

Strike in lines 4-6; insert "has reasonable cause to believe that an adult is being or has been abused, neglected, exploited or subjected to fiduciary abuse,"

1 neglected or exploited or is in need of protective services shall report,
2 immediately from receipt of the information, such information or cause a
3 report of such information to be made in any reasonable manner. When
4 any of the following persons have reasonable cause to suspect or believe
5 that a ~~vulnerable adult is being or has been harmed as a result of physical,~~
6 ~~mental or emotional abuse or neglect or sexual abuse,~~ the person shall
7 report the matter promptly as provided in subsections (b) and (c):

8 (1) The following persons providing medical care or treatment:
9 Persons licensed to practice the healing arts, dentistry and optometry,
10 persons engaged in postgraduate training programs approved by the state
11 board of healing arts, licensed professional or practical nurses and chief
12 administrative officers of medical care facilities;
13 (2) the following persons licensed by the state to provide mental
14 health services: Licensed psychologists, licensed masters level
15 psychologists, licensed clinical psychotherapists, licensed social workers,
16 licensed marriage and family therapists, licensed clinical marriage and
17 family therapists, licensed professional counselors, licensed clinical
18 professional counselors, licensed addiction counselors and licensed
19 clinical addiction counselors;

20 (3) teachers, school administrators or other employees of an
21 educational institution which the vulnerable adult is attending; and
22 (4) firefighters, emergency medical services personnel, law
23 enforcement officers, court services officers, community corrections
24 officers, case managers appointed under K.S.A. 23-3508, and amendments
25 thereto, and mediators appointed under K.S.A. 23-3502, and amendments
26 thereto, a rehabilitation counselor, a bank trust officer or any other
27 officers of financial institutions, a legal representative, a governmental
28 assistance provider, an owner or operator of a residential care facility, an
29 independent living counselor and the chief administrative officer of a
30 licensed home health agency, the chief administrative officer of an adult
31 family home and the chief administrative officer of a provider of
32 community services and affiliates thereof operated or funded by the
33 Kansas department for children and families or licensed under K.S.A. 75-
34 3307b, and amendments thereto.

35 An employee of a domestic violence center shall not be required to
36 report information or cause a report of information to be made under this
37 subsection.

38 (b) Other state agencies receiving reports that are to be referred to the
39 Kansas department for children and families and the appropriate law
40 enforcement agency, shall submit the report to the department and agency
41 within six hours, during normal work days, of receiving the information.
42 Reports shall be made to the Kansas department for children and families
43 during the normal working week days and hours of operation. Reports

1 shall be made to law enforcement agencies during the time the Kansas
2 department for children and families is not in operation. Law enforcement
3 shall submit the report and appropriate information to the Kansas
4 department for children and families on the first working day that the
5 Kansas department for children and families is in operation after receipt of
6 such information.

7 ~~(b)~~ (c) (1) The report made pursuant to ~~subsection (a)~~ *this section*
8 shall contain the name and address of the person making the report and of
9 the caretaker caring for the involved adult, the name and address of the
10 involved adult, information regarding the nature and extent of the abuse,
11 neglect or exploitation, the name of the next of kin of the involved adult,
12 if known, and any other information which the person making the report
13 believes might be helpful in the investigation of the case and the protection
14 of the involved adult.

15 ~~(e)~~ (2) Any other person, not listed in subsection (a), having
16 reasonable cause to suspect or believe that ~~an at-risk adult~~ is being
17 or has been abused, neglected or exploited or is in need of protective
18 services may report such information to the Kansas department for
19 children and families. Reports shall be made to law enforcement agencies
20 during the time the Kansas department for children and families is not in
21 operation.

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

25 (e) Any person required to report information or cause a report of
26 information to be made under subsection (a) who knowingly fails to make
27 such report or cause such report not to be made shall be guilty of a class B
28 misdemeanor.

29 (f) Notice of the requirements of this act and the department to which
30 a report is to be made under this act shall be posted in a conspicuous
31 public place in every adult family home as defined in K.S.A. 39-1501, and
32 amendments thereto, and every provider of community services and
33 affiliates thereof operated or funded by the Kansas department for aging
34 and disability services or other facility licensed under K.S.A. 75-3307b,
35 and amendments thereto, and other institutions included in subsection (a).

36 Sec. 3. K.S.A. 2014 Supp. 39-1433 is hereby amended to read as
37 follows: 39-1433. (a) The Kansas department for children and families
38 upon receiving a report that ~~an~~ *a vulnerable* adult is being, or has been
39 abused, neglected, or exploited or is in need of protective services, shall:

40 (1) *Immediately notify, in writing, the appropriate law enforcement*
41 *agency when a criminal act has occurred or has appeared to have occurred;*
42 ~~immediately notify, in writing, the appropriate law enforcement agency;~~

43 (2) ~~make a personal visit face-to-face assessment with the involved~~

Proposed Amendment to SB 219 - DCF2
For Senate Committee on Judiciary
Prepared By: Katherine Goyette, Office of
Revisor of Statutes
February 23, 2015 10:29

Strike "a vulnerable";
insert "an"