

SENATE BILL No. 131

By Senators Tyson, Baumgardner, Bollier, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor and Wilborn

2-1

1 AN ACT concerning mental healthcare facilities; relating to Larned state
2 hospital, Osawatomie state hospital and other facilities; privatization;
3 prohibition thereof; amending K.S.A. 76-12a07 and K.S.A. 2016 Supp.
4 75-3373 and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2016 Supp. 75-3373 is hereby amended to read as
8 follows: 75-3373. (a) Notwithstanding any other provision of law, ~~the~~
9 ~~Kansas department for aging and disability services, solely or in~~
10 ~~consultation or cooperation with any other state agency, no state agency~~
11 ~~shall not~~ enter into any agreement or take any action to outsource or
12 privatize any operations or facilities of the Larned state hospital ~~or, the~~
13 Osawatomie state hospital *or any facility that provides mental health*
14 *services and that is operated by a state agency* without prior specific
15 authorization by an act of the legislature or an appropriation act of the
16 legislature. *The restriction imposed by this subsection applies to any*
17 *action to outsource or privatize all or any part of any operation or facility*
18 *of the Larned state hospital, the Osawatomie state hospital or any facility*
19 *that provides mental health services and that is operated by a state*
20 *agency, including, but not limited to, any action to transfer all or any part*
21 *of the rated bed capacity at the Larned state hospital or the Osawatomie*
22 *state hospital, in effect on the effective date of this act, to another facility.*

23 (b) Nothing in this section shall prevent the Kansas department for
24 aging and disability services from renewing, in substantially the same form
25 as an existing agreement, any agreement in existence prior to March 4,
26 2016, for services at the Larned state hospital or the Osawatomie state
27 hospital.

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

33 Sec. 2. K.S.A. 76-12a07 is hereby amended to read as follows: 76-
34 12a07. The secretary may adopt rules and regulations for the government,

1 regulation and operation of institutions. The secretary may adopt rules and
2 regulations relating to the assignment of all persons admitted to
3 institutions, *except that the secretary shall take no action to transfer or*
4 *assign any person admitted to an institution for the purpose of*
5 *circumventing the restrictions imposed by K.S.A. 2016 Supp. 75-3373, and*
6 *amendments thereto.*

7 Sec. 3. K.S.A. 76-12a07 and K.S.A. 2016 Supp. 75-3373 are hereby
8 repealed.

9 Sec. 4. This act shall take effect and be in force from and after its
10 publication in the Kansas register.