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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: March 1, 2018

Subject: HB 2676 – Violations of the Developmental Disabilities Reform Act.

House Bill No. 2676 (HB 2676) would create new law that would authorize the Secretary for Aging and Disability Services to impose penalties for violations of the Developmental Disabilities Reform Act (Act). Under the Act, community developmental disability organizations and their affiliates provide community services to individuals with intellectual disabilities.

Under HB 2676, if the Department for Aging and Disability Services conducts an inspection or investigation and finds a community service provider is in violation of the Act, then the Secretary may issue a correction order specifying the deficiency and providing the provider time to cure. If the deficiency is not corrected, the Secretary may impose a civil penalty of up to \$500 per day for each violation with a maximum fine of \$2,500. If the deficiency has occurred within the past 18 months, the Secretary may double the penalty to \$1,000 per day for each violation with a maximum of \$5,000. If a community service provider is unable to resolve the deficiency, the Secretary may suspend or revoke the provider's license.

The Secretary may also issue an emergency order regarding the placement of persons receiving community services if the Secretary finds there is an imminent danger to the health, safety, or welfare of the person.

If enacted, HB 2676 would become effective on July 1, 2018.