

SENATE BILL No. 372

By Committee on Public Health and Welfare

1-27

1 AN ACT concerning public assistance; relating to recovery of assistance
2 debt; verification of identity and income; fraud investigations; child
3 care subsidies; work requirements; lifetime benefit limits; amending
4 K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and
5 repealing the existing sections.

6
7 WHEREAS, The provisions of this act shall be known as the Kansas
8 hope, opportunity and prosperity for everyone (HOPE) act.

9 Now, therefore:

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

11 Section 1. K.S.A. 2015 Supp. 39-702 is hereby amended to read as
12 follows: 39-702. The following words and phrases when used in this act
13 shall, for the purposes of this act, have the meanings respectively ascribed
14 to them in this section:

15 (a) "Secretary" means the secretary for children and families, unless
16 otherwise specified.

17 (b) "Applicants" means all persons who, as individuals, or in whose
18 behalf requests are made of the secretary for aid or assistance.

19 (c) "Social welfare service" may include such functions as giving
20 assistance, the prevention of public dependency, and promoting the
21 rehabilitation of dependent persons or those who are approaching public
22 dependency.

23 (d) "Assistance" includes such items or functions as the giving or
24 providing of money, food assistance, food, clothing, shelter, medicine or
25 other materials, the giving of any service, including instructive or
26 scientific. The definitions of social welfare service and assistance in this
27 section shall be deemed as partially descriptive and not limiting.

28 (e) "Temporary assistance to needy families" means financial
29 assistance with respect to or on behalf of a dependent child or dependent
30 children and includes financial assistance for any month to meet the needs
31 of the relative or qualifying caretaker with whom any dependent child is
32 living.

33 (f) "Medical assistance" means the payment of all or part of the cost
34 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
35 services which are within the scope of services to be provided under a
36 medical care plan developed by the secretary pursuant to this act and

1 furnished by health care providers who have a current approved provider
2 agreement with the secretary; and (2) transportation to obtain care and
3 services which are within the scope of services to be provided under a
4 medical care plan developed by the secretary pursuant to this act.

5 (g) "Dependent children" means needy children under the age of 18,
6 or who are under the age of 19 and are full-time students in secondary
7 schools or the equivalent educational program who are in the care of a
8 biological or adoptive parent, court appointed guardian, conservator or
9 legal custodian and who are living with any relative, including first
10 cousins, uncles, aunts, and persons of preceding generations are denoted
11 by prefixes of grand, great, or great-great, and including the spouses or
12 former spouses of any persons named in the above groups, in a place of
13 residence maintained by one or more of such relatives as their own home.

14 (h) "The blind" means not only those who are totally and permanently
15 devoid of vision, but also those persons whose vision is so defective as to
16 prevent the performance of ordinary activities for which eyesight is
17 essential.

18 (i) "Recipient" means a person who has received assistance under the
19 terms of this act.

20 (j) "Intake office" means the place where the secretary shall maintain
21 an office for receiving applications.

22 (k) "Adequate consideration" means consideration equal, or
23 reasonably proportioned to the value of that for which it is given.

24 (l) "Title IV-D" means part D of title IV of the federal social security
25 act (42 U.S.C. § 651 et seq.), as in effect on May 1, 1997.

26 (m) "TANF diversion assistance" means a one-time voluntary
27 payment option in lieu of ongoing TANF assistance. The diversion
28 payment is available to applicants who have not received TANF assistance
29 as an adult, and is designed to meet a crisis or emergency hardship that
30 would endanger such applicants' ability to remain employed or to accept
31 an offer of employment. Any household that includes such recipient
32 accepting the diversion payment is ineligible to receive on-going TANF
33 assistance for 12 months after receipt of the diversion payment. Any
34 recipient who receives a diversion payment is limited to ~~42-30~~ **18** months
35 of TANF cash assistance in a lifetime, unless such recipient shall meet a
36 hardship criteria as defined by the secretary.

37 (n) "Non-cooperation" means the failure of the applicant or recipient
38 to comply with all requirements provided in state and federal law, rules
39 and regulations and agency policy.

40 Sec. 2. K.S.A. 2015 Supp. 39-709 is hereby amended to read as
41 follows: 39-709. (a) *General eligibility requirements for assistance for*
42 *which federal moneys are expended.* Subject to the additional requirements
43 below, assistance in accordance with plans under which federal moneys

1 are expended may be granted to any needy person who:

2 (1) Has insufficient income or resources to provide a reasonable
3 subsistence compatible with decency and health. Where a husband and
4 wife or cohabiting partners are living together, the combined income or
5 resources of both shall be considered in determining the eligibility of
6 either or both for such assistance unless otherwise prohibited by law. The
7 secretary, in determining need of any applicant for or recipient of
8 assistance shall not take into account the financial responsibility of any
9 individual for any applicant or recipient of assistance unless such applicant
10 or recipient is such individual's spouse, cohabiting partner or such
11 individual's minor child or minor stepchild if the stepchild is living with
12 such individual. The secretary in determining need of an individual may
13 provide such income and resource exemptions as may be permitted by
14 federal law. For purposes of eligibility for temporary assistance for needy
15 families, for food assistance and for any other assistance provided through
16 the Kansas department for children and families under which federal
17 moneys are expended, the secretary for children and families shall
18 consider one motor vehicle owned by the applicant for assistance,
19 regardless of the value of such vehicle, as exempt personal property and
20 shall consider any equity in any boat, personal water craft, recreational
21 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined
22 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
23 owned by the applicant for assistance to be a nonexempt resource of the
24 applicant for the assistance except that any additional motor vehicle used by
25 the applicant, the applicant's spouse or the applicant's cohabiting partner
26 for the primary purpose of earning income may be considered as exempt
27 personal property in the secretary's discretion.

28 (2) Is a citizen of the United States or is an alien lawfully admitted to
29 the United States and who is residing in the state of Kansas.

30 (b) *Temporary assistance for needy families.* Assistance may be
31 granted under this act to any dependent child, or relative, subject to the
32 general eligibility requirements as set out in subsection (a), who resides in
33 the state of Kansas or whose parent or other relative with whom the child
34 is living resides in the state of Kansas. Such assistance shall be known as
35 temporary assistance for needy families. ~~On and after January 1, 2017, the~~
36 ~~department shall conduct an electronic check for any false information~~
37 ~~provided on an application for TANF and other benefits programs~~
38 ~~administered by the department.~~ Where the husband and wife or
39 cohabiting partners are living together, both shall register for work under
40 the program requirements for temporary assistance for needy families in
41 accordance with criteria and guidelines prescribed by rules and regulations
42 of the secretary.

43 (1) As used in this subsection, "family group" or "household" means

1 the applicant or recipient for TANF, child care subsidy or employment
2 services and all individuals living together in which there is a relationship
3 of legal responsibility or a qualifying caretaker relationship. This will
4 include a cohabiting boyfriend or girlfriend living with the person legally
5 responsible for the child. The family group shall not be eligible for TANF
6 if the family group contains at least one adult member who has received
7 TANF, including the federal TANF assistance received in any other state,
8 for ~~36~~ **24** calendar months beginning on and after October 1, 1996, unless
9 the secretary determines a hardship exists and grants an extension allowing
10 receipt of TANF until the ~~48-month~~ **36-month** limit is reached. No
11 extension beyond ~~48~~ **36** months shall be granted. Hardship provisions for a
12 recipient include:

13 (A) Is a caretaker of a disabled family member living in the
14 household;

15 (B) has a disability which precludes employment on a long-term basis
16 or requires substantial rehabilitation;

17 (C) needs a time limit extension to overcome the effects of domestic
18 violence/sexual assault;

19 (D) is involved with prevention and protection services (PPS) and has
20 an open social service plan; or

21 (E) is determined by the ~~36th~~ **24th** month to have an extreme hardship
22 other than what is designated in criteria listed in subparagraphs (A)
23 through (E). This determination will be made by the executive review
24 team.

25 (2) All adults applying for TANF shall be required to complete a
26 work program assessment as specified by the Kansas department for
27 children and families, including those who have been disqualified for or
28 denied TANF due to non-cooperation, drug testing requirements or fraud.
29 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
30 relative/non-relative caretakers and adults receiving supplemental security
31 income are not required to complete the assessment process. During the
32 application processing period, applicants must complete at least one
33 module or its equivalent of the work program assessment to be considered
34 eligible for TANF benefits, unless good cause is found to be exempt from
35 the requirements. Good cause exemptions shall only include:

36 (A) The applicant can document an existing certification verifying
37 completion of the work program assessment;

38 (B) the applicant has a valid offer of employment or is employed a
39 minimum of 20 hours a week;

40 (C) the applicant is a parenting teen without a GED or high school
41 diploma;

42 (D) the applicant is enrolled in job corps;

43 (E) the applicant is working with a refugee social services agency; or

1 (F) the applicant has completed the work program assessment within
2 the last 12 months.

3 (3) The department for children and families shall maintain a
4 sufficient level of dedicated work program staff to enable the agency to
5 conduct work program case management services to TANF recipients in a
6 timely manner and in full accordance with state law and agency policy.

7 (4) TANF mandatory work program applicants and recipients shall
8 participate in work components that lead to competitive, integrated
9 employment. Components are defined by the federal government as being
10 either primary or secondary. In order to meet federal work participation
11 requirements, households need to meet at least 30 hours of participation
12 per week, at least 20 hours of which need to be primary and at least 10
13 hours may be secondary components in one parent households where the
14 youngest child is six years of age or older. Participation hours shall be 55
15 hours in two parent households (35 hours per week if child care is not
16 used). The maximum assignment is 40 hours per week per individual. For
17 two parent families to meet the federal work participation rate both parents
18 must participate in a combined total of 55 hours per week, 50 hours of
19 which must be in primary components, or one or both parents could be
20 assigned a combined total of 35 hours per week (30 hours of which must
21 be primary components) if department for children and families paid child
22 care is not received by the family. Single parent families with a child under
23 age six meet the federal participation requirement if the parent is engaged
24 in work or work activities for at least 20 hours per week in a primary work
25 component. The following components meet federal definitions of primary
26 hours of participation: Full or part-time employment, apprenticeship, work
27 study, self-employment, job corps, subsidized employment, work
28 experience sites, on-the-job training, supervised community service,
29 vocational education, job search and job readiness. Secondary components
30 include: Job skills training, education directly related to employment such
31 as adult basic education and English as a second language, and completion
32 of a high school diploma or GED.

33 (5) A parent or other adult caretaker personally providing care for a
34 child under the age of three months in their TANF household is exempt
35 from work participation activities until the month the child turns three
36 months of age. Such three-month limitation shall not apply to a parent or
37 other adult caretaker who is personally providing care for a child born
38 significantly premature, with serious medical conditions or with a
39 disability as defined by the secretary, in consultation with the secretary of
40 health and environment, and adopted in the rules and regulations. The
41 three-month period is defined as two consecutive months starting with the
42 month after childbirth. The exemption for caring for a child under three
43 months cannot be claimed:

1 (A) By either parent when two parents are in the home and the
2 household meets the two-parent definition for federal reporting purposes;

3 (B) by one parent or caretaker when the other parent or caretaker is in
4 the home, and available, capable and suitable to provide care and the
5 household does not meet the two-parent definition for federal reporting
6 purposes;

7 (C) by a person age 19 or younger when such person is pregnant or a
8 parent of a child in the home and the person does not possess a high school
9 diploma or its equivalent. Such person shall become exempt the month
10 such person turns age 20;

11 (D) by any adult in the TANF assistance plan when at least one adult
12 has reached the ~~36~~ **24** months of TANF cash assistance; or

13 (E) by any person assigned to a work participation activity for
14 substance use disorders.

15 (6) TANF work experience placements shall be reviewed after 90
16 days and are limited to six months per ~~48-month~~ **36-month** lifetime limit.
17 A client's progress shall be reviewed prior to each new placement
18 regardless of the length of time they are at the work experience site.

19 (7) TANF participants with disabilities shall engage in required
20 employment activities to the maximum extent consistent with their
21 abilities. TANF participants shall provide current documentation by a
22 qualified medical practitioner that details the abilities to engage in
23 employment and any limitations in work activities along with the expected
24 duration of such limitations. Disability is defined as a physical or mental
25 impairment constituting or resulting in a substantial impediment to
26 employment for such individual.

27 (8) Non-cooperation is the failure of the applicant or recipient to
28 comply with all requirements provided in state and federal law, federal and
29 state rules and regulations and agency policy. The period of ineligibility
30 for TANF benefits based on non-cooperation with work programs shall be
31 as follows:

32 (A) For a first penalty, three months and full cooperation with work
33 program activities;

34 (B) for a second penalty, six months and full cooperation with work
35 program activities;

36 (C) for a third penalty, one year and full cooperation with work
37 program activities; and

38 (D) for a fourth or subsequent penalty, 10 years.

39 (9) Individuals that have not cooperated with TANF work programs
40 shall be ineligible to participate in the food assistance program. The
41 comparable penalty shall be applied to only the individual in the food
42 assistance program who failed to comply with the TANF work
43 requirement. The agency shall impose the same penalty to the member of

1 the household who failed to comply with TANF requirements. The penalty
2 periods are three months, six months, one year, or 10 years.

3 (10) Non-cooperation is the failure of the applicant or recipient to
4 comply with all requirements provided in state and federal law, federal and
5 state rules and regulations and agency policy. The period of ineligibility
6 for child care subsidy or TANF benefits based on parents' non-cooperation
7 with child support services shall be as follows:

8 (A) For the first penalty, three months and cooperation with child
9 support services prior to regaining eligibility;

10 (B) for a second penalty, six months and cooperation with child
11 support services prior to regaining eligibility;

12 (C) for a third penalty, one year and cooperation with child support
13 services prior to regaining eligibility; and

14 (D) for a fourth penalty, 10 years.

15 (11) Individuals that have not cooperated without good cause with
16 child support services shall be ineligible to participate in the food
17 assistance program. The period of disqualification ends once it has been
18 determined that such individual is cooperating with child support services.

19 (12) Any individual who is found to have committed fraud or is
20 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.
21 2015 Supp. 21-5801, and amendments thereto, in either the TANF or child
22 care program shall render all adults in the family unit ineligible for TANF
23 assistance. Adults in the household who were determined to have
24 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
25 39-720 and K.S.A. 2015 Supp. 21-5801, and amendments thereto, shall
26 render themselves and all adult household members ineligible for their
27 lifetime for TANF, even if fraud was committed in only one program.
28 Households who have been determined to have committed fraud or were
29 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2015
30 Supp. 21-5801, and amendments thereto, shall be required to name a
31 protective payee as approved by the secretary or the secretary's designee to
32 administer TANF benefits or food assistance on behalf of the children. No
33 adult in a household may have access to the TANF cash assistance benefit.

34 *Any individual that has failed to cooperate with a fraud investigation*
35 *shall be ineligible to participate in the TANF cash assistance program and*
36 *the child care subsidy program until the department for children and*
37 *families determines that such individual is cooperating with the fraud*
38 *investigation. The department for children and families shall maintain a*
39 *sufficient level of fraud investigative staff to enable the department to*
40 *conduct fraud investigations in a timely manner and in full accordance*
41 *with state law and department rules and regulations or policies.*

42 (13) (A) Food assistance shall not be provided to any person
43 convicted of a felony offense occurring on or after July 1, 2015, which

1 includes as an element of such offense the manufacture, cultivation,
2 distribution, possession or use of a controlled substance or controlled
3 substance analog. For food assistance, the individual shall be permanently
4 disqualified if they have been convicted of a state or federal felony offense
5 occurring on or after July 1, 2015, involving possession or use of a
6 controlled substance or controlled substance analog.

7 (B) Notwithstanding the provisions of subparagraph (A), an
8 individual shall be eligible for food assistance if the individual enrolls in
9 and participates in a drug treatment program approved by the secretary,
10 submits to and passes a drug test and agrees to submit to drug testing if
11 requested by the department pursuant to a drug testing plan.

12 An individual's failure to submit to testing or failure to successfully
13 pass a drug test shall result in ineligibility for food assistance until a drug
14 test is successfully passed. Failure to successfully complete a drug
15 treatment program shall result in ineligibility for food assistance until a
16 drug treatment plan approved by the secretary is successfully completed,
17 the individual passes a drug test and agrees to submit to drug testing if
18 requested by the department pursuant to a drug testing plan.

19 (C) The provisions of subparagraph (B) shall not apply to any
20 individual who has been convicted for a second or subsequent felony
21 offense as provided in subparagraph (A).

22 (14) No TANF cash assistance shall be used to purchase alcohol,
23 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
24 collegiate sporting event tickets or tickets for other entertainment events
25 intended for the general public or sexually oriented adult materials. No
26 TANF cash assistance shall be used in any retail liquor store, casino,
27 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
28 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
29 vapor cigarette store, psychic or fortune telling business, bail bond
30 company, video arcade, movie theater, swimming pool, cruise ship, theme
31 park, dog or horse racing facility, parimutuel facility, or sexually oriented
32 business or any retail establishment which provides adult-oriented
33 entertainment in which performers disrobe or perform in an unclothed
34 state for entertainment, or in any business or retail establishment where
35 minors under age 18 are not permitted. TANF cash assistance transactions
36 for cash withdrawals from automated teller machines shall be limited to
37 \$25, per transaction and to one transaction per day. No TANF cash
38 assistance shall be used for purchases at points of sale outside the state of
39 Kansas. The secretary for children and families is authorized to raise or
40 rescind the automated teller machine withdrawal limit established by this
41 section in order to ensure continued appropriation of the TANF block grant
42 through compliance with the provisions of the middle class tax relief and
43 job creation act of 2012 which govern adequate access to cash assistance.

1 (15) (A) The secretary for children and families shall place a
2 photograph of the recipient, if agreed to by such recipient of public
3 assistance, on any Kansas benefits card issued by the Kansas department
4 for children and families that the recipient uses in obtaining food, cash or
5 any other services. When a recipient of public assistance is a minor or
6 otherwise incapacitated individual, a parent or legal guardian of such
7 recipient may have a photograph of such parent or legal guardian placed
8 on the card.

9 (B) Any Kansas benefits card with a photograph of a recipient shall
10 be valid for voting purposes as a public assistance identification card in
11 accordance with the provisions of K.S.A. 25-2908, and amendments
12 thereto.

13 (C) As used in this paragraph and its subparagraphs, "Kansas benefits
14 card" means any card issued to provide food assistance, cash assistance or
15 child care assistance, including, but not limited to, the vision card, EBT
16 card and Kansas benefits card.

17 (D) *The department for children and families shall monitor all*
18 *recipient requests for a Kansas benefits card replacement and, upon the*
19 *fourth such request in a 12-month period, send a notice alerting the*
20 *recipient that the recipient's account is being monitored for potential*
21 *suspicious activity. If a recipient makes an additional request for*
22 *replacement subsequent to such notice, the department shall refer the*
23 *investigation to the department's fraud investigation unit.*

24 (16) The secretary for children and families shall adopt rules and
25 regulations:

26 (A) In determining eligibility for the child care subsidy program,
27 including an income of a cohabiting partner in a child care household; and

28 (B) in determining and maintaining eligibility for non-TANF child
29 care, requiring that all included adults shall be employed a minimum of 20
30 hours per week or more as defined by the secretary or meet the following
31 specific qualifying exemptions:

32 (i) Adults who are not capable of meeting the requirement due to a
33 documented physical or mental condition;

34 (ii) adults who are former TANF recipients who need child care for
35 employment after their TANF case has closed and earned income is a
36 factor in the closure in the two months immediately following TANF
37 closure;

38 (iii) adult parents included in a case in which the only child receiving
39 benefits is the child of a minor parent who is working on completion of
40 high school or obtaining a GED; ~~or~~

41 (iv) adults who are participants in a ~~mandatory~~ food assistance
42 ~~education~~ employment and training program; ~~or~~

43 (v) *adults who are participants in an early head start child care*

1 *partnership program and are working or in school or training.*

2 The department for children and families shall provide child care for
3 the pursuit of any degree or certification if the occupation has at least an
4 average job outlook listed in the occupational outlook of the U.S.
5 department of labor, bureau of labor statistics. For occupations with less
6 than an average job outlook, educational plans shall require approval of
7 the secretary or secretary's designee. Child care may also be approved if
8 the student provides verification of a specific job offer that will be
9 available to such student upon completion of the program. Child care for
10 post-secondary education shall be allowed for a lifetime maximum of 24
11 months per adult. The 24 months may not have to be consecutive. Students
12 shall be engaged in paid employment for a minimum of 15 hours per
13 week. In a two-parent adult household, child care would not be allowed if
14 both parents are adults and attending a formal education or training
15 program at the same time. The household may choose which one of the
16 parents is participating as a post-secondary student. The other parent shall
17 meet another approvable criteria for child care subsidy.

18 (17) (A) The secretary for children and families is prohibited from
19 requesting or implementing a waiver or program from the U.S. department
20 of agriculture for the time limited assistance provisions for able-bodied
21 adults aged 18 through 49 without dependents in a household under the
22 food assistance program. The time on food assistance for able-bodied
23 adults aged 18 through 49 without dependents in the household shall be
24 limited to three months in a 36-month period if such adults are not meeting
25 the requirements imposed by the U.S. department of agriculture that they
26 must work for at least 20 hours per week or participate in a federally
27 approved work program or its equivalent.

28 (B) *Each food assistance household member who is not otherwise*
29 *exempt from the following work requirements shall: Register for work;*
30 *participate in an employment and training program, if assigned to such a*
31 *program by the department; accept a suitable employment offer; and not*
32 *voluntarily quit a job of at least 30 hours per week.*

33 *Any recipient who has not complied with the work requirements under*
34 *this subparagraph shall be ineligible to participate in the food assistance*
35 *program for the following time period and until the recipient complies*
36 *with such work requirements:*

37 (i) *For a first penalty, three months;*

38 (ii) *for a second penalty, six months; and*

39 (iii) *for a third penalty and any subsequent penalty, one year.*

40 (18) Eligibility for the food assistance program shall be limited to
41 those individuals who are citizens or who meet qualified non-citizen status
42 as determined by U.S. department of agriculture. Non-citizen individuals
43 who are unable or unwilling to provide qualifying immigrant

1 documentation, as defined by the U.S. department of agriculture, residing
2 within a household shall not be included when determining the household's
3 size for the purposes of assigning a benefit level to the household for food
4 assistance or comparing the household's monthly income with the income
5 eligibility standards. The gross non-exempt earned and unearned income
6 and resources of disqualified individuals shall be counted in its entirety as
7 available to the remaining household members.

8 (19) The secretary for children and families shall not enact the state
9 option from the U.S. department of agriculture for broad-based categorical
10 eligibility for households applying for food assistance according to the
11 provisions of 7 C.F.R. § 273.2(j)(2)(ii).

12 (20) No federal or state funds shall be used for television, radio or
13 billboard advertisements that are designed to promote food assistance
14 benefits and enrollment. No federal or state funding shall be used for any
15 agreements with foreign governments designed to promote food
16 assistance.

17 (21) (A) The secretary for children and families shall not apply gross
18 income standards for food assistance higher than the standards specified in
19 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
20 eligibility exempting households from such gross income standards
21 requirements shall not be granted for any non-cash, in-kind or other
22 benefit unless expressly required by federal law.

23 (B) The secretary for children and families shall not apply resource
24 limits standards for food assistance that are higher than the standards
25 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal
26 law. Categorical eligibility exempting households from such resource
27 limits shall not be granted for any non-cash, in-kind or other benefit unless
28 expressly required by federal law.

29 (c) (1) *On and after January 1, 2017, the department for children and*
30 *families shall conduct an electronic check for any false information*
31 *provided on an application for TANF and other benefits programs*
32 *administered by the department. For TANF cash assistance, food*
33 *assistance and the child care subsidy program, the department shall verify*
34 *the identity of all adults in the assistance household.*

35 (2) ~~*The Kansas lottery commission shall provide monthly to the*~~
36 ~~*department the name, address and social security number of all Kansas*~~
37 ~~*residents that have winnings over \$10,000 for the reported month. The*~~
38 ~~*department*~~ ***The Kansas department of administration shall provide***
39 ***monthly to the Kansas department for children and families the social***
40 ***security numbers or alternate taxpayer identification numbers of all***
41 ***persons who claim a Kansas lottery prize in excess of \$5,000 during the***
42 ***reported month. The Kansas department for children and families shall***
43 ***verify if individuals with such winnings are receiving TANF cash***

1 assistance, food assistance or assistance under the child care subsidy
2 program and take appropriate action. ~~The department~~ **Kansas department**
3 **for children and families** shall use data received under this subsection
4 solely, and for no other purpose, to determine if any recipient's eligibility
5 for benefits has been affected by lottery prize winnings. ~~The department~~
6 **Kansas department for children and families** shall not publicly disclose
7 the identity of any lottery prize winner, including recipients who are
8 determined to have illegally received benefits.

9 (d) *Temporary assistance for needy families; assignment of support*
10 *rights and limited power of attorney.* By applying for or receiving
11 temporary assistance for needy families such applicant or recipient shall be
12 deemed to have assigned to the secretary on behalf of the state any
13 accrued, present or future rights to support from any other person such
14 applicant may have in such person's own behalf or in behalf of any other
15 family member for whom the applicant is applying for or receiving aid. In
16 any case in which an order for child support has been established and the
17 legal custodian and obligee under the order surrenders physical custody of
18 the child to a caretaker relative without obtaining a modification of legal
19 custody and support rights on behalf of the child are assigned pursuant to
20 this section, the surrender of physical custody and the assignment shall
21 transfer, by operation of law, the child's support rights under the order to
22 the secretary on behalf of the state. Such assignment shall be of all
23 accrued, present or future rights to support of the child surrendered to the
24 caretaker relative. The assignment of support rights shall automatically
25 become effective upon the date of approval for or receipt of such aid
26 without the requirement that any document be signed by the applicant,
27 recipient or obligee. By applying for or receiving temporary assistance for
28 needy families, or by surrendering physical custody of a child to a
29 caretaker relative who is an applicant or recipient of such assistance on the
30 child's behalf, the applicant, recipient or obligee is also deemed to have
31 appointed the secretary, or the secretary's designee, as an attorney-in-fact
32 to perform the specific act of negotiating and endorsing all drafts, checks,
33 money orders or other negotiable instruments representing support
34 payments received by the secretary in behalf of any person applying for,
35 receiving or having received such assistance. This limited power of
36 attorney shall be effective from the date the secretary approves the
37 application for aid and shall remain in effect until the assignment of
38 support rights has been terminated in full.

39 ~~(d)~~ (e) *Requirements for medical assistance for which federal moneys*
40 *or state moneys or both are expended.* (1) When the secretary has adopted
41 a medical care plan under which federal moneys or state moneys or both
42 are expended, medical assistance in accordance with such plan shall be
43 granted to any person who is a citizen of the United States or who is an

1 alien lawfully admitted to the United States and who is residing in the state
2 of Kansas, whose resources and income do not exceed the levels
3 prescribed by the secretary. In determining the need of an individual, the
4 secretary may provide for income and resource exemptions and protected
5 income and resource levels. Resources from inheritance shall be counted.
6 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
7 amendments thereto, shall constitute a transfer of resources. The secretary
8 shall exempt principal and interest held in irrevocable trust pursuant to
9 K.S.A. 16-303(c), and amendments thereto, from the eligibility
10 requirements of applicants for and recipients of medical assistance. Such
11 assistance shall be known as medical assistance.

12 (2) For the purposes of medical assistance eligibility determinations
13 on or after July 1, 2004, if an applicant or recipient owns property in joint
14 tenancy with some other party and the applicant or recipient of medical
15 assistance has restricted or conditioned their interest in such property to a
16 specific and discrete property interest less than 100%, then such
17 designation will cause the full value of the property to be considered an
18 available resource to the applicant or recipient. Medical assistance
19 eligibility for receipt of benefits under the title XIX of the social security
20 act, commonly known as medicaid, shall not be expanded, as provided for
21 in the patient protection and affordable care act, public law 111-148, 124
22 stat. 119, and the health care and education reconciliation act of 2010,
23 public law 111-152, 124 stat. 1029, unless the legislature expressly
24 consents to, and approves of, the expansion of medicaid services by an act
25 of the legislature.

26 (3) (A) Resources from trusts shall be considered when determining
27 eligibility of a trust beneficiary for medical assistance. Medical assistance
28 is to be secondary to all resources, including trusts, that may be available
29 to an applicant or recipient of medical assistance.

30 (B) If a trust has discretionary language, the trust shall be considered
31 to be an available resource to the extent, using the full extent of discretion,
32 the trustee may make any of the income or principal available to the
33 applicant or recipient of medical assistance. Any such discretionary trust
34 shall be considered an available resource unless: (i) At the time of creation
35 or amendment of the trust, the trust states a clear intent that the trust is
36 supplemental to public assistance; and (ii) the trust: (a) Is funded from
37 resources of a person who, at the time of such funding, owed no duty of
38 support to the applicant or recipient of medical assistance; or (b) is funded
39 not more than nominally from resources of a person while that person
40 owed a duty of support to the applicant or recipient of medical assistance.

41 (C) For the purposes of this paragraph, "public assistance" includes,
42 but is not limited to, medicaid, medical assistance or title XIX of the social
43 security act.

1 (4) (A) When an applicant or recipient of medical assistance is a party
2 to a contract, agreement or accord for personal services being provided by
3 a nonlicensed individual or provider and such contract, agreement or
4 accord involves health and welfare monitoring, pharmacy assistance, case
5 management, communication with medical, health or other professionals,
6 or other activities related to home health care, long term care, medical
7 assistance benefits, or other related issues, any moneys paid under such
8 contract, agreement or accord shall be considered to be an available
9 resource unless the following restrictions are met: (i) The contract,
10 agreement or accord must be in writing and executed prior to any services
11 being provided; (ii) the moneys paid are in direct relationship with the fair
12 market value of such services being provided by similarly situated and
13 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed
14 individuals or situations can be found, the value of services will be based
15 on federal hourly minimum wage standards; (iv) such individual providing
16 the services will report all receipts of moneys as income to the appropriate
17 state and federal governmental revenue agencies; (v) any amounts due
18 under such contract, agreement or accord shall be paid after the services
19 are rendered; (vi) the applicant or recipient shall have the power to revoke
20 the contract, agreement or accord; and (vii) upon the death of the applicant
21 or recipient, the contract, agreement or accord ceases.

22 (B) When an applicant or recipient of medical assistance is a party to
23 a written contract for personal services being provided by a licensed health
24 professional or facility and such contract involves health and welfare
25 monitoring, pharmacy assistance, case management, communication with
26 medical, health or other professionals, or other activities related to home
27 health care, long term care, medical assistance benefits or other related
28 issues, any moneys paid in advance of receipt of services for such
29 contracts shall be considered to be an available resource.

30 (5) Any trust may be amended if such amendment is permitted by the
31 Kansas uniform trust code.

32 ~~(e)~~ (f) *Eligibility for medical assistance of resident receiving medical*
33 *care outside state.* A person who is receiving medical care including long-
34 term care outside of Kansas whose health would be endangered by the
35 postponement of medical care until return to the state or by travel to return
36 to Kansas, may be determined eligible for medical assistance if such
37 individual is a resident of Kansas and all other eligibility factors are met.
38 Persons who are receiving medical care on an ongoing basis in a long-term
39 medical care facility in a state other than Kansas and who do not return to
40 a care facility in Kansas when they are able to do so, shall no longer be
41 eligible to receive assistance in Kansas unless such medical care is not
42 available in a comparable facility or program providing such medical care
43 in Kansas. For persons who are minors or who are under guardianship, the

1 actions of the parent or guardian shall be deemed to be the actions of the
2 child or ward in determining whether or not the person is remaining
3 outside the state voluntarily.

4 (†) (g) *Medical assistance; assignment of rights to medical support*
5 *and limited power of attorney; recovery from estates of deceased*
6 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-
7 787, and amendments thereto, or as otherwise authorized on and after
8 September 30, 1989, under section 303 of the federal medicare
9 catastrophic coverage act of 1988, whichever is applicable, by applying for
10 or receiving medical assistance under a medical care plan in which federal
11 funds are expended, any accrued, present or future rights to support and
12 any rights to payment for medical care from a third party of an applicant or
13 recipient and any other family member for whom the applicant is applying
14 shall be deemed to have been assigned to the secretary on behalf of the
15 state. The assignment shall automatically become effective upon the date
16 of approval for such assistance without the requirement that any document
17 be signed by the applicant or recipient. By applying for or receiving
18 medical assistance the applicant or recipient is also deemed to have
19 appointed the secretary, or the secretary's designee, as an attorney in fact to
20 perform the specific act of negotiating and endorsing all drafts, checks,
21 money orders or other negotiable instruments, representing payments
22 received by the secretary in on behalf of any person applying for, receiving
23 or having received such assistance. This limited power of attorney shall be
24 effective from the date the secretary approves the application for assistance
25 and shall remain in effect until the assignment has been terminated in full.
26 The assignment of any rights to payment for medical care from a third
27 party under this subsection shall not prohibit a health care provider from
28 directly billing an insurance carrier for services rendered if the provider
29 has not submitted a claim covering such services to the secretary for
30 payment. Support amounts collected on behalf of persons whose rights to
31 support are assigned to the secretary only under this subsection and no
32 other shall be distributed pursuant to K.S.A. 39-756(d), and amendments
33 thereto, except that any amounts designated as medical support shall be
34 retained by the secretary for repayment of the unreimbursed portion of
35 assistance. Amounts collected pursuant to the assignment of rights to
36 payment for medical care from a third party shall also be retained by the
37 secretary for repayment of the unreimbursed portion of assistance.

38 (B) Notwithstanding the provisions of subparagraph (A), the
39 secretary of health and environment, or the secretary's designee, is hereby
40 authorized to and shall exercise any of the powers specified in
41 subparagraph (A) in relation to performance of such secretary's duties
42 pertaining to medical subrogation, estate recovery or any other duties
43 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes

1 Annotated, and amendments thereto.

2 (2) The amount of any medical assistance paid after June 30, 1992,
3 under the provisions of subsection—~~(d)~~ (e) is: (A) A claim against the
4 property or any interest therein belonging to and a part of the estate of any
5 deceased recipient or, if there is no estate, the estate of the surviving
6 spouse, if any, shall be charged for such medical assistance paid to either
7 or both; and (B) a claim against any funds of such recipient or spouse in
8 any account under K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829,
9 and amendments thereto. There shall be no recovery of medical assistance
10 correctly paid to or on behalf of an individual under subsection—~~(d)~~ (e)
11 except after the death of the surviving spouse of the individual, if any, and
12 only at a time when the individual has no surviving child who is under 21
13 years of age or is blind or permanently and totally disabled. Transfers of
14 real or personal property by recipients of medical assistance without
15 adequate consideration are voidable and may be set aside. Except where
16 there is a surviving spouse, or a surviving child who is under 21 years of
17 age or is blind or permanently and totally disabled, the amount of any
18 medical assistance paid under subsection—~~(d)~~ (e) is a claim against the
19 estate in any guardianship or conservatorship proceeding. The monetary
20 value of any benefits received by the recipient of such medical assistance
21 under long-term care insurance, as defined by K.S.A. 40-2227, and
22 amendments thereto, shall be a credit against the amount of the claim
23 provided for such medical assistance under this subsection. The secretary
24 of health and environment is authorized to enforce each claim provided for
25 under this subsection. The secretary of health and environment shall not be
26 required to pursue every claim, but is granted discretion to determine
27 which claims to pursue. All moneys received by the secretary of health and
28 environment from claims under this subsection shall be deposited in the
29 social welfare fund. The secretary of health and environment may adopt
30 rules and regulations for the implementation and administration of the
31 medical assistance recovery program under this subsection.

32 (3) By applying for or receiving medical assistance under the
33 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and
34 amendments thereto, such individual or such individual's agent, fiduciary,
35 guardian, conservator, representative payee or other person acting on
36 behalf of the individual consents to the following definitions of estate and
37 the results therefrom:

38 (A) If an individual receives any medical assistance before July 1,
39 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
40 and amendments thereto, which forms the basis for a claim under
41 paragraph (2), such claim is limited to the individual's probatable estate as
42 defined by applicable law; and

43 (B) if an individual receives any medical assistance on or after July 1,

1 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
2 and amendments thereto, which forms the basis for a claim under
3 paragraph (2), such claim shall apply to the individual's medical assistance
4 estate. The medical assistance estate is defined as including all real and
5 personal property and other assets in which the deceased individual had
6 any legal title or interest immediately before or at the time of death to the
7 extent of that interest or title. The medical assistance estate includes,
8 without limitation assets conveyed to a survivor, heir or assign of the
9 deceased recipient through joint tenancy, tenancy in common,
10 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
11 trust, annuities or similar arrangement.

12 (4) The secretary of health and environment or the secretary's
13 designee is authorized to file and enforce a lien against the real property of
14 a recipient of medical assistance in certain situations, subject to all prior
15 liens of record and transfers for value to a bona fide purchaser of record.
16 The lien must be filed in the office of the register of deeds of the county
17 where the real property is located within one year from the date of death of
18 the recipient and must contain the legal description of all real property in
19 the county subject to the lien.

20 (A) After the death of a recipient of medical assistance, the secretary
21 of health and environment or the secretary's designee may place a lien on
22 any interest in real property owned by such recipient.

23 (B) The secretary of health and environment or the secretary's
24 designee may place a lien on any interest in real property owned by a
25 recipient of medical assistance during the lifetime of such recipient. Such
26 lien may be filed only after notice and an opportunity for a hearing has
27 been given. Such lien may be enforced only upon competent medical
28 testimony that the recipient cannot reasonably be expected to be
29 discharged and returned home. A six-month period of compensated
30 inpatient care at a nursing home or other medical institution shall
31 constitute a determination by the department of health and environment
32 that the recipient cannot reasonably be expected to be discharged and
33 returned home. To return home means the recipient leaves the nursing or
34 medical facility and resides in the home on which the lien has been placed
35 for a continuous period of at least 90 days without being readmitted as an
36 inpatient to a nursing or medical facility. The amount of the lien shall be
37 for the amount of assistance paid by the department of health and
38 environment until the time of the filing of the lien and for any amount paid
39 thereafter for such medical assistance to the recipient. After the lien is filed
40 against any real property owned by the recipient, such lien will be
41 dissolved if the recipient is discharged, returns home and resides upon the
42 real property to which the lien is attached for a continuous period of at
43 least 90 days without being readmitted as an inpatient to a nursing or

1 medical facility. If the recipient is readmitted as an inpatient to a nursing or
2 medical facility for a continuous period of less than 90 days, another
3 continuous period of at least 90 days shall be completed prior to
4 dissolution of the lien.

5 (5) The lien filed by the secretary of health and environment or the
6 secretary's designee for medical assistance correctly received may be
7 enforced before or after the death of the recipient by the filing of an action
8 to foreclose such lien in the Kansas district court or through an estate
9 probate court action in the county where the real property of the recipient
10 is located. However, it may be enforced only:

11 (A) After the death of the surviving spouse of the recipient;

12 (B) when there is no child of the recipient, natural or adopted, who is
13 20 years of age or less residing in the home;

14 (C) when there is no adult child of the recipient, natural or adopted,
15 who is blind or disabled residing in the home; or

16 (D) when no brother or sister of the recipient is lawfully residing in
17 the home, who has resided there for at least one year immediately before
18 the date of the recipient's admission to the nursing or medical facility, and
19 has resided there on a continuous basis since that time.

20 (6) The lien remains on the property even after a transfer of the title
21 by conveyance, sale, succession, inheritance or will unless one of the
22 following events occur:

23 (A) The lien is satisfied. The recipient, the heirs, personal
24 representative or assigns of the recipient may discharge such lien at any
25 time by paying the amount of the lien to the secretary of health and
26 environment or the secretary's designee;

27 (B) the lien is terminated by foreclosure of prior lien of record or
28 settlement action taken in lieu of foreclosure; or

29 (C) the value of the real property is consumed by the lien, at which
30 time the secretary of health and environment or the secretary's designee
31 may force the sale for the real property to satisfy the lien.

32 (7) If the secretary for aging and disability services or the secretary of
33 health and environment, or both, or such secretary's designee has not filed
34 an action to foreclose the lien in the Kansas district court in the county
35 where the real property is located within 10 years from the date of the
36 filing of the lien, then the lien shall become dormant, and shall cease to
37 operate as a lien on the real estate of the recipient. Such dormant lien may
38 be revived in the same manner as a dormant judgment lien is revived under
39 K.S.A. 60-2403 et seq., and amendments thereto.

40 (8) Within seven days of receipt of notice by the secretary for
41 children and families or the secretary's designee of the death of a recipient
42 of medical assistance under this subsection, the secretary for children and
43 families or the secretary's designee shall give notice of such recipient's

1 death to the secretary of health and environment or the secretary's
2 designee.

3 (9) All rules and regulations adopted on and after July 1, 2013, and
4 prior to July 1, 2014, to implement this subsection shall continue to be
5 effective and shall be deemed to be duly adopted rules and regulations of
6 the secretary of health and environment until revised, amended, revoked or
7 nullified pursuant to law.

8 ~~(g)~~ (h) *Placement under the revised Kansas code for care of children*
9 *or revised Kansas juvenile justice code; assignment of support rights and*
10 *limited power of attorney.* In any case in which the secretary for children
11 and families pays for the expenses of care and custody of a child pursuant
12 to K.S.A. 2015 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
13 thereto, including the expenses of any foster care placement, an
14 assignment of all past, present and future support rights of the child in
15 custody possessed by either parent or other person entitled to receive
16 support payments for the child is, by operation of law, conveyed to the
17 secretary. Such assignment shall become effective upon placement of a
18 child in the custody of the secretary or upon payment of the expenses of
19 care and custody of a child by the secretary without the requirement that
20 any document be signed by the parent or other person entitled to receive
21 support payments for the child. When the secretary pays for the expenses
22 of care and custody of a child or a child is placed in the custody of the
23 secretary, the parent or other person entitled to receive support payments
24 for the child is also deemed to have appointed the secretary, or the
25 secretary's designee, as attorney in fact to perform the specific act of
26 negotiating and endorsing all drafts, checks, money orders or other
27 negotiable instruments representing support payments received by the
28 secretary on behalf of the child. This limited power of attorney shall be
29 effective from the date the assignment to support rights becomes effective
30 and shall remain in effect until the assignment of support rights has been
31 terminated in full.

32 ~~(h)~~ (i) No person who voluntarily quits employment or who is fired
33 from employment due to gross misconduct as defined by rules and
34 regulations of the secretary or who is a fugitive from justice by reason of a
35 felony conviction or charge or violation of a condition of probation or
36 parole imposed under federal or state law shall be eligible to receive public
37 assistance benefits in this state. Any recipient of public assistance who
38 fails to timely comply with monthly reporting requirements under criteria
39 and guidelines prescribed by rules and regulations of the secretary shall be
40 subject to a penalty established by the secretary by rules and regulations.

41 ~~(i)~~ (j) If the applicant or recipient of temporary assistance for needy
42 families is a mother of the dependent child, as a condition of the mother's
43 eligibility for temporary assistance for needy families the mother shall

1 identify by name and, if known, by current address the father of the
2 dependent child except that the secretary may adopt by rules and
3 regulations exceptions to this requirement in cases of undue hardship. Any
4 recipient of temporary assistance for needy families who fails to cooperate
5 with requirements relating to child support services under criteria and
6 guidelines prescribed by rules and regulations of the secretary shall be
7 subject to a penalty established by the secretary.

8 ~~(j)~~ (k) By applying for or receiving child care benefits or food
9 assistance, the applicant or recipient shall be deemed to have assigned,
10 pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on
11 behalf of the state only accrued, present or future rights to support from
12 any other person such applicant may have in such person's own behalf or
13 in behalf of any other family member for whom the applicant is applying
14 for or receiving aid. The assignment of support rights shall automatically
15 become effective upon the date of approval for or receipt of such aid
16 without the requirement that any document be signed by the applicant or
17 recipient. By applying for or receiving child care benefits or food
18 assistance, the applicant or recipient is also deemed to have appointed the
19 secretary, or the secretary's designee, as an attorney in fact to perform the
20 specific act of negotiating and endorsing all drafts, checks, money orders
21 or other negotiable instruments representing support payments received by
22 the secretary in behalf of any person applying for, receiving or having
23 received such assistance. This limited power of attorney shall be effective
24 from the date the secretary approves the application for aid and shall
25 remain in effect until the assignment of support rights has been terminated
26 in full. An applicant or recipient who has assigned support rights to the
27 secretary pursuant to this subsection shall cooperate in establishing and
28 enforcing support obligations to the same extent required of applicants for
29 or recipients of temporary assistance for needy families.

30 ~~(k)~~ (l) (1) A program of drug screening for applicants for cash
31 assistance as a condition of eligibility for cash assistance and persons
32 receiving cash assistance as a condition of continued receipt of cash
33 assistance shall be established, subject to applicable federal law, by the
34 secretary for children and families on and before January 1, 2014. Under
35 such program of drug screening, the secretary for children and families
36 shall order a drug screening of an applicant for or a recipient of cash
37 assistance at any time when reasonable suspicion exists that such applicant
38 for or recipient of cash assistance is unlawfully using a controlled
39 substance or controlled substance analog. The secretary for children and
40 families may use any information obtained by the secretary for children
41 and families to determine whether such reasonable suspicion exists,
42 including, but not limited to, an applicant's or recipient's demeanor, missed
43 appointments and arrest or other police records, previous employment or

1 application for employment in an occupation or industry that regularly
2 conducts drug screening, termination from previous employment due to
3 unlawful use of a controlled substance or controlled substance analog or
4 prior drug screening records of the applicant or recipient indicating
5 unlawful use of a controlled substance or controlled substance analog.

6 (2) Any applicant for or recipient of cash assistance whose drug
7 screening results in a positive test may request that the drug screening
8 specimen be sent to a different drug testing facility for an additional drug
9 screening. Any applicant for or recipient of cash assistance who requests
10 an additional drug screening at a different drug testing facility shall be
11 required to pay the cost of drug screening. Such applicant or recipient who
12 took the additional drug screening and who tested negative for unlawful
13 use of a controlled substance and controlled substance analog shall be
14 reimbursed for the cost of such additional drug screening.

15 (3) Any applicant for or recipient of cash assistance who tests
16 positive for unlawful use of a controlled substance or controlled substance
17 analog shall be required to complete a substance abuse treatment program
18 approved by the secretary for children and families, secretary of labor or
19 secretary of commerce, and a job skills program approved by the secretary
20 for children and families, secretary of labor or secretary of commerce.
21 Subject to applicable federal laws, any applicant for or recipient of cash
22 assistance who fails to complete or refuses to participate in the substance
23 abuse treatment program or job skills program as required under this
24 subsection shall be ineligible to receive cash assistance until completion of
25 such substance abuse treatment and job skills programs. Upon completion
26 of both substance abuse treatment and job skills programs, such applicant
27 for or recipient of cash assistance may be subject to periodic drug
28 screening, as determined by the secretary for children and families. Upon a
29 second positive test for unlawful use of a controlled substance or
30 controlled substance analog, a recipient of cash assistance shall be ordered
31 to complete again a substance abuse treatment program and job skills
32 program, and shall be terminated from cash assistance for a period of 12
33 months, or until such recipient of cash assistance completes both substance
34 abuse treatment and job skills programs, whichever is later. Upon a third
35 positive test for unlawful use of a controlled substance or controlled
36 substance analog, a recipient of cash assistance shall be terminated from
37 cash assistance, subject to applicable federal law.

38 (4) If an applicant for or recipient of cash assistance is ineligible for
39 or terminated from cash assistance as a result of a positive test for
40 unlawful use of a controlled substance or controlled substance analog, and
41 such applicant for or recipient of cash assistance is the parent or legal
42 guardian of a minor child, an appropriate protective payee shall be
43 designated to receive cash assistance on behalf of such child. Such parent

1 or legal guardian of the minor child may choose to designate an individual
2 to receive cash assistance for such parent's or legal guardian's minor child,
3 as approved by the secretary for children and families. Prior to the
4 designated individual receiving any cash assistance, the secretary for
5 children and families shall review whether reasonable suspicion exists that
6 such designated individual is unlawfully using a controlled substance or
7 controlled substance analog.

8 (A) In addition, any individual designated to receive cash assistance
9 on behalf of an eligible minor child shall be subject to drug screening at
10 any time when reasonable suspicion exists that such designated individual
11 is unlawfully using a controlled substance or controlled substance analog.
12 The secretary for children and families may use any information obtained
13 by the secretary for children and families to determine whether such
14 reasonable suspicion exists, including, but not limited to, the designated
15 individual's demeanor, missed appointments and arrest or other police
16 records, previous employment or application for employment in an
17 occupation or industry that regularly conducts drug screening, termination
18 from previous employment due to unlawful use of a controlled substance
19 or controlled substance analog or prior drug screening records of the
20 designated individual indicating unlawful use of a controlled substance or
21 controlled substance analog.

22 (B) Any designated individual whose drug screening results in a
23 positive test may request that the drug screening specimen be sent to a
24 different drug testing facility for an additional drug screening. Any
25 designated individual who requests an additional drug screening at a
26 different drug testing facility shall be required to pay the cost of drug
27 screening. Such designated individual who took the additional drug
28 screening and who tested negative for unlawful use of a controlled
29 substance and controlled substance analog shall be reimbursed for the cost
30 of such additional drug screening.

31 (C) Upon any positive test for unlawful use of a controlled substance
32 or controlled substance analog, the designated individual shall not receive
33 cash assistance on behalf of the parent's or legal guardian's minor child,
34 and another designated individual shall be selected by the secretary for
35 children and families to receive cash assistance on behalf of such parent's
36 or legal guardian's minor child.

37 (5) If a person has been convicted under federal or state law of any
38 offense which is classified as a felony by the law of the jurisdiction and
39 which has as an element of such offense the manufacture, cultivation,
40 distribution, possession or use of a controlled substance or controlled
41 substance analog, and the date of conviction is on or after July 1, 2013,
42 such person shall thereby become forever ineligible to receive any cash
43 assistance under this subsection unless such conviction is the person's first

1 conviction. First-time offenders convicted under federal or state law of any
2 offense which is classified as a felony by the law of the jurisdiction and
3 which has as an element of such offense the manufacture, cultivation,
4 distribution, possession or use of a controlled substance or controlled
5 substance analog, and the date of conviction is on or after July 1, 2013,
6 such person shall become ineligible to receive cash assistance for five
7 years from the date of conviction.

8 (6) Except for hearings before the Kansas department for children
9 and families or, the results of any drug screening administered as part of
10 the drug screening program authorized by this subsection shall be
11 confidential and shall not be disclosed publicly.

12 (7) The secretary for children and families may adopt such rules and
13 regulations as are necessary to carry out the provisions of this subsection.

14 (8) Any authority granted to the secretary for children and families
15 under this subsection shall be in addition to any other penalties prescribed
16 by law.

17 (9) As used in this subsection:

18 (A) "Cash assistance" means cash assistance provided to individuals
19 under the provisions of article 7 of chapter 39 of the Kansas Statutes
20 Annotated, and amendments thereto, and any rules and regulations adopted
21 pursuant to such statutes.

22 (B) "Controlled substance" means the same as in K.S.A. 2015 Supp.
23 21-5701, and amendments thereto, and 21 U.S.C. § 802.

24 (C) "Controlled substance analog" means the same as in K.S.A. 2015
25 Supp. 21-5701, and amendments thereto.

26 Sec. 3. K.S.A. 39-719b is hereby amended to read as follows: 39-
27 719b. (a) If at any time during the continuance of assistance to any person,
28 the recipient thereof becomes possessed of any property or income in
29 excess of the amount ascertained at the time of granting assistance, or if
30 any of the recipient's circumstances which affect eligibility to receive
31 assistance change from the time of determination of eligibility, it shall be
32 the duty of the recipient to notify the secretary immediately of the receipt
33 or possession of such property, income, or of such change in circumstances
34 affecting eligibility and ~~said~~ the secretary may, after investigation, cancel
35 or modify the assistance payment in accordance with the circumstances.

36 (b) Any assistance paid shall be recoverable by the secretary as a debt
37 due to the state. If during the life or on the death of any person receiving
38 assistance, it is found that the recipient was possessed of income or
39 property in excess of the amount reported or ascertained at the time of
40 granting assistance, and if it be shown that such assistance was obtained by
41 an ineligible recipient, the total amount of the assistance may be recovered
42 by the secretary as a fourth class claim from the estate of the recipient or in
43 an action brought against the recipient while living.

1 (c) *The total amount of any assistance that is sold, transferred or*
2 *otherwise disposed of to others by a recipient or any other person, or the*
3 *total amount of any assistance that is knowingly purchased, acquired or*
4 *possessed by any person, except as authorized in state and federal law,*
5 *rules and regulations and agency policy of the department for children*
6 *and families or the department of health and environment, is a debt due to*
7 *the state and the total amount of such assistance that was improperly sold,*
8 *transferred, disposed, purchased, acquired or possessed shall be*
9 *recoverable by the secretary for children and families or the secretary of*
10 *health and environment. Such debt may be recovered during the life or*
11 *upon the death of any recipient or person who sold, transferred, disposed,*
12 *purchased, acquired or possessed such assistance and may be recovered*
13 *as a fourth class claim from the estate of the person or in an action*
14 *brought against the recipient or person while living.*

15 Sec. 4. K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709
16 are hereby repealed.

17 Sec. 5. This act shall take effect and be in force from and after its
18 publication in the statute book.