Legislative History

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| **1961** | State law established the opportunity for Kansas Counties to designate a CMHC in a single county or to cooperate with other counties to create a CMHC. |
| **1964** | Legislation was signed into law allowing a mill levy in each of the 105 counties in Kansas to support CMHCs. |
| **1974** | State Formula Aid established on a matching basis to support general mental health services among CMHCs. Local dollars could be matched for state dollars. |
| **1979** | Added $200,000 to “649”.  (State Formula Aid Program) |
| **1980** | Added $1.4 million to “649”, a 45% increase.  Defeated effort to lower state match from 50% to 33%. |
| **1981** | Added $400,000 to “649”, a 9% increase. |
| **1982**    | Added $900,000 to “649”, a 20% increase. Increased special projects funding by $500,000. Increased authority to raise county mill levy to 1 mill. |
| **1983** | MediKan adopted.  (Mental Health services included.) |
| **1984** | Added $1.3 million to “649”, a 24% increase. Continued licensure status for affiliate CMHCs in TopekaAnd Wichita. Made CMHCs the screener for competency to stand trial.  $60,000 appropriated to pay forevaluations. |
| **1985** | Added $810,000 to “649”, a 12% increase. |
| **1986** | Added $204,000 to “649”, a 3% increase. Passed Mandated Psychiatric Coverage for all insurance sold inKansas. Complete revision of Kansas commitment law. Reformed and unified “privileged communication”between hospitals and centers.   |
| **1987** | Exempt CMHCs from sales tax. RMLP statute passed.  Increased authority to raise county mill levy to 2mills. Liability protection for CMHC boards. Closed-out “649” program, redistributed state aid.  IncreasedState Aid by $1.8 million. |
| **1988** | Added $1.6 million to under-funded centers, assured all centers at least $3.27 per capita. Zoning exemptionsfor mental health group homes. Exempt CMHCs from property tax.  Places CMHCs under local boards ofhealth within 2 mill levy limit. Continued established “soft-match” program to capture FFP. Later to becomecertified match program. |
| **1989** | Defeated bill that would have placed CMHCs under a regional authority. Laid the groundwork for passingmental health reform. Increased funding to CMHCs by $2.5 million. Scholarship authority to CMHCs. |
| **1990** | Mental Health Reform Act passed and viewed as landmark legislation. Added $1.5 million for Mental HealthReform. |
| **1991** | Prevented unworkable licensure standards by the state.  Exempted CMHCs from local tax lid. Extraterritoriality passed, makes insurance mandates applicable to all insured. Added mentally ill to Kansas CivilRights Code. Added $3.6 million to Mental Health Reform. Blocked legislation that would have placed sexual offenders under responsibility of CMHCs with no new funding.  Expanded exemption for group homes. |
| **1992** | Passed local sales tax of up to 1% for health care including mental health care. Exempted CMHCs fromnew tax lid. Included psychiatric coverage in small groups/”bare bones” insurance policies. Authority forCMHCs to join state health insurance program. Authority for CMHCs to join state retirement program(KPERS). Restored $223,663 to CMHC Medicaid program. Added $4.3 million to Mental Health Reform.Started pilot project for children $187,000 plus FFP. |
| **1993** | Added $1.0 million for CMHC vocational rehabilitation program. Added over $300,000 to children’s projectIn Shawnee County, plus FFP. Kept CMHCs at status quo in the MediKan program. Added $4.3 million forMental Health Reform. |
| **1994** | Added $3.7 million for Mental Health Reform. |
| **1995** | Added $2.4 million for Mental Health Reform and $800,000 to restore Medicaid pool. |
| **1996** | Added $668,000 to Mental Health Reform. Added $7.9 million in on-going funds for community services toserve increased number of individuals in community services due to the closure of Topeka State Hospital.Added $2.1 million start-up funds for the 30 CMHCs. Added $500,000 start-up funds for statewide MISsystem. Added $500,000 start-up funds for statewide telepsychiatry. |
| **1997** | Added $75,000 for vocational rehabilitation grants. Added $200,000 for advocacy organizations and consumer run organizations. Added $1 million for SED Waiver. Added $680,000 for anti-psychoticmedications for indigent consumers. Added $2.5 million for community programs grants for Juvenile JusticeAuthority. Added $2 million for community planning effort for Juvenile Justice Authority. |
| **1998** | Added $200,653 for 2% increase in State Aid. Added $356,519 for 2% increase on Mental Health Reform.Added $157,800 for 2% increase on Topeka State Hospital grants. Added $1.2 million for SED Waiver.Added unlimited re-appropriation language (this resulted in additional funding for the waiver of $600,000).Added language to House Substitute for Senate Substitute for S.B. 424 requiring SRS to structure the RFPon Title XXI to allow CMHCs to bid. Added $67,500 for vocational rehabilitation grants. Added $4 million forMedicaid physician rate increases, including psychiatrists. Added $3.5 million for juvenile offender casemanagement contracts. Added $3.1 million for juvenile diversion programs. |
| **1999** | Added $500,000 for pilot projects to provide children mental health services in the school settings, focusingon violence prevention. Added $750,000 for homeless grants. Added $1,250,000 for the SED Waiver.Added $5 million to the Statewide Family-Centered System of Care Project. |
| **2000** | Restored $600,000 base budget made in Governor’s Budget. Added $1 million for therapeutic preschoolprograms. |
| **2001** |  Mental Health Parity passed.   Added $1.8 million for SED Waiver. |
| **2002**  | Successfully excluded mental health drugs from preferred formulary and prior authorization. $2 million in new funds for children’s mental health services and community outreach, funded by the Children’s Initiative Fund. Successfully restored $228,000 of the $500,000 in School Violence Prevention Program funding. Children’s Mental Health Initiative funding from the Children’s Initiative Fund remains in tact, minus the enhancement of $700,000 recommended by the Governor for FY03. Supported NFMH Proviso requiring SRS to complete a valid resident assessment on each person residing in an NFMH; identify adequate alternative community services before discharge; prior to July 1, SRS shall not restrict admission to an NFMH or remove anyone from an NFMH who is SPMI when alternative services are not adequate. Successfully opposed legislation and proviso language allowing foster care contractors to become eligible Medicaid providers for mental health services. Restored $3 million in CMHC grants originally included in Governor’s initial budget recommendations. Restored $1.4 million of $3 million for state only payments for mental health services in Medikan rates paid to CMHCs for NFMH services. Family Centered System of Care fully funded at $5 million. Therapeutic Preschool fully funded at $1 million. Supported legislation licensing and regulating marriage and family therapists.  Also directed BSRB to issue a license to an applicant for doctoral level psychologist who has passed an examination in psychology. |
| **2003**  | Successfully restored$1.5 million in State Aid cut in FY03 for FY04.  This, added to the Governor's FY04 Budget Recommendation restores all cuts to State Aid for FY04. Successfully restored$228,000 to School Violence Prevention programs funded through the Children’s Initiative Fund. Successfully restored $40,000 in Children’s Initiative Funding used to fund in partthe SED Waiver. Successfully restored $40,000 in Children’s Initiative Funding used to fund the Family Centered System of Care. ***An important note - the funding cuts CMHCs received in FY03 were not restored in FY03.*** |
| **2004**  | Successfully restored the funding for the Larned State Hospital Children’s Unit, which was not funded in the Governor’s Budget. Successfully fended off the proposal by SRS to expand the Medicaid Medical Card to private providers for mental health services, with a proviso in the Omnibus Appropriations bill. Retained $500,000 in new funding to CMHCs for Children Mental Health Initiatives in the FY05 Omnibus Appropriations bill. Successfully resolved one CMHC’s dilemma of a child psychiatrist being licensed to work part time at the CMHC while being institutionally licensed at Larned State Hospital.  This issue was resolved without invoking a legislative proviso in the Omnibus Appropriations bill. Successfully got the issue of SRS accepting national accreditation of CMHCs (“Deemed Status”) as a discussion topic at a meeting with the Secretary of SRS after the legislature adjourns.  This was accomplished without invoking a legislative proviso in the Omnibus Appropriations bill. Successfully maintained at least level funding for all CMHC state-funded programs in a very tight budget year.  One exception is $1 million cut to the JJA budget, which appears will be spread out across several programs.  The JJA had unspent funds from FY 2004 that will make up some of that difference.  Impact to CMHCs will be minimal.  |
| **2005** | Successfully supported a proviso in the Omnibus Appropriations bill to prevent attempts to expand the Medicaid Medical Card to private providers for mental health services. Successfully maintained at least level funding for all CMHC state-funded programs in a very tight budget year. Successfully supported the expansion of SB 123 (HB 2231) to reach individuals with treatment for substance abuse rather than incarceration if they meet the criteria. Successfully opposed SB 221 which would have put individuals released from state institutions for mental illness on a national database re: gun registration, thus discriminating against those with mental illness.  |
| **2005****Special****Session**  | Successfully fended off attempts by the Legislature to impose across-the-board cuts of 8.4% to fund an education package.   |
| **2006** | Successfully restored the funding for the Community Support Medication Program, with $300,000 above the Governor’s recommendation for FY 2006, and $250,000 above the Governor’s recommendation for FY 2007. Successfully restored the funding for State Hospitals for FY 2007, with Larned State Hospital increases for operating costs, utilities, staffing at $2,137,538 above Governor’s recommendation. Osawatomie State Hospital increases for operating costs, utilities and pharmaceuticals $422,627 were above Governor’s recommendation. Rainbow Mental Health Facility increases for operating costs, utilities were $11,304 above Governor’s recommendation. Successfully amended a proviso so that Medicaid mental health services program or waiver for children requires providers may associate (instead of the original “affiliate” language) with a community mental health center before providing such services, and CMHCs required to establish agreements with additional willing providers, keeping oversight and 18% of total payment for administrative costs. Successfully pushed back an attempt to eliminate the MediKan program in Kansas, with the following stipulations:**Presumptive Eligibility** – Postponed implementation until April 1, 2007, with report on implementation plan to the Legislature by the first day of 2007 session.**Presumptive Disability** – Postponed implementation until March 1, 2007, adding $1.56 million and 2 FTEs for the program in FY 2007 with report on implementation plan by the first day of 2007 session. Successful in having language included in the Omnibus bill requiring the agency to report on long-term plans for the provision of Level V and VI residential services to the 2007 legislature. It was agreed to appropriate $800,000 for FY 2007 to allow for planning time.Successful in the legislature agreeing to an interim study on how and if Medicaid beneficiaries should be required to provide a current Kansas resident driver’s license or ID card with their medical card each time care is received. Successful in the legislature agreeing to an interim study of the public mental health system since 1990’s Mental Health Reform legislation, to identify adequacy of state psychiatric hospitals and community based services.  |
| **2007** | CMHC Certified Match Replacement Funds at $17 million. PAHP administration funding at $15,468,000. $150,000 each for NAMI and Keys For to support services for mentally ill adults, children and their families. Add $1.9 million SGF for contracts with local hospitals to provide inpatient mental health services for youth in FY 2008. Presumptive Disability: Review the effect of the Presumptive Disability program on Kansans who apply for disability and are not Medicaid eligible. Add $300,000, including $150,000 from the State General Fund, in FY 2008 to address backlog issues with the Presumptive Medical Disability process. Health Insurance Premium Assistance: Add $850,000, including $675,000 from the State General Fund, and 6.0 FTE positions in FY 2008 to address the fiscal impact of 2007 Substitute for SB 11 as it relates to the premium assistance program and the Office of the Inspector General. Include a proviso lapsing the funding if the bill does not become law.Osawatomie State Hospital: Add $2.7 million, all from the State Institutions Building Fund, in FY 2008 to begin remodeling of an existing building to allow the opening of an additional 30-bed treatment unit in FY 2009. Add $18,800, all from the State General Fund, in FY 2008 to replace one vehicle in FY 2008.Larned State Hospital: Add $25,172, all from the State General Fund, to reflect adjustments in the categorical aid rates in FY 2007. Add $230,420, all from the State General Fund, in FY 2008 to increase salaries for Licensed Practical Nurses from $13.68 per hour to $15.84 per hour. Add $34,611, all from the State General Fund, to reflect adjustments to the categorical aid rates in FY 2008. Add $18,384, all from the State General Fund, to reflect teacher salary increases of 4.0 percent in FY 2008. Concur with the Senate. Concur 4. 4. 4. with the Senate. Add $62,600, all from the State General Fund, in FY 2008 to replace four vehicles in FY 2008.PRTFs: Add $400,000, all from the State General Fund, in FY 2008 to fund approximately 46 of the estimated 100 beds in the psychiatric residential treatment facilities added in 2007 SB 95 that are eligible for the two-for-one educational funding. Adopt GBA No. 2, Item 22, Page 17 to delete $4,094,149, all from federal funds, in FY 2007 for psychiatric residential treatment facilities. The 2007 Legislature deleted $1,120,100, all from the State General Fund, for this item in 2007 HB 2368.Mental Health Parity: The Senate Ways & Means Committee recommended this topic be referred to the Legislative Coordinating Council for interim study. |
| **2008** | Facing a reduction in CMHC grant funding of $15.8 million, the legislature approved restoration of $7 million of that total. $1.4 million was appropriated in the SRS budget for OSH to staff a new 30-bed unit (scheduled to go online January of 2009). $400,000 was appropriated in the SRS budget for planning purposes for building a new adult treatment unit at LSH. Governor's Budget Amendment for $6.6 million was approved to restore funding in the KHPA budget for MediKan (the agency attempted to implement a Preferred Drug List (PDL) for MediKan, which would have limited access to critical medications for mental health consumers). The following proviso was also approved: *Provided, that the Kansas Health Policy Authority shall submit to the Senate Committee on Ways and Means and the House of Representatives Committee on Appropriations at the beginning of the 2009 regular session of the Legislature, a report of the amount of savings achieved from the implementation of a preferred drug formulary for the MediKan program. Provided further, that the Kansas Health Policy Authority shall not require an individual who is currently prescribed medications for mental health purposes in the MediKan program, to change prescriptions under a preferred drug formulary in the fiscal year ending June 30, 2009. Provided further, all prescriptions paid for by the MediKan program shall be filled pursuant to KSA 65-1637(a). Provided further, that the Kansas Health Policy Authority shall follow the existing prior authorization protocol for reimbursement of prescriptions for the MediKan program for the fiscal year ending June 30, 2009.* |
| **2009.**  | **Restoration of $5 million in CMHC grant funding.** The Association successfully persuaded legislators to restore $5 million of the $7 Million cut proposed by the Governor for Community Mental Health Center Grant funding. **Preferred Drug Formulary For Medikan Repealed.** The Association successfully persuaded legislators to include a proviso in the Senate version of the final budget bill that does not allow the Kansas Health Policy Authority to implement a preferred drug list for MediKan beneficiaries.**Preferred Drug Formulary For Medicaid Defeated.**  The Association successfully persuaded legislators to defeat a measure that would have removed the exemption of mental health drugs from a formulary or preferred drug list for Medicaid beneficiaries. This bill started off as Senate Bill 166 and was introduced at the request of the Kansas Health Policy Authority. **Liquor Tax:** 1)  Cities and counties get to keep liquor tax dollars at 2009 levels;  2)  Substance abuse language and the expanded DSM IV has been adopted into the Compromise language for Parity specific to Kansas--instead of only the 12 current diagnosis.  **Mental Health Parity**: Mental Health Parity began life in the 2009 Kansas Legislature as House Bill 49. It ended as a conference committee report on House Bill 2214. This compromise improves mental health statutes, eliminates outdated standards and achieves the following objectives, which:  * Modernize the mental health statutes to reflect the actual standards being currently applied to insurance regulation and delete unenforceable items;
* Apply federal parity standards to large group coverage of substance abuse treatment (as required by federal parity act);
* Apply equal standards to co-pays, deductibles, out of pocket expenses and other treatment limitations for all policies.
* Eliminate the list of biologically based illnesses, providing consistent coverage for all mental illnesses listed in the DSM-IV.  Currently, only that list of illnesses receives the equal treatment required by the parity act.
* Delete the outdated and discriminatory formula for mental health coverage.  Currently, certain diagnoses are covered by the following formula:  100% of the first $100, 80% of the next $100 and 50% of the next $1640 in any year and limited to not less than $7500 in such person's lifetime - this formula was known as "first dollar coverage".
* Update small group policies and double lifetime limits for outpatient treatment from $7,500 to $15,000 for out-patient coverage, and eliminate annual limits.
* Replace the term "nervous and mental conditions" with "mental illness" to be consistent throughout the statutes.

**Bills Defeated**. The Association rose in opposition to the following pieces of legislation, which ultimately did not pass. **SB 272** : This bill would have limited reimbursement to providers for court ordered evaluations, to the Medicaid rate for such evaluations. The bill did not address types of evaluations, length of time or involvement of staff, family members, and others in such evaluations.**SB 2209**: This bill would have increased the number of days an individual charged with a crime would be held while waiting evaluation for competency, among other similar requirements around competency that would have been detrimental to those with mental illness.**HB 2275**: This bill would have required drug testing for anyone who applied for general cash assistance in Kansas, including MediKan beneficiaries. |

Submitted by David Wiebe, retired Executive Director of Johnson County Mental Health Center