

75-3307b. Enforcement of laws relating to hospitalization or treatment of certain persons; rules and regulations; licensing; standards; continuation of licensure of certain entities; injunction powers; inspections. (a) The enforcement of the laws relating to the hospitalization of mentally ill persons of this state in a psychiatric hospital and the diagnosis, care, training or treatment of persons in community mental health centers or facilities for persons with mental illness, developmental disabilities or other persons with disabilities is entrusted to the secretary for aging and disability services. The secretary may adopt rules and regulations on the following matters, so far as the same are not inconsistent with any laws of this state:

- (1) The licensing, certification or accrediting of private hospitals as suitable for the detention, care or treatment of mentally ill persons, and the withdrawal of licenses granted for causes shown;
 - (2) the forms to be observed relating to the hospitalization, admission, transfer, custody and discharge of patients;
 - (3) the visitation and inspection of psychiatric hospitals and of all persons detained therein;
 - (4) the setting of standards, the inspection and the licensing of all community mental health centers which receive or have received any state or federal funds, and the withdrawal of licenses granted for causes shown;
 - (5) the setting of standards, the inspection and licensing of all facilities for persons with mental illness, developmental disabilities or other persons with disabilities receiving assistance through the Kansas department for aging and disability services which receive or have received after June 30, 1967, any state or federal funds, or facilities where persons with mental illness or developmental disabilities reside who require supervision or require limited assistance with the taking of medication, and the withdrawal of licenses granted for causes shown. The secretary may adopt rules and regulations that allow the facility to assist a resident with the taking of medication when the medication is in a labeled container dispensed by a pharmacist. No license for a residential facility for eight or more persons may be issued under this paragraph unless the secretary of health and environment has approved the facility as meeting the licensing standards for a lodging establishment under the food service and lodging act. No license for a residential facility for the elderly or for a residential facility for persons with disabilities not related to mental illness or developmental disability, or both, or related conditions shall be issued under this paragraph;
 - (6) reports and information to be furnished to the secretary by the superintendents or other executive officers of all psychiatric hospitals, community mental health centers or facilities for persons with developmental disabilities and facilities serving other persons with disabilities receiving assistance through the Kansas department for aging and disability services.
- (b) An entity holding a license as a community mental health center under paragraph (4) of subsection (a) on the day immediately preceding the effective date of this act, but which does not meet the definition of a community mental health center set forth in this act, shall continue to be licensed as a community mental health center as long as the entity remains affiliated with a licensed community mental health center and continues to meet the licensing standards established by the secretary.
- (c) Notwithstanding the existence or pursuit of any other remedy, the secretary for aging and disability services, as the licensing agency, in the manner provided by the Kansas judicial review act, may maintain an action in the name of the state of Kansas for injunction against any person or facility to restrain or prevent the operation of a psychiatric hospital, community mental health center or facility for persons with mental illness, developmental disabilities or other persons with disabilities operating without a license.
- (d) The secretary for aging and disability services shall license and inspect any facility or provider of residential services which serves two or more residents who are not self-directing their services and which is subject to licensure under subsection (a)(5) of this section, unless the provider of services is already licensed to provide such services.

History: L. 1963, ch. 254, § 5; L. 1965, ch. 468, § 1; L. 1969, ch. 403, § 1; L. 1972, ch. 228, § 15; L. 1973, ch. 369, § 43; L. 1976, ch. 384, § 1; L. 1976, ch. 243, § 44; L. 1979, ch. 191, § 17; L. 1984, ch. 321, § 2; L. 1985, ch. 208, § 9; L. 1986, ch. 324, § 2; L. 1995, ch. 143, § 6; L. 2005, ch. 160, § 1; L. 2010, ch. 17, § 199; L. 2014, ch. 115, § 323; July 1.