

SENATE BILL No. 236

By Committee on Ways and Means

3-14

1 AN ACT concerning social welfare; relating to the reporting of adult care
2 home resident deaths; amending K.S.A. 2012 Supp. 39-1431 and
3 repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 39-1431 is hereby amended to read as
7 follows: 39-1431. (a) Any person who is licensed to practice any branch of
8 the healing arts, a licensed psychologist, a licensed master level
9 psychologist, a licensed clinical psychotherapist, the chief administrative
10 officer of a medical care facility, a teacher, a licensed social worker, a
11 licensed professional nurse, a licensed practical nurse, a licensed dentist, a
12 licensed marriage and family therapist, a licensed clinical marriage and
13 family therapist, licensed professional counselor, licensed clinical
14 professional counselor, registered alcohol and drug abuse counselor, a law
15 enforcement officer, a case manager, a rehabilitation counselor, a bank
16 trust officer or any other officers of financial institutions, a legal
17 representative, a governmental assistance provider, an owner or operator of
18 a residential care facility, an independent living counselor and the chief
19 administrative officer of a licensed home health agency, the chief
20 administrative officer of an adult family home and the chief administrative
21 officer of a provider of community services and affiliates thereof operated
22 or funded by the ~~department of social and rehabilitation services~~ *Kansas*
23 *department for aging and disability services* or licensed under K.S.A. 75-
24 3307b, and amendments thereto, who has reasonable cause to believe that
25 an adult is being or has been abused, neglected or exploited or is in need of
26 protective services shall report, immediately from receipt of the
27 information, such information or cause a report of such information to be
28 made in any reasonable manner. An employee of a domestic violence
29 center shall not be required to report information or cause a report of
30 information to be made under this subsection. Other state agencies
31 receiving reports that are to be referred to the ~~department of social and~~
32 ~~rehabilitation services~~ *Kansas department for children and families* and
33 the appropriate law enforcement agency, shall submit the report to the
34 department and agency within six hours, during normal work days, of
35 receiving the information. Reports shall be made to the ~~department of~~
36 ~~social and rehabilitation services~~ *Kansas department for children and*

1 families during the normal working week days and hours of operation.
 2 Reports shall be made to law enforcement agencies during the time ~~social~~
 3 ~~and rehabilitation services~~ *Kansas department for children and families*
 4 are not in operation. Law enforcement shall submit the report and
 5 appropriate information to the ~~department of social and rehabilitation~~
 6 ~~services~~ *Kansas department for children and families* on the first working
 7 day that ~~social and rehabilitation services~~ *the Kansas department for*
 8 *children and families* is in operation after receipt of such information.

9 (b) (1) *Any operator or licensed adult care home administrator shall*
 10 *report any death of a resident to the coroner or deputy coroner of the*
 11 *county in which the death occurred, regardless of whether such operator*
 12 *or licensed adult care home administrator has reasonable cause to believe*
 13 *that such death occurred as a result of natural causes, abuse, neglect or*
 14 *any other cause.*

15 (2) *Any chief administrative officer of a medical care facility shall*
 16 *report any death of a resident kept, cared for, treated, boarded or*
 17 *otherwise accommodated in a medical care facility to the coroner or*
 18 *deputy coroner of the county in which the death occurred, regardless of*
 19 *whether such chief administrative officer has reasonable cause to believe*
 20 *that such death occurred as a result of natural causes, abuse, neglect or*
 21 *any other cause.*

22 (3) *As used in this subsection, "operator" and "resident" shall mean*
 23 *the same as in K.S.A. 39-923, and amendments thereto.*

24 (b) (c) The report made pursuant to subsection (a) shall contain the
 25 name and address of the person making the report and of the caretaker
 26 caring for the involved adult, the name and address of the involved adult,
 27 information regarding the nature and extent of the abuse, neglect or
 28 exploitation, the name of the next of kin of the involved adult, if known,
 29 and any other information which the person making the report believes
 30 might be helpful in the investigation of the case and the protection of the
 31 involved adult.

32 (e) (d) Any other person, not listed in subsection (a), having
 33 reasonable cause to suspect or believe that an adult is being or has been
 34 abused, neglected or exploited or is in need of protective services may
 35 report such information to the ~~department of social and rehabilitation~~
 36 ~~services~~ *Kansas department for children and families*. Reports shall be
 37 made to law enforcement agencies during the time ~~social and rehabilitation~~
 38 ~~services~~ *Kansas department for children and families* are not in operation.

39 (d) (e) A person making a report under subsection (a) shall not be
 40 required to make a report under K.S.A. 39-1401 to 39-1410, inclusive, and
 41 amendments thereto.

42 (e) (f) Any person required to report information or cause a report of
 43 information to be made under ~~subsection~~ *subsections (a) or (b)* who

1 knowingly fails to make such report or cause such report not to be made
2 shall be guilty of a class B misdemeanor.

3 ~~(f)~~ (g) Notice of the requirements of this act and the department to
4 which a report is to be made under this act shall be posted in a conspicuous
5 public place in every adult family home as defined in K.S.A. 39-1501, and
6 amendments thereto and every provider of community services and
7 affiliates thereof operated or funded by the ~~department of social and~~
8 ~~rehabilitation services~~ *Kansas department for aging and disability services*
9 or other facility licensed under K.S.A. 75-3307b, and amendments thereto
10 and other institutions included in subsection (a).

11 Sec. 2. K.S.A. 2012 Supp. 39-1431 is hereby repealed.

12 Sec. 3. This act shall take effect and be in force from and after its
13 publication in the statute book.