

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 60.—Licensing of Community Mental Health Centers

30-60-6. Licensing procedure; compliance surveys; duration and renewal of license; provisional license.

(a) Each agency or licensee desiring a new or renewed license as a "community mental health center" or an "affiliated community mental health center" shall submit an application for that license, or for renewal of its license, to the secretary in the format prescribed by the division. Each application for renewal of a license shall be submitted at least 45 days before the expiration of the current license. This requirement may be waived by the secretary upon a showing of good cause. If a waiver is granted, a reasonable deadline may be established by the secretary for submittal of the required renewal application.

(b) Upon receipt of an application for a license or for renewal of a license, a survey of the applicant agency or licensee may be conducted by the division to determine whether the applicant agency or licensee is in compliance with the applicable requirements of this article or can be expected to be in compliance with the applicable requirements of this article during the term of the requested license.

(c) At any time deemed appropriate by the division, a licensee may be formally resurveyed by the division to determine whether the licensee continues to be in compliance with the requirements of this article. No prior notice by the division of its intent to conduct a continuing compliance survey shall be required to be given to a licensee. Neither technical assistance provided to a licensee nor ongoing monitoring of a licensee's programs and services by any employee of the division assigned by the department to perform quality assurance duties shall be construed to constitute a formal resurvey for compliance under this subsection. However, if an employee of the division observes any evidence of noncompliance with the requirements of this article by a licensee, a compliance resurvey under this subsection may be instituted.

(d) Following any initial, renewal, or continuing compliance survey, the applicant agency or licensee shall be notified of the division's findings in writing. Any applicant agency or licensee that disagrees with any finding of the division that the applicant agency or licensee is not in compliance with an applicable requirement of this article may submit, in writing and within 15 days of receipt of the division's survey findings, any arguments and supporting documents that the applicant agency or licensee wishes the division to consider. These written materials shall become a part of the record concerning the agency's application for a license or application for renewal of its license. Based upon these materials, a determination may be made by the division to resurvey the applicant agency or licensee or to revise the division's survey findings. If a resurvey or revision of the division's findings is made, the applicant agency or licensee shall be notified of the division's new findings, in writing.

(e) Upon receipt of an application for a license or for renewal of a license, or following any initial, renewal, or continuing compliance survey, a recommendation for the issuance of a provisional license to begin or continue operations by an applicant agency or licensee may be made to the secretary by the division. Each provisional license issued shall include the requirement that the applicant agency or licensee develop, submit, and implement a plan of corrective action to bring the applicant agency or licensee into compliance with the applicable requirements of this article.

(1) This plan of corrective action shall be submitted to the division within 30 days following receipt by the applicant agency or licensee of the division's written request for a plan of corrective action.

(2) The plan of corrective action shall be reviewed by the division to determine the following:

(A) Whether the plan adequately addresses all of the areas of noncompliance cited in the division's survey report; and

(B) whether a follow-up resurvey is necessary to determine that the plan has been fully implemented and that the applicant agency or licensee is in compliance with the applicable requirements of this article. No prior notice by the division of its intent to conduct a resurvey shall be required to be given to the applicant agency or licensee.

(3) The division's findings from any follow-up resurvey shall be provided to the applicant agency or licensee, in writing, and may include a recommendation to the secretary that a license be issued, that the application be denied, that a license be revoked, or that further corrective action be taken by the applicant agency or licensee.

(4) Failure of an applicant agency or licensee to submit or to fully implement an acceptable plan of corrective action may be grounds for denial or revocation of a license, regardless of whether or not a provisional license has been recommended or issued.

(f) (1) If the division determines upon receipt of an application for a license, an application for renewal of a license or a plan of corrective action, that no compliance survey or resurvey is necessary, a recommendation may be made by the division to the secretary that the applicant agency or licensee merits the public's trust and that a license should be issued for a specified term.

(2) If a compliance survey or resurvey finds that the applicant agency or licensee is in compliance with the applicable requirements of this article, or can be expected to be in compliance with the applicable requirements of this article during the term of the requested license, a recommendation may be made by the division to the secretary that the applicant agency or licensee merits the public's trust and that a license should be issued for a specified term.

(3) If a compliance survey or resurvey does not find that the applicant agency or licensee is in compliance with the applicable requirements of this article, or can not be expected to be in compliance with the applicable requirements of this article during the term of the requested license, or if the division determines that the applicant agency or licensee does not merit the public's trust, a recommendation may be made by the division to the secretary that the application should be denied. A copy of any recommendation made by the division to deny a license, or to deny renewal of a license, shall be sent to the applicant agency or licensee by registered mail and addressed to the executive director of the applicant agency or licensee, and shall clearly state the reasons for the recommended denial. Any recommendation for denial of a license, or denial of renewal of a license, may be appealed to the office of administrative hearings within the Kansas department of administration in accordance with article 7.

(g) Each license issued by the secretary in accordance with this article shall be in effect for a term to be stated upon the license, which shall not exceed two years, unless revoked earlier for cause.

(h) Each provisional license issued by the secretary shall specify the length of time for which it shall be valid, but in no case shall a provisional license be valid for more than six months. Successive provisional licenses may be issued.

(Authorized by K.S.A. 75-3307b; implementing K.S.A. 75-3307b, 75-3307c, and 75-3304a; effective Oct. 28, 1991; amended July 7, 2003.)

***** Authenticated Kansas Administrative Regulation *****