

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2368

As Amended by House Committee of the Whole

Brief*

HB 2368 would amend existing statutes relating to the Governor's Mental Health Services Planning Council to replace certain references to reflect a name change to the Governor's Behavioral Health Services Planning Council (Council) and to replace "mental" health with "behavioral" health; expand and adjust the membership and prescribe the requirements for appointment; address the expiration of terms of current Council members whose terms expire after June 30, 2013, and the staggering of terms for the nine member positions created by the bill; and require payment to members for attendance at Council meetings and subcommittee meetings be made from the administration account of the State General Fund appropriated for the Kansas Department for Aging and Disability Services (KDADS). The bill also would clarify that references to the "Governor's Mental Health Services Planning Council" in statute, contract, or other documents would refer to the Governor's Behavioral Health Services Planning Council. Technical amendments also would be made.

The bill would make the following changes in membership and member terms:

Membership; Compensation

The bill would expand Council membership from 25 to 33 members. Nine new membership positions would be added and one existing membership position would be eliminated from the 16 positions currently appointed by the Governor.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Of the 33 members, nine members would continue to represent state agencies, with the following changes:

- The Secretary of KDADS or the Secretary's designee would replace the Commissioner of Mental Health and Developmental Disabilities;
- The reference to the Secretary of Social and Rehabilitation Services (SRS) would change to the Secretary for Children and Families, who would appoint one member each in the areas of vocational rehabilitation and children and family services, instead of the four members under existing law. (The changes correspond to agency renaming and reorganization under Executive Reorganization Order [ERO] No. 41, 2012 Session.);
- The Commissioner of Juvenile Justice would be allowed to appoint a designee to serve in the Commissioner's place on the Council; and
- The Secretary of KDADS would appoint one member each in the areas of substance use disorder and medical services. (These positions currently are appointed by the Secretary of the Department of Social and Rehabilitation Services but, with changes made by ERO No. 41, these areas are under KDADS.)

Governor appointees to the Council would change as follows:

- Four members would be added:
 - One representative of a behavioral health advocacy group;
 - One substance use disorder prevention professional;

- One executive director of a substance use disorder treatment center; and
- One judge of the district court or a district magistrate judge.
- Of the 17 members appointed by the Governor who by statute cannot be state employees or providers of behavioral health services, five new positions would be added and the number of positions for members who are immediate family members of adult consumers with serious and persistent mental illnesses would be reduced from three to two members. The five new membership positions would be:
 - One youth with severe emotional disturbance, who would be at least 16 years of age, but not more than 18 years of age, at the time of appointment;
 - Two adults in recovery from substance use disorders;
 - One family member of an adult with a substance use disorder; and
 - One mentor to an adult with a substance use disorder.

The bill would require compensation provided to members for attendance at Council meetings and subcommittee meetings be paid from the administration account of the State General Fund appropriated for KDADS.

Member Terms

Members of the Governor's Mental Health Services Planning Council prior to the effective date of this bill whose terms expire after June 30, 2013, would continue to serve until the expiration of their appointed terms. Each member appointed by the Governor on or after July 1, 2013, would be

appointed to a term of four years, except those newly appointed to staggered terms, serving until the appointment of a successor, appointed to fill a vacancy on the Council, or otherwise provided for in statute.

A provision in existing law creating staggered initial terms for appointees of the Governor (half serving two-year terms and the other half serving four-year terms) would be deleted, and a new provision would provide for staggered initial terms for the nine member positions created by the bill. Of the nine new members authorized by the bill, four would be appointed for an initial term of two years and five would be appointed for an initial term of four years, as specified by the Governor.

Background

The bill was introduced by the House Committee on Health and Human Services at the request of a representative of KDADS. Representatives of KDADS and the Association of Community Mental Health Centers of Kansas, Inc. (Association) testified in favor of the bill before the House Committee on Health and Human Services. The KDADS representative stated the Chairman of the Council requested the scope of the Council be increased beyond “mental health” services to include the broader category of “behavioral health” services, which this legislation would accomplish with its new name and increased membership providing representation to previously unrepresented groups and organizations. The Association representative testified the changes proposed by the bill are consistent with the direction of the field of behavioral health across the country and is another step to further promote integration of mental health and substance abuse treatment systems into one behavioral health system. The Association representative further noted that with the Secretary of KDADS combining the Substance Abuse and Prevention Division with the Mental Health Division into the Behavioral Health Division, the bill is the next logical step for planning and oversight purposes.

Written testimony in favor of the bill was provided by the Kansas Mental Health Coalition.

No opponent testimony was provided at the House Committee hearing. Neutral testimony was provided by a representative of the Kansas Chapter of the National Association of Social Workers, who requested amendments to the bill.

The House Committee on Health and Human Services amended the bill to add one member who would be a judge of the district court or a magistrate judge of the district court, reduce the membership representation of executive directors of substance use disorder treatment centers to one, establish an age requirement for the youth member, clarify the expiration of terms for current members, and establish the term lengths for new members, including providing for staggered initial terms for appointees of the Governor to member positions created by the bill. The bill also was amended to clarify that references to the Governor's Mental Health Services Planning Council in statute, contract, or other document would refer to the Governor's Behavioral Health Services Planning Council. Technical amendments were made.

The House Committee of the Whole amended the bill to require amounts paid to members for attendance at Council meetings and subcommittee meetings be from the administration account of the State General Fund appropriated for KDADS.

The fiscal note prepared by the Division of the Budget on the original bill states the passage of the bill would increase the travel and subsistence costs of KDADS. The travel and subsistence expense for the additional eight members is estimated to be \$13,600 from the State General Fund. Any fiscal effect associated with the bill is not reflected in *The Governor's Budget Report for FY 2014*.