Kansas Administrative Regulations

Kansas Department for Children and Families

Article 22.—Licensing of Psychiatric Hospitals; Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Facilities for Handicapped Persons

30-22-32. Application for state financing of community mental retardation centers under the community mental retardation centers assistance act.

Recognized community mental retardation centers may apply for state financing by submitting a report to the secretary of social and rehabilitation services (SRS) which indicates the number of program units generated by eligible clients actively enrolled in the center or contracted affiliates on December 31st of each year. (a) Client eligibility. A client shall be eligible and shall generate program units for a center if the client meets the following conditions:

(1) Is mentally retarded, or otherwise developmentally disabled;

(2) is 18 years of age or older;

(3) has an individual habilitation plan (IHP) acceptable by the SRS area office;

(4) is not being supported in whole or in part by a special grant from SRS to support clients transferred from a state hospital or training center, private ICF/MR, or from community waiting lists;

(5) is accepted for a program by the facility on a "first-come, first-serve basis in order of the time at which an application for admission was made to such facility on behalf of the client, except that a client accepted for a program by a facility on other than a first-come, first-serve basis because of a family crisis occasioned by family circumstances shall constitute a full-time equivalent client." A family crisis occasioned by family circumstances shall be considered on an individual basis. Standards and guidelines shall be established by each agency board of directors and shall upon request of the secretary be made available for review by the secretary. The standards and guidelines established by the agency board of directors shall specify to the extent known the types of family crises most likely to necessitate admission to a facility and shall establish

criteria for determining the appropriateness of such admission. Standards and guidelines for defining family crises shall specify family situations which make it impossible or extremely difficult for the family unit to provide or continue provision of that care and programming which the client needs based on the client's current behavior, functioning and medical needs. Age, health, transportation and financial capabilities of responsible family members, as well as client needs, shall be valid considerations in determining crises situations;

(6) is not being funded in a certified ICF/MR operated by the center; and

(7) is served by a recognized community mental retardation center or contracted affiliate.

(b) Program eligibility. The following programs as defined in K.A.R. 30-22-31 shall be eligible for generating state financing when provided to an eligible client:

(1) Adult day care;

(2) adult life skills;

(3) work activity;

(4) work adjustment;

(5) occupational skills training;

(6) supported employment;

(7) group living; and

(8) semi-independent living.

The center shall be restricted to programs (1) through (8) in computing program units, but shall not be restricted to programs (1) through (8) in expending the grant funds they receive.

(c) Contracts between community mental retardation centers and other providers. Contracts between community mental retardation centers and other providers shall define an unmet program need, and shall be subject to the approval of the secretary of SRS before any state grants shall be awarded.

(d) Per diem calculations. A per diem will be calculated using the following method:

(1) By June 1 of each year, the amount of grant which is held harmless ($5,216,286) will be subtracted from the total amount of the grant appropriated for the fiscal year beginning July 1.

(2) The resulting amount will be divided by the total number of program units reported by all of the centers for December 31st of the previous year.

(e) Center awards. The per diem will be multiplied by the total number of program units for each center. This amount will be added to the hold harmless grant for each center. The sum of these amounts will constitute the total grant award to be made to each center for the following fiscal year.

(f) Hold harmless distribution. There are established two mechanisms for distributing the state appropriation subject to the hold harmless levels defined in K.A.R. 30-22-31.

(1) If in the event an appropriation meets or exceeds the state's hold harmless level, the grant for a center will be determined by subsection (e).

(2) If in the event the appropriation is less than the state's hold harmless level, then each center shall receive a grant award that is prorated based upon the percentage that each center's hold harmless level comprises the state's hold harmless level.

(g) Annual and quarterly reports. Each center and affiliate shall submit an annual report within 120 working days after the end of the state fiscal year. The center and affiliate shall also submit quarterly reports within 45 days after the close of the quarter. The annual and quarterly reports shall:

(1) Be on forms and in such detail as prescribed by the secretary;

(2) describe by program their income, expenditures, clients and program units; and

(3) include the number and names of clients on their waiting lists.

(h) Annual audit reports. Each center shall file a copy of its annual audit report certified by an independent auditor to social and rehabilitation services, mental health and retardation services.

(i) Audits. Program units reported on the state grant application shall be verified by auditors of the department of social and rehabilitation services.

(j) Underpayments or overpayments. Underpayments or overpayments resulting from audit reports or corrections to prior quarterly reports, shall be subtracted from or added to the payments made on October 1 and April 1.

(k) Withdrawal of funds. Funds may be withdrawn from any center that:

(1) Does not maintain eligibility;

(2) is not being substantially administered according to the grant application, including providing fewer than 95% of the number of program units upon which the center's grant was awarded. In the event a center provides fewer than 95% of the number of program units in the center's grant award, the secretary may calculate the amount to be withdrawn according to the per diem rate multiplied by the number of program units short of the grant award.

(l) Proration of withdrawn funds. If in the event the grant was reduced, withdrawn funds shall be prorated to the other centers according to the method described in subsection (e), and shall be distributed in the April 1 payment.

(m) Appeal of withdrawn funds. Centers may appeal to a review board any withdrawn funds if there are extenuating circumstances that caused them to provide fewer than 95% of the program units in their grant award. Extenuating circumstances include unforeseen changes in funding or client caseload, or unpredictable disasters. The review board shall be comprised of four individuals, two selected by the secretary and two selected by the Kansas association of rehabilitation facilities.

(n) Withholding of payments. The secretary may withhold payments from a center for one or more of the following reasons:

(1) Failure to submit required reports;

(2) unreasonable delay in the submission of required reports; or

(3) failure to enter into an affiliate agreement with a center in order to avoid duplication. The effective date of this regulation shall be January 1, 1990.
(Authorized by and implementing K.S.A. 1988 Supp. 65-4411, 65-4412, 65-4413, 65-4414, 65-4415; effective May 1, 1987; amended May 1, 1988; amended Jan. 1, 1990.)