

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 219

As Amended by Senate Committee on Judiciary

Brief*

SB 219, as amended, would amend law relating to the reporting of abuse, neglect, or exploitation of adults by the addition of “vulnerable” to the term “adult” as used in the section. The bill would define “vulnerable adult” to mean an individual 18 years of age or older who has a physical, mental, or frail condition alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental, or physical in nature. The bill also clarifies that “involved adult” means a vulnerable adult who is the subject of an investigation of abuse.

Certain persons would be mandated to report suspected abuse, neglect, or exploitation of adults. The bill would organize the various mandatory reporters in similar fashion to the list of mandatory reporters found in the Revised Kansas Child in Need of Care Code:

- Persons providing medical care or treatment;
- Persons licensed by the state to provide mental health services;
- Teachers, school administrators, or other employees of an educational institution the vulnerable adult is attending; and
- Firefighters, emergency medical services personnel, law enforcement officers, court services officers, community corrections officers,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

administrative officers, and others providing services to vulnerable adults.

Upon receiving a report of vulnerable adult abuse, neglect, or exploitation, the Kansas Department for Children and Families (DCF) would make a face-to-face assessment with the involved adult.

The bill would require DCF to forward any substantiated finding of abuse, neglect, or exploitation alleged to have been committed by a service provider to the appropriate state regulatory authority, if applicable. The bill also would require DCF to inform complainants that an investigation has been initiated.

If the involved adult has no legal representative and lacks capacity to consent, DCF may petition the court for appointment of a guardian, conservator, or both.

Finally, the bill sets forth certain terms dealing with consent to receive protective services.

Background

The bill was introduced in the Senate Committee on Judiciary. At the hearing in the Senate Committee, a representative of DCF testified in support of the bill and offered additional amendments. DCF noted that adding the term “vulnerable” to the definition of “adult” in existing law would help clarify what type of individual these statutes were enacted to protect. Written testimony in support of the bill was submitted by the Kansas Emergency Medical Services Association to express the organization’s support for the addition of emergency medical services personnel to the list of mandatory reporters in suspected cases of vulnerable adult abuse. No neutral or opposing testimony was presented.

The Senate Committee amended the original bill by adopting two amendments suggested by DCF. The original

bill would have included mandatory reporting of physical, mental, and emotional abuse or neglect or sexual abuse of a vulnerable adult, while the amended version would specify that a report must be made when a person has reasonable cause to believe that an adult is being or has been abused, neglected, exploited, or subjected to fiduciary abuse.

The Committee also amended the bill based on DCF's suggestion that "vulnerable" be removed from the section pertaining to reporting so that any person having reasonable cause to believe a violation of this section has occurred would not be forced to make a determination of vulnerability prior to reporting suspected abuse, neglect, or exploitation.

The Committee further amended the bill by removing all references to the term "emotional" after concern was expressed for that term's ambiguity as used in the bill and by adopting a technical correction.

According to the fiscal note prepared by the Division of the Budget, DCF indicates the bill, as introduced, may result in an increase in reports of adult abuse, neglect, and exploitation, but the additional reports and investigations would be handled by existing staff and resources.