

Kansas Administrative Regulations Economic Impact Statement (EIS)

Department for Children and Families
Agency

Rebecca Gerhardt
Agency Contact

785-296-3825
Contact Phone Number

30-47-100, 30-47-102, 30-47-103, 30-47-104, 30-47-105, 30-47-106, 30-47-107, 30-47-108, 30-47-109,
30-47-110, 30-47-111, 30-47-112, 30-47-113, 30-47-114, 30-47-115, 30-47-116, 30-47-117, 30-47-118,
30-47-119, 30-47-120, 30-47-121, 30-47-122, 30-47-123, 30-47-124, 30-47-125, 30-47-126, 30-47-127

Permanent Temporary

K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

The Kansas Department for Children and Families (DCF) is promulgating regulations applicable to Juvenile Crisis Intervention Center (JCIC), as defined in K.S.A. § 65-536. The statute describes an intervention center as a facility that provides short-term observation, assessment, treatment, case planning and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to themselves or others.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The proposed regulations are not mandated by the federal government. In drafting regulations for JCIC the following states regulations were reviewed: Wisconsin, Oklahoma, Nebraska, Kentucky, Florida and Iowa.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

Juvenile Crisis Intervention Centers are a new type of child care facility created by K.S.A. 65-536, which became effective July 1, 2018. Juvenile Crisis Intervention Centers will be administered by public or private entities. As such, these regulations will allow these new facilities to be opened and will enhance business activity. The statute requires DCF to promulgate rules and regulations on or before January 1, 2019. To date, no JCIC physical facility is in operation.

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- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

K.S.A 65-536 (h) provided funding, not to exceed \$2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention services in the secretary of corrections budget. Kansas Department of Corrections – Juvenile Services previously budgeted this \$2,000,000 as a recommendation from the Juvenile Justice Oversight Committee to use evidenced base funds to support base funding of a JCIC. The \$2 million was an estimate of cost for the services and there still are no expenditures to apply to those funds since no JCIC’s have been established. No revenues to report. DCF had expenditures for the promulgation of the rules and regulations but those were minimal and absorbed within DCF’s budget.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Businesses directly affected by the proposed rules and regulations will be those which choose to open and operate Juvenile Crisis Intervention Centers. There are no centers open to date.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Juvenile Crisis Intervention Centers could provide an essential component of the service array available to Kansas children in crisis. This would be accomplished through providing short-term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others. They would address or ensure access to the broad range of services to meet the needs of a juvenile admitted to the center, including, but not limited to, medical, psychiatric, psychological, social and educational services.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

In developing the proposed regulations, care has been taken to consider the best practices in child welfare as necessary for the benefit of the health, safety, and welfare of children who will reside in a JCIC. It is not anticipated that the proposed rules and regulations will have an adverse cost or impact on business and economic development. To the contrary, providing effective care to children in crisis will enhance business and economic development, not only as to the facilities themselves, but also to the communities they serve. As stated above in section III (B), DCF has absorbed the costs of the promulgation of the rules and regulations within current budget to assure minimized costs.

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- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0
Costs to Local Governmental Units – \$0
Costs to Members of the Public – \$0
Total Annual Costs – \$0
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The state will pay the JCIC when a child is placed at the facility. The payment should cover all the costs associated with that placement. It is not anticipated that the regulations will, themselves, impose compliance costs which will be passed along to business, local governments, or members of the public. Any compliance costs will be incurred by JCIC’s themselves and are included in the estimated costs set forth in section III (B) above.

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, [click here to enter public hearing information.](#)

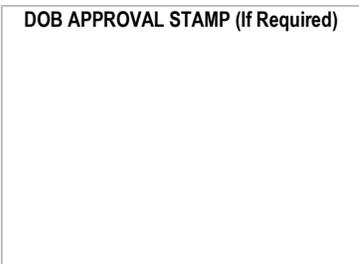
Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None expected if the \$2 million previously appropriated from the evidence-based programs account of the state general fund in the Department of Corrections is still available.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The rules and regulations do not increase or decrease revenues of small employers and the general public, nor do they impose functions or responsibilities on small employers and the general public that will increase expenditures or fiscal liability

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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The rules and regulations do not increase or decrease revenues of cities, counties or school districts nor do they impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

In May 2018, during the initial phases of drafting the proposed regulations, staff from the DCF Foster Home and Residential Facility Licensing Division consulted with the Kansas Association of Community Mental Health Centers to gather input. Once a draft of the regulations was completed in August 2018, the draft was distributed to various Community Mental Health Centers for comment. These comments were compiled by the Kansas Association of Community Mental Health Centers and received and incorporated into the draft regulations by staff from the DCF Foster Home and Residential Facility Licensing Division in September 2018. Also in September 2018, staff met with the Director of Juvenile Services Center for Johnson County Department of Corrections

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

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- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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Kansas Administrative Regulations
Economic Impact Statement
Public Hearing Certification
(To be completed after the public hearing)

Agency: [Click here to start typing](#)

Agency Contact: [Click here to start typing](#)

Phone Number or Email: [Click here to start typing](#)

K.A.R. Number(s): [Click here to start typing](#)

Public Hearing Date: [Select date](#)

Public Hearing Time: [Click here to start typing](#)

Public Hearing Location: [Click here to start typing](#)

Public Hearing Attendance: [Click here to start typing](#)

DOB APPROVAL STAMP (If Required)