

FILE

Subject

Health, Public
City & County

Copy to

Health Planning



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

March 21, 1974

Opinion No. 74-94

Mr. John Dekker
Director of Law
Office of the City Attorney
Suite 600
City Building Annex
Wichita, Kansas 67202

Dear Mr. Dekker:

Please excuse my long delay in responding to your letter of October 23, 1973. You inquire whether the Health Planning Council of South Central Kansas (HPC) must review and/or certify alcoholism-related programs and proposals originating in Wichita-Sedgwick County, specifically the "Comprehensive Alcoholism Plan" developed by the Wichita-Sedgwick County Task Force on Alcoholism.

K.S.A. 65-2a02 sets out the duties of "planning agencies", such as the HPC. Subsection (d) is the only provision vesting in the HPC the authority to approve or reject proposed actions:

"Review of individual proposals for the construction, alteration, addition, expansion, or modernization of health facilities or services, and make decisions as to the need and desirability for the particular proposal in accordance with the principles developed pursuant to subsection (a)"

Wichita-Sedgwick County's Comprehensive Alcoholism Plan is exactly that -- a master plan against which specific proposals for alcoholism treatment facilities and services will be evaluated by Wichita and Sedgwick County, to assist those agencies in determining which of such facilities merit their support. It is not, in itself, a "facility or service" proposed for "construction, alteration, addition, expansion, or modernization". Accordingly, it does not need to be submitted to the HPC for formal approval.

I hope that this opinion will facilitate the adoption of the plan which will, in turn, advance the objective of alcoholism treatment in your area.

Very truly yours,

A handwritten signature in cursive script that reads "Vern Miller".

VERN MILLER
Attorney General

VM:WHW:pw