and treatment act for persons  
3 with an alcohol or substance abuse problem:

4       (a) "Discharge" means the final and complete release from treatment,  
5 by either the head of a treatment facility acting pursuant to K.S.A. 59-  
6 29b50, and amendments thereto, or by an order of a court issued pursuant  
7 to K.S.A. 59-29b73, and amendments thereto.

8       (b) "Head of a treatment facility" means the administrative director of  
9 a treatment facility or such person's designee.

10       (c) "Law enforcement officer" means the same as defined in K.S.A.  
11 22-2202, and amendments thereto.

12       (d) "Licensed addiction counselor" means a person who engages in  
13 the practice of addiction counseling limited to substance use disorders and  
14 who is licensed by the behavioral sciences regulatory board. Such person  
15 shall engage in the practice of addiction counseling in a state-licensed or  
16 certified alcohol and other drug treatment program or while completing a  
17 Kansas domestic violence offender assessment for participants in a  
18 certified batterer intervention program pursuant to K.S.A. 75-7d01 through  
19 75-7d13, and amendments thereto, unless otherwise exempt from licensure  
20 under subsection (n).

21       (e) "Licensed clinical addiction counselor" means a person who  
22 engages in the independent practice of addiction counseling and diagnosis  
23 and treatment of substance use disorders specified in the edition of the  
24 American psychiatric association's diagnostic and statistical manual of  
25 mental disorders (DSM) designated by the board by rules and regulations  
26 and is licensed by the behavioral sciences regulatory board.

27       (f) "Licensed master's addiction counselor" means a person who  
28 engages in the practice of addiction counseling limited to substance use  
29 disorders and who is licensed under this act. Such person may diagnose  
30 substance use disorders only under the direction of a licensed clinical  
31 addiction counselor, a licensed psychologist, a person licensed to practice  
32 medicine and surgery or a person licensed to provide mental health  
33 services as an independent practitioner and whose licensure allows for the  
34 diagnosis and treatment of substance abuse disorders or mental disorders.

35       (g) "Other facility for care or treatment" means any mental health  
36 clinic, medical care facility, nursing home, the detox units at ~~either~~  
37 ~~Oswatimic state hospital or Larned state hospital~~ *any state hospital*, any  
38 physician or any other institution or individual authorized or licensed by  
39 law to give care or treatment to any person.

40       (h) "Patient" means a person who is a voluntary patient, a proposed  
41 patient or an involuntary patient.

42       (i) "Voluntary patient" means a person who is receiving treatment at  
43 a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

1 (2) "Proposed patient" means a person for whom a petition pursuant  
2 to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

3 (3) "Involuntary patient" means a person who is receiving treatment  
4 under order of a court or a person admitted and detained by a treatment  
5 facility pursuant to an application filed pursuant to K.S.A. 59-29b54(b) or  
6 (c), and amendments thereto.

7 (i) "Person with an alcohol or substance abuse problem" means a  
8 person who: (1) Lacks self-control as to the use of alcoholic beverages or  
9 any substance as defined in subsection (m); or

10 (2) uses alcoholic beverages or any substance to the extent that the  
11 person's health may be substantially impaired or endangered without  
12 treatment.

13 (j) (1) "Person with an alcohol or substance abuse problem subject to  
14 involuntary commitment for care and treatment" means a person with an  
15 alcohol or substance abuse problem who also is incapacitated by alcohol or  
16 any substance and is likely to cause harm to self or others.

17 (2) "Incapacitated by alcohol or any substance" means that the  
18 person, as the result of the use of alcohol or any substance, has impaired  
19 judgment resulting in the person:

20 (A) Being incapable of realizing and making a rational decision with  
21 respect to the need for treatment; or

22 (B) lacking sufficient understanding or capability to make or  
23 communicate responsible decisions concerning either the person's well-  
24 being or estate.

25 (3) "Likely to cause harm to self or others" means that the person, by  
26 reason of the person's use of alcohol or any substance: (A) Is likely, in the  
27 reasonably foreseeable future, to cause substantial physical injury or  
28 physical abuse to self or others or substantial damage to another's property,  
29 as evidenced by behavior threatening, attempting or causing such injury,  
30 abuse or damage; except that if the harm threatened, attempted or caused is  
31 only harm to the property of another, the harm must be of such a value and  
32 extent that the state's interest in protecting the property from such harm  
33 outweighs the person's interest in personal liberty; or

34 (B) is substantially unable, except for reason of indigency, to provide  
35 for any of the person's basic needs, such as food, clothing, shelter, health  
36 or safety, causing a substantial deterioration of the person's ability to  
37 function on the person's own.

38 (k) "Physician" means a person licensed to practice medicine and  
39 surgery as provided for in the Kansas healing arts act or a person who is  
40 employed by a state psychiatric hospital or by an agency of the United  
41 States and who is authorized by law to practice medicine and surgery  
42 within that hospital or agency.

43 (l) "Psychologist" means a licensed psychologist, as defined by

1 K.S.A. 74-5302, and amendments thereto.

2 (m) "Substance" means: (1) The same as the term "controlled  
3 substance" as defined in K.S.A. 21-5701, and amendments thereto; or

4 (2) fluorocarbons, toluene or volatile hydrocarbon solvents.

5 (n) "Treatment" means the broad range of emergency, outpatient,  
6 intermediate and inpatient services and care, including diagnostic  
7 evaluation, medical, psychiatric, psychological and social service care,  
8 vocational rehabilitation and career counseling, which may be extended to  
9 persons with an alcohol or substance abuse problem.

10 (o) (1) "Treatment facility" means a treatment program, public or  
11 private treatment facility, or any facility of the United States government  
12 available to treat a person for an alcohol or other substance abuse problem,  
13 but such term does not include a licensed medical care facility, a licensed  
14 adult care home, a facility licensed under K.S.A. 2015 Supp. 75-3307b,  
15 prior to its repeal or under K.S.A. 39-2001 et seq., and amendments  
16 thereto, a community-based alcohol and drug safety action program  
17 certified under K.S.A. 8-1008, and amendments thereto, and performing  
18 only those functions for which the program is certified to perform under  
19 K.S.A. 8-1008, and amendments thereto, or a professional licensed by the  
20 behavioral sciences regulatory board to diagnose and treat mental  
21 disorders at the independent level or a physician, who may treat in the  
22 usual course of the behavioral sciences regulatory board licensee's or  
23 physician's professional practice individuals incapacitated by alcohol or  
24 other substances, but who are not primarily engaged in the usual course of  
25 the individual's professional practice in treating such individuals, or any  
26 state institution, even if detoxification services may have been obtained at  
27 such institution.

28 (2) "Private treatment facility" means a private agency providing  
29 facilities for the care and treatment or lodging of persons with either an  
30 alcohol or other substance abuse problem and meeting the standards  
31 prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto,  
32 and licensed under either K.S.A. 65-4014 or 65-4607, and amendments  
33 thereto.

34 (3) "Public treatment facility" means a treatment facility owned and  
35 operated by any political subdivision of the state of Kansas and licensed  
36 under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an  
37 appropriate place for the care and treatment or lodging of persons with an  
38 alcohol or other substance abuse problem.

39 (p) The terms defined in K.S.A. 59-3051, and amendments thereto,  
40 shall have the meanings provided by that section.

41 Sec. 11. K.S.A. 2024 Supp. 59-29b54 is hereby amended to read as  
42 follows: 59-29b54. (a) A treatment facility may admit and detain any  
43 person for emergency observation and treatment upon an ex parte

1 emergency custody order issued by a district court pursuant to K.S.A. 59-  
2 29b58, and amendments thereto.

3 (b) A treatment facility or the detox unit at ~~Oswatomie state hospital~~  
4 ~~or at Larned state hospital~~ *any state hospital* may admit and detain any  
5 person presented for emergency observation and treatment upon written  
6 application of a law enforcement officer having custody of that person  
7 pursuant to K.S.A. 59-29b53, and amendments thereto. The application  
8 shall state:

9 (1) The name and address of the person sought to be admitted, if  
10 known;

11 (2) the name and address of the person's spouse or nearest relative, if  
12 known;

13 (3) the officer's belief that the person is or may be a person with an  
14 alcohol or substance abuse problem subject to involuntary commitment for  
15 care and treatment and is likely to cause harm to self or others if not  
16 immediately detained;

17 (4) the factual circumstances in support of that belief and the factual  
18 circumstances under which the person was taken into custody including  
19 any known pending criminal charges; and

20 (5) the fact that the law enforcement officer will file the petition  
21 provided for in K.S.A. 59-29b57, and amendments thereto, by the close of  
22 business of the first day thereafter that the district court is open for the  
23 transaction of business, or that the officer has been informed by a parent,  
24 legal guardian or other person, whose name shall be stated in the  
25 application will file the petition provided for in K.S.A. 59-29b57, and  
26 amendments thereto, within that time.

27 (c) A treatment facility may admit and detain any person presented  
28 for emergency observation and treatment upon the written application of  
29 any individual. The application shall state:

30 (1) The name and address of the person sought to be admitted, if  
31 known;

32 (2) the name and address of the person's spouse or nearest relative, if  
33 known;

34 (3) the applicant's belief that the person may be a person with an  
35 alcohol or substance abuse problem subject to involuntary commitment  
36 and is likely to cause harm to self or others if not immediately detained;

37 (4) the factual circumstances in support of that belief;

38 (5) any pending criminal charges, if known;

39 (6) the fact that the applicant will file the petition provided for in  
40 K.S.A. 59-29b57, and amendments thereto, by the close of business of the  
41 first day thereafter that the district court is open for the transaction of  
42 business; and

43 (7) the application shall also be accompanied by a statement in

1 writing of a physician, psychologist or licensed addiction counselor  
2 finding that the person is likely to be a person with an alcohol or substance  
3 abuse problem subject to involuntary commitment for care and treatment  
4 under this act.

5 (d) Any treatment facility or personnel thereof, who in good faith  
6 renders treatment in accordance with law to any person admitted pursuant  
7 to subsection (b) or (c), shall not be liable in a civil or criminal action  
8 based upon a claim that the treatment was rendered without legal consent.

9 Sec. 12. K.S.A. 2024 Supp. 59-29b57 is hereby amended to read as  
10 follows: 59-29b57. (a) A verified petition to determine whether or not a  
11 person is a person with an alcohol or substance abuse problem subject to  
12 involuntary commitment for care and treatment under this act may be filed  
13 in the district court of the county wherein that person resides or wherein  
14 such person may be found.

15 (b) The petition shall state:

16 (1) The petitioner's belief that the named person is a person with an  
17 alcohol or substance abuse problem subject to involuntary commitment  
18 and the facts upon which this belief is based;

19 (2) to the extent known, the name, age, present whereabouts and  
20 permanent address of the person named as possibly a person with an  
21 alcohol or substance abuse problem subject to involuntary commitment;  
22 and if not known, any information the petitioner might have about this  
23 person and where the person resides;

24 (3) to the extent known, the name and address of the person's spouse  
25 or nearest relative or relatives, or legal guardian, or if not known, any  
26 information the petitioner might have about a spouse, relative or relatives  
27 or legal guardian and where they might be found;

28 (4) to the extent known, the name and address of the person's legal  
29 counsel, or if not known, any information the petitioner might have about  
30 this person's legal counsel;

31 (5) to the extent known, whether or not this person is able to pay for  
32 medical services, or if not known, any information the petitioner might  
33 have about the person's financial circumstances or indigency;

34 (6) to the extent known, the name and address of any person who has  
35 custody of the person, and any known pending criminal charge or charges  
36 or of any arrest warrant or warrants outstanding or, if there are none, that  
37 fact or if not known, any information the petitioner might have about any  
38 current criminal justice system involvement with the person;

39 (7) the name or names and address or addresses of any witness or  
40 witnesses the petitioner believes has knowledge of facts relevant to the  
41 issue being brought before the court; and

42 (8) the name and address of the treatment facility to which the  
43 petitioner recommends that the proposed patient be sent for treatment if

1 the proposed patient is found to be a person with an alcohol or substance  
2 abuse problem subject to involuntary commitment for care and treatment  
3 under this act, or if the petitioner is not able to recommend a treatment  
4 facility to the court, then that fact and that the secretary for aging and  
5 disability services has been notified and requested to determine which  
6 treatment facility the proposed patient should be sent to.

7 (c) The petition shall be accompanied by:

8 (1) A signed certificate from a physician, psychologist or state  
9 certified alcohol and substance abuse counselor stating that such  
10 professional has personally examined the person and any available records  
11 and has found that the person, in such professional's opinion, is likely to be  
12 a person with an alcohol or substance abuse problem subject to involuntary  
13 commitment for care and treatment under this act, unless the court allows  
14 the petition to be accompanied by a verified statement by the petitioner  
15 that the petitioner had attempted to have the person seen by a physician,  
16 psychologist or state certified alcohol and substance abuse counselor, but  
17 that the person failed to cooperate to such an extent that the examination  
18 was impossible to conduct;

19 (2) a statement of consent to the admission of the proposed patient to  
20 the treatment facility named by the petitioner pursuant to subsection (b)(8)  
21 signed by the head of that treatment facility or other documentation which  
22 shows the willingness of the treatment facility to admitting the proposed  
23 patient for care and treatment; and

24 (3) if applicable, a copy of any notice given pursuant to K.S.A. 59-  
25 29b51, and amendments thereto, in which the named person has sought  
26 discharge from a treatment facility into which they had previously entered  
27 voluntarily, or a statement from the treating physician or psychologist that  
28 the person was admitted as a voluntary patient but now lacks capacity to  
29 make an informed decision concerning treatment and is refusing  
30 reasonable treatment efforts, and including a description of the treatment  
31 efforts being refused.

32 (d) The petition may include a request that an ex parte emergency  
33 custody order be issued pursuant to K.S.A. 59-29b58, and amendments  
34 thereto. If such request is made the petition shall also include:

35 (1) A brief statement explaining why the person should be  
36 immediately detained or continue to be detained;

37 (2) the place where the petitioner requests that the person be detained  
38 or continue to be detained; and

39 (3) if applicable, because detention is requested in a facility other  
40 than the detox unit at ~~either Osawatimic state hospital or at Larned~~ a state  
41 hospital, a statement that the facility is willing to accept and detain such  
42 person.

43 (e) The petition may include a request that a temporary custody order

1 be issued pursuant to K.S.A. 59-29b59, and amendments thereto.

2 Sec. 13. K.S.A. 2024 Supp. 59-3077 is hereby amended to read as  
3 follows: 59-3077. (a) At any time after the filing of the petition provided  
4 for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments  
5 thereto, any person may file in addition to that original petition, or as a  
6 part thereof, or at any time after the appointment of a temporary guardian  
7 as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian  
8 as provided for in K.S.A. 59-3067, and amendments thereto, the temporary  
9 guardian or guardian may file a verified petition requesting that the court  
10 grant authority to the temporary guardian or guardian to admit the  
11 proposed ward or ward to a treatment facility, as defined in subsection (h),  
12 and to consent to the care and treatment of the proposed ward or ward  
13 therein. The petition shall include:

14 (1) The petitioner's name and address, and if the petitioner is the  
15 proposed ward's or ward's court appointed temporary guardian or guardian,  
16 that fact;

17 (2) the proposed ward's or ward's name, age, date of birth, address of  
18 permanent residence and present address or whereabouts, if different from  
19 the proposed ward's or ward's permanent residence;

20 (3) the name and address of the proposed ward's or ward's court  
21 appointed temporary guardian or guardian, if different from the petitioner;

22 (4) the factual basis upon which the petitioner alleges the need for the  
23 proposed ward or ward to be admitted to and treated at a treatment facility,  
24 or for the proposed ward or ward to continue to be treated at the treatment  
25 facility to which the proposed ward or ward has already been admitted, or  
26 for the guardian to have continuing authority to admit the ward for care  
27 and treatment at a treatment facility pursuant to K.S.A. 59-2949(b)(3) or  
28 K.S.A. 59-29b49(b)(3), and amendments thereto;

29 (5) the names and addresses of witnesses by whom the truth of this  
30 petition may be proved; and

31 (6) a request that the court find that the proposed ward or ward is in  
32 need of being admitted to and treated at a treatment facility, and that the  
33 court grant to the temporary guardian or guardian the authority to admit  
34 the proposed ward or ward to a treatment facility and to consent to the care  
35 and treatment of the proposed ward or ward therein.

36 (b) The petition may be accompanied by a report of an examination  
37 and evaluation of the proposed ward or ward conducted by an  
38 appropriately qualified professional that shows that the criteria set out in  
39 K.S.A. 39-1803, 59-2946(e), 59-29b46(i) or 76-12b03, and amendments  
40 thereto, are met.

41 (c) Upon the filing of such a petition, the court shall issue the  
42 following:

43 (1) An order fixing the date, time and place of a hearing on the

1 petition. Such hearing, in the court's discretion, may be conducted in a  
2 courtroom, a treatment facility or at some other suitable place. The time  
3 fixed in the order shall in no event be earlier than seven days or later than  
4 21 days after the date of the filing of the petition. The court may  
5 consolidate this hearing with the trial upon the original petition filed  
6 pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and  
7 amendments thereto, or with the trial provided for in the care and  
8 treatment act for mentally ill persons or the care and treatment act for  
9 persons with an alcohol or substance abuse problem, if the petition also  
10 incorporates the allegations required by, and is filed in compliance with,  
11 the provisions of either of those acts.

12 (2) An order requiring that the proposed ward or ward appear at the  
13 time and place of the hearing on the petition unless the court makes a  
14 finding prior to the hearing that the presence of the proposed ward or ward  
15 will be injurious to the person's health or welfare, that the proposed ward's  
16 or ward's impairment is such that the person could not meaningfully  
17 participate in the proceedings or that the proposed ward or ward has filed  
18 with the court a written waiver of such ward's right to appear in person. In  
19 any such case, the court shall enter in the record of the proceedings the  
20 facts upon which the court has found that the presence of the proposed  
21 ward or ward at the hearing should be excused. Notwithstanding the  
22 foregoing provisions of this subsection, if the proposed ward or ward files  
23 with the court at least one day prior to the date of the hearing a written  
24 notice stating the person's desire to be present at the hearing, the court  
25 shall order that the person must be present at the hearing.

26 (3) An order appointing an attorney to represent the proposed ward or  
27 ward. The court shall give preference, in the appointment of this attorney,  
28 to any attorney who has represented the proposed ward or ward in other  
29 matters, if the court has knowledge of that prior representation. The  
30 proposed ward, or the ward with the consent of the ward's conservator, if  
31 one has been appointed, shall have the right to engage an attorney of the  
32 proposed ward's or ward's choice and, in such case, the attorney appointed  
33 by the court shall be relieved of all duties by the court. Any appointment  
34 made by the court shall terminate upon a final determination of the petition  
35 and any appeal therefrom, unless the court continues the appointment by  
36 further order.

37 (4) An order fixing the date, time and a place that is in the best  
38 interest of the proposed ward or ward at which the proposed ward or ward  
39 shall have the opportunity to consult with such ward's attorney. This  
40 consultation shall be scheduled to occur prior to the time at which the  
41 examination and evaluation ordered pursuant to subsection (d)(1), if  
42 ordered, is scheduled to occur.

43 (5) A notice similar to that provided for in K.S.A. 59-3066, and

1 amendments thereto.

2 (d) Upon the filing of such a petition, the court may issue the  
3 following:

4 (1) An order for a psychological or other examination and evaluation  
5 of the proposed ward or ward, as may be specified by the court. The court  
6 may order the proposed ward or ward to submit to such an examination  
7 and evaluation to be conducted through a general hospital, psychiatric  
8 hospital, community mental health center or community developmental  
9 disability organization or by a private physician, psychiatrist, psychologist  
10 or other person appointed by the court who is qualified to examine and  
11 evaluate the proposed ward or ward. The costs of this examination and  
12 evaluation shall be assessed as provided for in K.S.A. 59-3094, and  
13 amendments thereto.

14 (2) If the petition is accompanied by a report of an examination and  
15 evaluation of the proposed ward or ward as provided for in subsection (b),  
16 an order granting temporary authority to the temporary guardian or  
17 guardian to admit the proposed ward or ward to a treatment facility and to  
18 consent to the care and treatment of the proposed ward or ward therein.  
19 Any such order shall expire immediately after the hearing upon the  
20 petition, or as the court may otherwise specify, or upon the discharge of  
21 the proposed ward or ward by the head of the treatment facility, if the  
22 proposed ward or ward is discharged prior to the time at which the order  
23 would otherwise expire.

24 (3) For good cause shown, an order of continuance of the hearing.

25 (4) For good cause shown, an order of advancement of the hearing.

26 (5) For good cause shown, an order changing the place of the hearing.

27 (e) The hearing on the petition shall be held at the time and place  
28 specified in the court's order issued pursuant to subsection (c), unless an  
29 order of advancement, continuance or a change of place of the hearing has  
30 been issued pursuant to subsection (d). The petitioner and the proposed  
31 ward or ward shall each be afforded an opportunity to appear at the  
32 hearing, to testify and to present and cross-examine witnesses. If the  
33 hearing has been consolidated with a trial being held pursuant to either the  
34 care and treatment act for mentally ill persons or the care and treatment act  
35 for persons with an alcohol or substance abuse problem, persons not  
36 necessary for the conduct of the proceedings may be excluded as provided  
37 for in those acts. The hearing shall be conducted in as informal a manner  
38 as may be consistent with orderly procedure. The court shall have the  
39 authority to receive all relevant and material evidence which may be  
40 offered, including the testimony or written report, findings or  
41 recommendations of any professional or other person who has examined  
42 or evaluated the proposed ward or ward pursuant to any order issued by  
43 the court pursuant to subsection (d). Such evidence shall not be privileged

1 for the purpose of this hearing.

2 (f) Upon completion of the hearing, if the court finds by clear and  
3 convincing evidence that the criteria set out in K.S.A. 39-1803, 59-  
4 2946(e), 59-29b46(i) or 76-12b03, and amendments thereto, are met, and  
5 after a careful consideration of reasonable alternatives to admission of the  
6 proposed ward or ward to a treatment facility, the court may enter an order  
7 granting such authority to the temporary guardian or guardian as is  
8 appropriate, including continuing authority to the guardian to readmit the  
9 ward to an appropriate treatment facility as may later become necessary.  
10 Any such grant of continuing authority shall expire two years after the date  
11 of final discharge of the ward from such a treatment facility if the ward has  
12 not had to be readmitted to a treatment facility during that two-year period  
13 of time. Thereafter, any such grant of continuing authority may be renewed  
14 only after the filing of another petition seeking authority in compliance  
15 with the provision of this section.

16 (g) Nothing herein shall be construed so as to prohibit the head of a  
17 treatment facility from admitting a proposed ward or ward to that facility  
18 as a voluntary patient if the head of the treatment facility is satisfied that  
19 the proposed ward or ward at that time has the capacity to understand such  
20 ward's illness and need for treatment, and to consent to such ward's  
21 admission and treatment. Upon any such admission, the head of the  
22 treatment facility shall give notice to the temporary guardian or guardian  
23 as soon as possible of the ward's admission, and shall provide to the  
24 temporary guardian or guardian copies of any consents the proposed ward  
25 or ward has given. Thereafter, the temporary guardian or guardian shall  
26 timely either seek to obtain proper authority pursuant to this section to  
27 admit the proposed ward or ward to a treatment facility and to consent to  
28 further care and treatment, or shall otherwise assume responsibility for the  
29 care of the proposed ward or ward, consistent with the authority of the  
30 temporary guardian or guardian, and may arrange for the discharge from  
31 the facility of the proposed ward or ward, unless the head of the treatment  
32 facility shall file a petition requesting the involuntary commitment of the  
33 proposed ward or ward to that or some other facility.

34 (h) As used herein, "treatment facility" means the Kansas  
35 neurological institute, Larned state hospital, Osawatomie state hospital,  
36 *south central regional mental health hospital*, Parsons state hospital ~~and~~  
37 ~~training center, the Rainbow mental health facility~~, any intermediate care  
38 facility for people with intellectual disability, any psychiatric hospital  
39 licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, and  
40 any other facility for mentally ill persons or people with intellectual or  
41 developmental disabilities licensed pursuant to K.S.A. 39-2001 et seq., and  
42 amendments thereto, if the proposed ward or ward is to be admitted as an  
43 inpatient or resident of that facility.

1       Sec. 14. K.S.A. 65-4921 is hereby amended to read as follows: 65-  
2 4921. As used in K.S.A. 65-4921 through 65-4930, and amendments  
3 thereto:

4       (a) "Appropriate licensing agency" means the agency that issued the  
5 license to the individual or ~~health-care~~ *healthcare* provider who is the  
6 subject of a report under this act.

7       (b) "Department" means the department of health and environment.

8       (c) "~~Health-care~~*Healthcare* provider" means:

9       (1) Those persons and entities defined as a ~~health-care~~ *healthcare*  
10 provider under K.S.A. 40-3401, and amendments thereto; and

11       (2) a dentist licensed by the Kansas dental board, a dental hygienist  
12 licensed by the Kansas dental board, a professional nurse licensed by the  
13 board of nursing, a practical nurse licensed by the board of nursing, a  
14 mental health technician licensed by the board of nursing, a physical  
15 therapist licensed by the state board of healing arts, a physical therapist  
16 assistant certified by the state board of healing arts, an occupational  
17 therapist licensed by the state board of healing arts, an occupational  
18 therapy assistant licensed by the state board of healing arts and a  
19 respiratory therapist licensed by the state board of healing arts.

20       (d) "License," "licensee" and "licensing" include comparable terms  
21 that relate to regulation similar to licensure, such as registration.

22       (e) "Medical care facility" means:

23       (1) A medical care facility licensed under K.S.A. 65-425 et seq., and  
24 amendments thereto;

25       (2) a private psychiatric hospital licensed under K.S.A. 39-2001 et  
26 seq., and amendments thereto; and

27       (3) state psychiatric hospitals and state institutions for people with  
28 intellectual disability, as follows: Larned state hospital, Osawatomie state  
29 hospital, ~~Rainbow mental health facility~~, Kansas neurological institute,  
30 *south central regional mental health hospital* and Parsons state hospital  
31 ~~and training center~~.

32       (f) "Reportable incident" means an act by a ~~health-care~~ *healthcare*  
33 provider that:

34       (1) Is or may be below the applicable standard of care and has a  
35 reasonable probability of causing injury to a patient; or

36       (2) may be grounds for disciplinary action by the appropriate  
37 licensing agency.

38       (g) "Risk manager" means the individual designated by a medical  
39 care facility to administer its internal risk management program and to  
40 receive reports of reportable incidents within the facility.

41       (h) "Secretary" means the secretary of health and environment.

42       Sec. 15. K.S.A. 65-5601 is hereby amended to read as follows: 65-  
43 5601. As used in K.S.A. 65-5601 through 65-5605, and amendments

1 thereto:

2 (a) "Patient" means a person who consults or is examined or  
3 interviewed by treatment personnel.

4 (b) "Treatment personnel" means any employee of a treatment facility  
5 who receives a confidential communication from a patient while engaged  
6 in the diagnosis or treatment of a mental, alcoholic, drug dependency or  
7 emotional condition, if such communication was not intended to be  
8 disclosed to third persons.

9 (c) "Ancillary personnel" means any employee of a treatment facility  
10 who is not included in the definition of treatment personnel.

11 (d) "Treatment facility" means a community mental health center,  
12 community service provider, psychiatric hospital and state institution for  
13 people with intellectual disability.

14 (e) "Head of the treatment facility" means the administrative director  
15 of a treatment facility or the designee of the administrative director.

16 (f) "Community mental health center" means the same as defined in  
17 K.S.A. 39-2002, and amendments thereto.

18 (g) "Psychiatric hospital" means Larned state hospital, Osawatomic  
19 state hospital, ~~Rainbow mental health facility, Topeka state hospital~~ *south*  
20 *central regional mental health hospital* and hospitals licensed under  
21 K.S.A. 39-2001 et seq., and amendments thereto.

22 (h) "State institution for people with intellectual disability" means  
23 ~~Winfield state hospital and training center~~, Parsons state hospital ~~and~~  
24 ~~training center~~ and the Kansas neurological institute.

25 (i) "Community service provider" means: (1) A community facility  
26 for people with intellectual disability organized pursuant to the provisions  
27 of K.S.A. 19-4001 through 19-4015, and amendments thereto, and  
28 licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and  
29 amendments thereto; (2) community service provider as provided in the  
30 developmental disabilities reform act; or (3) a nonprofit corporation that  
31 provides services for people with intellectual disability pursuant to a  
32 contract with an intellectual disability governing board.

33 Sec. 16. K.S.A. 2024 Supp. 74-3292 is hereby amended to read as  
34 follows: 74-3292. As used in this act:

35 (a) "Executive officer" means the chief executive officer of the state  
36 board of regents appointed under K.S.A. 74-3203a, and amendments  
37 thereto.

38 (b) "Mental health or treatment facility" means:

39 (1) Any private treatment facility as defined in K.S.A. 59-29b46, and  
40 amendments thereto;

41 (2) any public treatment facility as defined in K.S.A. 59-29b46, and  
42 amendments thereto;

43 (3) any community mental health center organized pursuant to K.S.A.

1 19-4001 through 19-4015, and amendments thereto, and licensed pursuant  
2 to K.S.A. 39-2001 et seq., and amendments thereto;

3 (4) any mental health clinic organized pursuant to K.S.A. 65-211  
4 through 65-215, and amendments thereto, and licensed pursuant to K.S.A.  
5 39-2001 et seq., and amendments thereto;

6 (5) any psychiatric hospital, psychiatric residential treatment facility  
7 or residential care facility as such terms are defined in K.S.A. 39-2002,  
8 and amendments thereto;

9 (6) any hospital as defined in K.S.A. 65-425, and amendments  
10 thereto, if:

11 (A) The hospital has a psychiatric unit; and

12 (B) the scholarship recipient is required to fulfill the nursing service  
13 scholarship's employment obligations as an employee in the psychiatric  
14 unit of the hospital; or

15 (7) Osawatomic state hospital, ~~Rainbow mental health facility~~, Larned  
16 state hospital, *south central regional mental health hospital*, Parsons state  
17 hospital ~~and training center~~ or the Kansas neurological institute.

18 (c) "School of nursing" means a school within the state of Kansas that  
19 is approved by the state board of nursing to grant an associate degree or a  
20 baccalaureate degree in professional nursing or a certificate of completion  
21 in practical nursing and is:

22 (1) Under the control and supervision of the state board of regents;

23 (2) a municipal university; or

24 (3) a not-for-profit independent institution of higher education that  
25 has its main campus or principal place of operation in Kansas, maintains  
26 open enrollment as defined in K.S.A. 74-32,120, and amendments thereto,  
27 and is operated independently and not controlled or administered by the  
28 state or any agency or subdivision thereof.

29 (d) "Sponsor" means any of the following that is located in a rural  
30 opportunity zone as defined in K.S.A. 74-50,222, and amendments thereto:

31 (1) An adult care home licensed under the adult care home licensure  
32 act, K.S.A. 39-923 et seq., and amendments thereto;

33 (2) a medical care facility licensed under K.S.A. 65-425 et seq., and  
34 amendments thereto;

35 (3) a home health agency licensed under K.S.A. 65-5101 et seq., and  
36 amendments thereto;

37 (4) a local health department as defined in K.S.A. 65-241, and  
38 amendments thereto;

39 (5) a mental health or treatment facility; and

40 (6) a state agency that employs licensed practical nurses or licensed  
41 professional nurses.

42 Sec. 17. K.S.A. 75-3099 is hereby amended to read as follows: 75-  
43 3099. (a) The governing board of any educational institution may enter

1 into agreements with any state agency for the provision of instruction at  
2 the educational institution or off the campus thereof. Credit for such  
3 instruction shall be awarded in accordance with the provisions of the  
4 agreement.

5 (b) Any state agency may enter into agreements with the governing  
6 board of any educational institution for the provision of instruction at the  
7 educational institution or off the campus thereof. The amount to be paid by  
8 the state agency for the provision of instruction under any such agreement  
9 shall be determined as provided in the agreement, in accordance with the  
10 provisions of this section and in any case within limitations of the  
11 appropriations of the state agency therefor. The amount to be paid under  
12 any such agreement shall be determined on the basis of a fixed dollar  
13 amount for each enrolled credit hour of instruction in lieu of tuition, except  
14 that (1) an additional dollar amount shall be paid for each credit hour value  
15 of a course which is not taught by personnel of the state agency, (2) the  
16 payment to be made under an agreement with a social welfare institution  
17 shall be on the basis of four credit hours for an entry level course of  
18 instruction for direct care staff, and (3) payments may be made to an  
19 educational institution for special training materials and mileage expenses  
20 where appropriate under the circumstances.

21 (c) (1) No credit hour state aid entitlement and no out-district state aid  
22 entitlement of an educational institution shall be based upon any subject,  
23 course or program which is taught under an agreement with a state agency,  
24 and no such subject, course or program shall be counted in determining the  
25 number of credit hours of out-district students for the purpose of  
26 determining the amount of out-district tuition to be charged by an  
27 educational institution.

28 (2) No tuition shall be charged to or collected from any person who  
29 enrolls in any subject, course or program which is taught under an  
30 agreement with a state agency.

31 (d) For the purpose of this section,:

32 (1) "educational institution" means community college or municipal  
33 university;

34 (2) "social welfare institution" means ~~Topoka state hospital,~~  
35 ~~Osawatomic state hospital, Rainbow mental health facility, Larned state~~  
36 ~~hospital, Parsons state hospital and training center, Norton state hospital,~~  
37 ~~Winfield state hospital and training center, south central regional mental~~  
38 ~~health hospital~~ and Kansas neurological institute; and

39 (3) "state agency" means any state office or officer, department,  
40 board, commission, institution, bureau, or any agency, division or unit  
41 within any office, department, board, commission or other authority of this  
42 state.

43 Sec. 18. K.S.A. 75-3373 is hereby amended to read as follows: 75-

1 3373. (a) Notwithstanding any other provision of law, no state agency shall  
2 enter into any agreement or take any action to outsource or privatize any  
3 operations or facilities of the Larned state hospital, the Osawatomie state  
4 hospital, *the south central regional mental health hospital* or any facility  
5 that provides mental health services and that is operated by a state agency  
6 without prior specific authorization by an act of the legislature or an  
7 appropriation act of the legislature. The restriction imposed by this  
8 subsection applies to any action to outsource or privatize all or any part of  
9 any operation or facility of the Larned state hospital, the Osawatomie state  
10 hospital, *the south central regional mental health hospital* or any facility  
11 that provides mental health services and that is operated by a state agency,  
12 including, but not limited to, any action to transfer all or any part of the  
13 rated bed capacity at the Larned state hospital—~~or~~, the Osawatomie state  
14 hospital; *or the south central regional mental health hospital*, in effect on  
15 the effective date of this act, to another facility.

16 (b) Nothing in this section shall prevent the Kansas department for  
17 aging and disability services from renewing, in substantially the same form  
18 as an existing agreement, any agreement in existence prior to March 4,  
19 2016, for services at the Larned state hospital or the Osawatomie state  
20 hospital.

21 (c) Nothing in this section shall prevent the Kansas department for  
22 aging and disability services from entering into an agreement for services  
23 at the Larned state hospital or the Osawatomie state hospital with a  
24 different provider if such agreement is substantially similar to an  
25 agreement for services in existence prior to March 4, 2016.

26 Sec. 19. K.S.A. 76-384 is hereby amended to read as follows: 76-384.

27 (a) Upon the selection of a service commitment area for the purposes of  
28 satisfying a service obligation under a medical student loan agreement  
29 entered into under this act, the person so selecting shall inform the  
30 university of Kansas school of medicine of the service commitment area  
31 selected.

32 (b) A person serving in a service commitment area pursuant to any  
33 agreement under this act may serve all or part of any commitment in the  
34 service commitment area initially selected by such person. If such person  
35 moves from one service commitment area to another service commitment  
36 area, such person shall notify the university of Kansas school of medicine  
37 of such person's change of service commitment area. Service in any such  
38 service commitment area shall be deemed to be continuous for the purpose  
39 of satisfying any agreement entered into under this act.

40 (c) A person receiving a medical student loan under this act, may  
41 satisfy the obligation to engage in the full-time practice of medicine and  
42 surgery in a service commitment area if the person serves as a full-time  
43 faculty member of the university of Kansas school of medicine in general

1 internal medicine, general pediatrics, family medicine, family practice,  
 2 general psychiatry or child psychiatry and serves two years for each one  
 3 year of such obligation, or the equivalent thereof on a two-for-one basis,  
 4 except that, at the time any person commences satisfying such service  
 5 obligation as a full-time faculty member pursuant to this subsection, the  
 6 number of persons satisfying service commitments or service obligations,  
 7 pursuant to agreements under the medical student loan act, as full-time  
 8 faculty members pursuant to this subsection shall not exceed the number  
 9 equal to 25% of the total number of full-time faculty members of the  
 10 university of Kansas school of medicine in general internal medicine,  
 11 general pediatrics, family medicine, family practice, general psychiatry or  
 12 child psychiatry.

13 (d) A person may satisfy the obligation to engage in the full-time  
 14 practice of medicine and surgery in a service commitment area by  
 15 performing at least 100 hours per month of on-site primary care or mental  
 16 health care at a medical facility operated by a local health department or  
 17 nonprofit organization in this state serving medically indigent persons or at  
 18 a community mental health center or at Larned state hospital, Osawatomie  
 19 state hospital, *south central regional mental health hospital* or any facility  
 20 that provides mental health services and that is operated by a state agency.  
 21 As used in this subsection, "medically indigent" means a person:

22 (1) Who is unable to secure ~~health care~~ *healthcare* because of  
 23 inability to pay for all or a part of the costs thereof due to inadequate  
 24 personal resources, being uninsured, being underinsured, being ineligible  
 25 for governmental health benefits; or

26 (2) who is eligible for governmental benefits but is unable to obtain  
 27 medical services; and "primary care" means general pediatrics, general  
 28 internal medicine, family medicine and family practice.

29 Sec. 20. K.S.A. 76-12a01 is hereby amended to read as follows: 76-  
 30 12a01. As used in this act, unless the context otherwise requires:

31 (a) "Secretary" means the secretary for aging and disability services.

32 (b) "Institution" means the following institutions: Osawatomie state  
 33 hospital, ~~Rainbow mental health facility~~, Larned state hospital, *south*  
 34 *central regional mental health hospital*, Parsons state hospital ~~and training~~  
 35 ~~center~~, and Kansas neurological institute.

36 (c) "Director" or "commissioner" means the commissioner of  
 37 community services and programs.

38 Sec. 21. K.S.A. 76-12a31 is hereby amended to read as follows: 76-  
 39 12a31. From and after October 1, 1996, no institution shall admit any  
 40 individual for care or treatment of alcohol abuse or drug abuse with the  
 41 exception that Larned state hospital ~~and~~, Osawatomie state hospital *and*  
 42 *south central regional mental health hospital* may admit an individual for  
 43 detoxification services or alcohol abuse or drug abuse care and treatment

1 provided to inmates in the custody of the secretary of corrections as  
2 clinically indicated. From and after October 1, 1996, public treatment  
3 facilities and other treatment facilities licensed under K.S.A. 65-4001 et  
4 seq., 65-4601 et seq. or 65-5201 et seq. and amendments thereto as  
5 specified or directed by the secretary or a district court shall admit and  
6 give appropriate care and treatment to alcohol and drug abusers.

7 Sec. 22. K.S.A. 76-1407 is hereby amended to read as follows: 76-  
8 1407. Any reference in the laws of this state to "Parsons state training  
9 school," "state hospital for epileptics at Parsons" or words of similar  
10 import, shall be deemed to mean the Parsons state hospital ~~and training~~  
11 ~~center~~.

12 Sec. 23. K.S.A. 76-1409 is hereby amended to read as follows: 76-  
13 1409. The object of the Parsons state hospital ~~and training center~~ shall be  
14 to examine, treat, educate, train and rehabilitate the persons admitted and  
15 retained ~~so as~~ to make such persons more comfortable, happy, and better  
16 fitted to care for and support themselves. ~~To this end~~ The secretary shall  
17 provide such examination, treatment, education ~~(, including academic and~~  
18 ~~vocational), training and rehabilitation facilities as he or she~~ *the secretary*  
19 shall deem necessary and advisable.

20 Sec. 24. K.S.A. 76-1409a is hereby amended to read as follows: 76-  
21 1409a. The superintendent of Parsons state hospital ~~and training center~~  
22 shall remit all moneys received by or for the superintendent from charges  
23 made under K.S.A. 59-2006, and amendments thereto, and other  
24 operations of such institution to the state treasurer in accordance with the  
25 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
26 each such remittance, the state treasurer shall deposit the entire amount in  
27 the state treasury to the credit of the Parsons state hospital ~~and training~~  
28 ~~center~~ fee fund. All expenditures from such fund shall be made in  
29 accordance with appropriation acts upon warrants of the director of  
30 accounts and reports issued pursuant to vouchers approved by such  
31 superintendent or by a person or persons designated by the superintendent.

32 Sec. 25. K.S.A. 2024 Supp. 76-1936 is hereby amended to read as  
33 follows: 76-1936. (a) The commissioner of community services and  
34 programs of the Kansas department for aging and disability services, with  
35 the approval of the secretary for aging and disability services and the  
36 director of the Kansas office of veterans services, may transfer patients in  
37 the state hospitals at Osawatomic ~~and~~, Larned ~~and~~ patients in the Rainbow  
38 ~~mental health facility, Wichita~~ and the Parsons state hospital ~~and training~~  
39 ~~center~~ who have served in the military or naval forces of the United States  
40 or whose husband, wife, father, son or daughter has served in the active  
41 military or naval service of the United States during any period of any war  
42 as defined in K.S.A. 76-1908, and amendments thereto, and who was  
43 discharged or relieved therefrom under conditions other than dishonorable,

1 to the Kansas soldiers' home. No patient who is such a mentally ill person,  
2 as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of  
3 the commissioner of state hospitals, that because of such patient's illness  
4 such patient is likely to injure themselves or others, shall be transferred to  
5 such Kansas soldiers' home, and no such patient shall be transferred if such  
6 transfer will deny admission to persons entitled to admission under K.S.A.  
7 76-1908, and amendments thereto, and rules and regulations promulgated  
8 thereunder. Persons transferred shall not be considered as members of the  
9 Kansas soldiers' home but shall be considered as patients therein.

10 (b) All of the laws, rules and regulations relating to patients in state  
11 hospitals and mental health facility specified in subsection (a) shall be  
12 applicable to such patients transferred under subsection (a). Any patient  
13 transferred who is found to be or shall become such a mentally ill person,  
14 as defined in K.S.A. 59-2946, and amendments thereto, in the opinion of  
15 the commissioner of state hospitals, that because of such patient's illness  
16 such patient is likely to injure themselves or others or who is determined to  
17 need additional psychiatric treatment, shall be retransferred by the  
18 superintendent of the Kansas soldiers' home, with the approval of the  
19 commissioner of state hospitals and the director of the Kansas office of  
20 veterans services, to the institution from whence the patient was originally  
21 transferred.

22 Sec. 26. K.S.A. 2024 Supp. 76-1958 is hereby amended to read as  
23 follows: 76-1958. (a) The commissioner of state hospitals of the Kansas  
24 department for aging and disability services, with the approval of the  
25 secretary for aging and disability services and the director of the Kansas  
26 office of veterans services, may transfer patients in the state hospitals in  
27 ~~Topeka, Osawatomic and Larned and patients in the Rainbow mental~~  
28 ~~health facility, Wichita and the Parsons state hospital and training center~~  
29 ~~and the Winfield state hospital and training center~~ who have served in the  
30 military or naval forces of the United States or whose husband, wife,  
31 father, son or daughter has served in the active military or naval service of  
32 the United States during any period of any war as defined in K.S.A. 76-  
33 1954, and amendments thereto, and was discharged or relieved therefrom  
34 under conditions other than dishonorable, to the Kansas veterans' home.  
35 No patient who is such a mentally ill person, as defined in K.S.A. 59-2946,  
36 and amendments thereto, in the opinion of the commissioner of state  
37 hospitals, that because of such patient's illness such patient is likely to  
38 injure oneself or others shall be so transferred to such Kansas veterans'  
39 home, and no such patient shall be so transferred if such transfer will deny  
40 admission to persons entitled to admission under K.S.A. 76-1954, and  
41 amendments thereto, and rules and regulations promulgated thereunder.  
42 Persons transferred shall not be considered as members of the Kansas  
43 veterans' home but shall be considered as patients.

1 (b) All of the laws, rules and regulations relating to patients in the  
2 above-specified state hospitals and mental health facilities shall be  
3 applicable to such patients so transferred insofar as the same can be made  
4 applicable. Any patient so transferred who is found to be or shall become  
5 such a mentally ill person, as defined in K.S.A. 59-2946, and amendments  
6 thereto, in the opinion of the commissioner of state hospitals, that because  
7 of such patient's illness such patient is likely to injure oneself or others or  
8 who is determined to need additional psychiatric treatment, shall be  
9 retransferred by the superintendent of the Kansas veterans' home, with the  
10 approval of the commissioner of mental health and developmental  
11 disabilities and the director of the Kansas office of veterans services, to the  
12 institution from which the patient was originally transferred.

13 Sec. 27. K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-  
14 4921, 65-5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407,  
15 76-1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-  
16 2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and 76-  
17 1958 are hereby repealed.

18 Sec. 28. This act shall take effect and be in force from and after its  
19 publication in the statute book.