

Substitute for SENATE BILL No. 95

By Committee on Public Health and Welfare

2-21

1 AN ACT concerning public assistance; relating to eligibility; requirements;
2 telephonic signatures for applications; amending K.S.A. 2016 Supp.
3 39-709 and repealing the existing section.
4

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

6 New Section 1. (a) For purposes of any public assistance program
7 described in K.S.A. 39-709, and amendments thereto, that is administered
8 by the secretary for children and families, the secretary shall accept a
9 telephonic signature by an applicant, or the applicant's authorized
10 representative, to fulfill any signature requirement prescribed for any
11 application for such public assistance program. Nothing in this section
12 shall be construed to require an applicant to submit a telephonic signature
13 with any application for public assistance.

14 (b) The secretary for children and families shall adopt rules and
15 regulations prior to January 1, 2018, to establish requirements for any
16 applicant choosing to submit a telephonic signature with an application for
17 public assistance, including measures to verify the identity of any
18 applicant choosing or purporting to submit a telephonic signature, to
19 protect an applicant for public assistance against potential impersonation,
20 identity theft or invasion of privacy and to provide accurate linkage
21 between a telephonic signature and the associated application or case file.

22 (c) A telephonic signature submitted pursuant to this section shall
23 constitute a valid and legal signature and may not be denied legal effect or
24 enforceability solely because the signature is telephonic.

25 (d) (1) The secretary for children and families shall enter into a
26 memorandum of understanding with any organization in the state of
27 Kansas that is willing and able to collect and store telephonic signatures on
28 behalf of an applicant for any public assistance program that is described
29 in this section, subject to the requirements prescribed by the secretary for
30 children and families and the requirements prescribed by the United States
31 department of agriculture, as such requirements exist on the effective date
32 of this section. The memorandum of understanding shall detail the
33 requirements for collecting and storing a telephonic signature, shall
34 provide for access to such signatures by the Kansas department for
35 children and families and shall provide that, prior to adoption of rules and
36 regulations pursuant to subsection (b), the secretary for children and

1 families shall accept any telephonic signature that is submitted in
2 accordance with any memorandum of understanding executed pursuant to
3 this subsection.

4 (2) On or before July 1, 2018, the Kansas department for children and
5 families shall develop the capability to accept telephonic signatures in
6 electronic audio file formats that are submitted with an online application
7 for public assistance.

8 (3) On or before July 1, 2018, the Kansas department for children and
9 families shall develop the capability to store telephonic signatures in
10 electronic audio file formats together with public assistance applications
11 stored within the department.

12 (e) As used in this section, "telephonic signature" means a recording
13 of the verbal assent of an individual to submit an application for public
14 assistance to the secretary for children and families over a telephone
15 system and the information to which assent has been given.

16 Sec. 2. K.S.A. 2016 Supp. 39-709 is hereby amended to read as
17 follows: 39-709. (a) *General eligibility requirements for assistance for*
18 *which federal moneys are expended.* Subject to the additional requirements
19 below, assistance in accordance with plans under which federal moneys
20 are expended may be granted to any needy person who:

21 (1) Has insufficient income or resources to provide a reasonable
22 subsistence compatible with decency and health. Where a husband and
23 wife or cohabiting partners are living together, the combined income or
24 resources of both shall be considered in determining the eligibility of
25 either or both for such assistance unless otherwise prohibited by law. The
26 secretary, in determining need of any applicant for or recipient of
27 assistance shall not take into account the financial responsibility of any
28 individual for any applicant or recipient of assistance unless such applicant
29 or recipient is such individual's spouse, cohabiting partner or such
30 individual's minor child or minor stepchild if the stepchild is living with
31 such individual. The secretary in determining need of an individual may
32 provide such income and resource exemptions as may be permitted by
33 federal law. For purposes of eligibility for temporary assistance for needy
34 families, for food assistance and for any other assistance provided through
35 the Kansas department for children and families under which federal
36 moneys are expended, the secretary for children and families shall
37 consider one motor vehicle owned by the applicant for assistance,
38 regardless of the value of such vehicle, as exempt personal property and
39 shall consider any equity in any boat, personal water craft, recreational
40 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined
41 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
42 owned by the applicant for assistance to be a nonexempt resource of the
43 applicant for assistance except that any additional motor vehicle used by

1 the applicant, the applicant's spouse or the applicant's cohabiting partner
2 for the primary purpose of earning income may be considered as exempt
3 personal property in the secretary's discretion.

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

6 (b) *Temporary assistance for needy families.* Assistance may be
7 granted under this act to any dependent child, or relative, subject to the
8 general eligibility requirements as set out in subsection (a), who resides in
9 the state of Kansas or whose parent or other relative with whom the child
10 is living resides in the state of Kansas. Such assistance shall be known as
11 temporary assistance for needy families. Where the husband and wife or
12 cohabiting partners are living together, both shall register for work under
13 the program requirements for temporary assistance for needy families in
14 accordance with criteria and guidelines prescribed by rules and regulations
15 of the secretary.

16 (1) As used in this subsection, "family group" or "household" means
17 the applicant or recipient for TANF, child care subsidy or employment
18 services and all individuals living together in which there is a relationship
19 of legal responsibility or a qualifying caretaker relationship. This will
20 include a cohabiting boyfriend or girlfriend living with the person legally
21 responsible for the child. The family group shall not be eligible for TANF
22 if the family group contains at least one adult member who has received
23 TANF, including the federal TANF assistance received in any other state,
24 for 24 calendar months beginning on and after October 1, 1996, unless the
25 secretary determines a hardship exists and grants an extension allowing
26 receipt of TANF until the 36-month limit is reached. No extension beyond
27 36 months shall be granted. Hardship provisions for a recipient include:

28 (A) Is a caretaker of a disabled family member living in the
29 household;

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

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

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

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

39 (2) All adults applying for TANF shall be required to complete a
40 work program assessment as specified by the Kansas department for
41 children and families, including those who have been disqualified for or
42 denied TANF due to non-cooperation, drug testing requirements or fraud.
43 Adults who are not otherwise eligible for TANF, such as ineligible aliens,

1 relative/non-relative caretakers and adults receiving supplemental security
2 income are not required to complete the assessment process. During the
3 application processing period, applicants must complete at least one
4 module or its equivalent of the work program assessment to be considered
5 eligible for TANF benefits, unless good cause is found to be exempt from
6 the requirements. Good cause exemptions shall only include:

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

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

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

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

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

15 (F) the applicant has completed the work program assessment within
16 the last 12 months.

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

21 (4) TANF mandatory work program applicants and recipients shall
22 participate in work components that lead to competitive, integrated
23 employment. Components are defined by the federal government as being
24 either primary or secondary. In order to meet federal work participation
25 requirements, households need to meet at least 30 hours of participation
26 per week, at least 20 hours of which need to be primary and at least 10
27 hours may be secondary components in one parent households where the
28 youngest child is six years of age or older. Participation hours shall be 55
29 hours in two parent households (35 hours per week if child care is not
30 used). The maximum assignment is 40 hours per week per individual. For
31 two parent families to meet the federal work participation rate both parents
32 must participate in a combined total of 55 hours per week, 50 hours of
33 which must be in primary components, or one or both parents could be
34 assigned a combined total of 35 hours per week (30 hours of which must
35 be primary components) if department for children and families paid child
36 care is not received by the family. Single parent families with a child under
37 age six meet the federal participation requirement if the parent is engaged
38 in work or work activities for at least 20 hours per week in a primary work
39 component. The following components meet federal definitions of primary
40 hours of participation: Full or part-time employment, apprenticeship, work
41 study, self-employment, job corps, subsidized employment, work
42 experience sites, on-the-job training, supervised community service,
43 vocational education, job search and job readiness. Secondary components

1 include: Job skills training, education directly related to employment such
2 as adult basic education and English as a second language, and completion
3 of a high school diploma or GED.

4 ~~(5) A parent or other adult caretaker~~ *An individual who is a single*
5 *custodial parent and* personally providing care for a child under the age of
6 ~~three six~~ months in their TANF household is exempt from work
7 participation activities until the month the child turns ~~three six~~ months of
8 age. ~~Such three-month limitation shall not apply to a parent or other adult~~
9 ~~caretaker who is personally providing care for a child born significantly~~
10 ~~premature, with serious medical conditions or with a disability as defined~~
11 ~~by the secretary, in consultation with the secretary of health and~~
12 ~~environment, and adopted in the rules and regulations. The three-month~~
13 ~~period is defined as two consecutive months starting with the month after~~
14 ~~childbirth. The exemption for caring for a child under three months cannot~~
15 ~~be claimed:~~

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

18 ~~(B) by one parent or caretaker when the other parent or caretaker is in~~
19 ~~the home, and available, capable and suitable to provide care and the~~
20 ~~household does not meet the two-parent definition for federal reporting~~
21 ~~purposes;~~

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

26 ~~(D) by any person assigned to a work participation activity for~~
27 ~~substance use disorders.~~

28 (6) TANF work experience placements shall be reviewed after 90
29 days and are limited to six months per 24-month lifetime limit. A client's
30 progress shall be reviewed prior to each new placement regardless of the
31 length of time they are at the work experience site.

32 (7) TANF participants with disabilities shall engage in required
33 employment activities to the maximum extent consistent with their
34 abilities. TANF participants shall provide current documentation by a
35 qualified medical practitioner that details the abilities to engage in
36 employment and any limitations in work activities along with the expected
37 duration of such limitations. Disability is defined as a physical or mental
38 impairment constituting or resulting in a substantial impediment to
39 employment for such individual.

40 (8) Non-cooperation is the failure of the applicant or recipient to
41 comply with all requirements provided in state and federal law, federal and
42 state rules and regulations and agency policy. The period of ineligibility
43 for TANF benefits based on non-cooperation with work programs shall be

1 as follows:

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

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

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

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

9 (9) Individuals that have not cooperated with TANF work programs
10 shall be ineligible to participate in the food assistance program. The
11 comparable penalty shall be applied to only the individual in the food
12 assistance program who failed to comply with the TANF work
13 requirement. The agency shall impose the same penalty to the member of
14 the household who failed to comply with TANF requirements. The penalty
15 periods are three months, six months, one year, or 10 years.

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

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

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

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

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

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

32 (12) (A) Any individual who is found to have committed fraud or is
33 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.
34 2016 Supp. 21-5801, and amendments thereto, in either the TANF or child
35 care program shall render all adults in the family unit ineligible for TANF
36 assistance. Adults in the household who were determined to have
37 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
38 39-720 and K.S.A. 2016 Supp. 21-5801, and amendments thereto, shall
39 render themselves and all adult household members ineligible for their
40 lifetime for TANF, even if fraud was committed in only one program.
41 Households who have been determined to have committed fraud or were
42 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2016
43 Supp. 21-5801, and amendments thereto, shall be required to name a

1 protective payee as approved by the secretary or the secretary's designee to
2 administer TANF benefits or food assistance on behalf of the children. No
3 adult in a household may have access to the TANF cash assistance benefit.

4 (B) Any individual that has failed to cooperate with a fraud
5 investigation shall be ineligible to participate in the TANF cash assistance
6 program and the child care subsidy program until the department for
7 children and families determines that such individual is cooperating with
8 the fraud investigation. The department for children and families shall
9 maintain a sufficient level of fraud investigative staff to enable the
10 department to conduct fraud investigations in a timely manner and in full
11 accordance with state law and department rules and regulations or policies.

12 (13) (A) Food assistance shall not be provided to any person
13 convicted of a felony offense occurring on or after July 1, 2015, which
14 includes as an element of such offense the manufacture, cultivation,
15 distribution, possession or use of a controlled substance or controlled
16 substance analog. For food assistance, the individual shall be permanently
17 disqualified if they have been convicted of a state or federal felony offense
18 occurring on or after July 1, 2015, involving possession or use of a
19 controlled substance or controlled substance analog.

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

25 An individual's failure to submit to testing or failure to successfully
26 pass a drug test shall result in ineligibility for food assistance until a drug
27 test is successfully passed. Failure to successfully complete a drug
28 treatment program shall result in ineligibility for food assistance until a
29 drug treatment plan approved by the secretary is successfully completed,
30 the individual passes a drug test and agrees to submit to drug testing if
31 requested by the department pursuant to a drug testing plan.

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

35 (14) No TANF cash assistance shall be used to purchase alcohol,
36 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
37 collegiate sporting event tickets or tickets for other entertainment events
38 intended for the general public or sexually oriented adult materials. No
39 TANF cash assistance shall be used in any retail liquor store, casino,
40 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
41 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
42 vapor cigarette store, psychic or fortune telling business, bail bond
43 company, video arcade, movie theater, swimming pool, cruise ship, theme

1 park, dog or horse racing facility, parimutuel facility, or sexually oriented
2 business or any retail establishment which provides adult-oriented
3 entertainment in which performers disrobe or perform in an unclothed
4 state for entertainment, or in any business or retail establishment where
5 minors under age 18 are not permitted. No TANF cash assistance shall be
6 used for purchases at points of sale outside the state of Kansas.

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

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

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

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

30 (16) The secretary for children and families shall adopt rules and
31 regulations:

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

34 (B) in determining and maintaining eligibility for non-TANF child
35 care, ~~requiring that all included adults shall be employed a minimum of 20~~
36 ~~hours per week or more as defined by the secretary or meet~~ *providing for*
37 *the following specific qualifying exemptions from work participation*
38 *requirements:*

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

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

1 closure;

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

5 (iv) adults who are participants in a food assistance employment and
6 training program; or

7 (v) adults who are participants in an early head start child care
8 partnership program and are working or in school or training.

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

25 (17) (A) The secretary for children and families ~~is prohibited from~~
26 ~~requesting or implementing~~ *may request and implement* a waiver or
27 program from the U.S. department of agriculture for the time limited
28 assistance provisions for able-bodied adults aged 18 through 49 without
29 dependents in a household under the food assistance program *pursuant to*
30 *7 U.S.C. § 2015(o)(4)(A), as such section exists on July 1, 2017, in areas*
31 *that have an unemployment rate over 10% or that do not have a sufficient*
32 *number of jobs.* The time on food assistance for able-bodied adults aged 18
33 through 49 without dependents in the household shall be limited to three
34 months in a 36-month period if such adults are not meeting the
35 requirements imposed by the U.S. department of agriculture that they must
36 work for at least 20 hours per week or participate in a federally approved
37 work program or its equivalent, *unless such adults are exempt from such*
38 *requirements. The secretary may use all available authority to exempt*
39 *specific populations from such requirements pursuant to 7 C.F.R. §*
40 *273.24, as such section exists on July 1, 2017, including, but not limited*
41 *to: Individuals aged 18 to 21 years who are aging out of the foster care*
42 *system; homeless individuals, including homeless military veterans;*
43 *offenders; individuals who are mentally unfit for employment; and*

1 *noncustodial parents.*

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

7 (C) Any recipient who has not complied with the work requirements
8 under subparagraph (B) shall be ineligible to participate in the food
9 assistance program for the following time period and until the recipient
10 complies with such work requirements:

11 (i) For a first penalty, three months;

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

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

14 (18) Eligibility for the food assistance program shall be limited to
15 those individuals who are citizens or who meet qualified non-citizen status
16 as determined by U.S. department of agriculture. Non-citizen individuals
17 who are unable or unwilling to provide qualifying immigrant
18 documentation, as defined by the U.S. department of agriculture, residing
19 within a household shall not be included when determining the household's
20 size for the purposes of assigning a benefit level to the household for food
21 assistance or comparing the household's monthly income with the income
22 eligibility standards. The gross non-exempt earned and unearned income
23 and resources of disqualified individuals shall be counted in its entirety as
24 available to the remaining household members.

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

29 (20) No federal or state funds shall be used for television, radio or
30 billboard advertisements that are designed to promote food assistance
31 benefits and enrollment. No federal or state funding shall be used for any
32 agreements with foreign governments designed to promote food
33 assistance.

34 (21) (A) The secretary for children and families shall not apply gross
35 income standards for food assistance higher than the standards specified in
36 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
37 eligibility exempting households from such gross income standards
38 requirements shall not be granted for any non-cash, in-kind or other
39 benefit unless expressly required by federal law.

40 (B) The secretary for children and families shall not apply resource
41 limits standards for food assistance that are higher than the standards
42 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal
43 law. Categorical eligibility exempting households from such resource

1 limits shall not be granted for any non-cash, in-kind or other benefit unless
2 expressly required by federal law.

3 (c) (1) On and after January 1, 2017, the department for children and
4 families shall conduct an electronic check for any false information
5 provided on an application for TANF and other benefits programs
6 administered by the department. For TANF cash assistance, food
7 assistance and the child care subsidy program, the department shall verify
8 the identity of all adults in the assistance household.

9 (2) The department of administration shall provide monthly to the
10 Kansas department for children and families the social security numbers or
11 alternate taxpayer identification numbers of all persons who claim a
12 Kansas lottery prize in excess of \$5,000 during the reported month. The
13 Kansas department for children and families shall verify if individuals
14 with such winnings are receiving TANF cash assistance, food assistance or
15 assistance under the child care subsidy program and take appropriate
16 action. The Kansas department for children and families shall use data
17 received under this subsection solely, and for no other purpose, to
18 determine if any recipient's eligibility for benefits has been affected by
19 lottery prize winnings. The Kansas department for children and families
20 shall not publicly disclose the identity of any lottery prize winner,
21 including recipients who are determined to have illegally received
22 benefits.

23 (d) *Temporary assistance for needy families; assignment of support*
24 *rights and limited power of attorney.* By applying for or receiving
25 temporary assistance for needy families such applicant or recipient shall be
26 deemed to have assigned to the secretary on behalf of the state any
27 accrued, present or future rights to support from any other person such
28 applicant may have in such person's own behalf or in behalf of any other
29 family member for whom the applicant is applying for or receiving aid. In
30 any case in which an order for child support has been established and the
31 legal custodian and obligee under the order surrenders physical custody of
32 the child to a caretaker relative without obtaining a modification of legal
33 custody and support rights on behalf of the child are assigned pursuant to
34 this section, the surrender of physical custody and the assignment shall
35 transfer, by operation of law, the child's support rights under the order to
36 the secretary on behalf of the state. Such assignment shall be of all
37 accrued, present or future rights to support of the child surrendered to the
38 caretaker relative. The assignment of support rights shall automatically
39 become effective upon the date of approval for or receipt of such aid
40 without the requirement that any document be signed by the applicant,
41 recipient or obligee. By applying for or receiving temporary assistance for
42 needy families, or by surrendering physical custody of a child to a
43 caretaker relative who is an applicant or recipient of such assistance on the

1 child's behalf, the applicant, recipient or obligee is also deemed to have
2 appointed the secretary, or the secretary's designee, as an attorney-in-fact
3 to perform the specific act of negotiating and endorsing all drafts, checks,
4 money orders or other negotiable instruments representing support
5 payments received by the secretary in behalf of any person applying for,
6 receiving or having received such assistance. This limited power of
7 attorney shall be effective from the date the secretary approves the
8 application for aid and shall remain in effect until the assignment of
9 support rights has been terminated in full.

10 (e) *Requirements for medical assistance for which federal moneys or*
11 *state moneys or both are expended.* (1) When the secretary has adopted a
12 medical care plan under which federal moneys or state moneys or both are
13 expended, medical assistance in accordance with such plan shall be
14 granted to any person who is a citizen of the United States or who is an
15 alien lawfully admitted to the United States and who is residing in the state
16 of Kansas, whose resources and income do not exceed the levels
17 prescribed by the secretary. In determining the need of an individual, the
18 secretary may provide for income and resource exemptions and protected
19 income and resource levels. Resources from inheritance shall be counted.
20 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
21 amendments thereto, shall constitute a transfer of resources. The secretary
22 shall exempt principal and interest held in irrevocable trust pursuant to
23 K.S.A. 16-303(c), and amendments thereto, from the eligibility
24 requirements of applicants for and recipients of medical assistance. Such
25 assistance shall be known as medical assistance.

26 (2) For the purposes of medical assistance eligibility determinations
27 on or after July 1, 2004, if an applicant or recipient owns property in joint
28 tenancy with some other party and the applicant or recipient of medical
29 assistance has restricted or conditioned their interest in such property to a
30 specific and discrete property interest less than 100%, then such
31 designation will cause the full value of the property to be considered an
32 available resource to the applicant or recipient. Medical assistance
33 eligibility for receipt of benefits under the title XIX of the social security
34 act, commonly known as medicaid, shall not be expanded, as provided for
35 in the patient protection and affordable care act, public law 111-148, 124
36 stat. 119, and the health care and education reconciliation act of 2010,
37 public law 111-152, 124 stat. 1029, unless the legislature expressly
38 consents to, and approves of, the expansion of medicaid services by an act
39 of the legislature.

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

1 (B) If a trust has discretionary language, the trust shall be considered
2 to be an available resource to the extent, using the full extent of discretion,
3 the trustee may make any of the income or principal available to the
4 applicant or recipient of medical assistance. Any such discretionary trust
5 shall be considered an available resource unless: (i) At the time of creation
6 or amendment of the trust, the trust states a clear intent that the trust is
7 supplemental to public assistance; and (ii) the trust: (a) Is funded from
8 resources of a person who, at the time of such funding, owed no duty of
9 support to the applicant or recipient of medical assistance; or (b) is funded
10 not more than nominally from resources of a person while that person
11 owed a duty of support to the applicant or recipient of medical assistance.

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

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

36 (B) When an applicant or recipient of medical assistance is a party to
37 a written contract for personal services being provided by a licensed health
38 professional or facility and such contract involves health and welfare
39 monitoring, pharmacy assistance, case management, communication with
40 medical, health or other professionals, or other activities related to home
41 health care, long term care, medical assistance benefits or other related
42 issues, any moneys paid in advance of receipt of services for such
43 contracts shall be considered to be an available resource.

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

3 (f) *Eligibility for medical assistance of resident receiving medical*
4 *care outside state.* A person who is receiving medical care including long-
5 term care outside of Kansas whose health would be endangered by the
6 postponement of medical care until return to the state or by travel to return
7 to Kansas, may be determined eligible for medical assistance if such
8 individual is a resident of Kansas and all other eligibility factors are met.
9 Persons who are receiving medical care on an ongoing basis in a long-term
10 medical care facility in a state other than Kansas and who do not return to
11 a care facility in Kansas when they are able to do so, shall no longer be
12 eligible to receive assistance in Kansas unless such medical care is not
13 available in a comparable facility or program providing such medical care
14 in Kansas. For persons who are minors or who are under guardianship, the
15 actions of the parent or guardian shall be deemed to be the actions of the
16 child or ward in determining whether or not the person is remaining
17 outside the state voluntarily.

18 (g) *Medical assistance; assignment of rights to medical support and*
19 *limited power of attorney; recovery from estates of deceased recipients.* (1)

20 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
21 amendments thereto, or as otherwise authorized on and after September
22 30, 1989, under section 303 of the federal medicare catastrophic coverage
23 act of 1988, whichever is applicable, by applying for or receiving medical
24 assistance under a medical care plan in which federal funds are expended,
25 any accrued, present or future rights to support and any rights to payment
26 for medical care from a third party of an applicant or recipient and any
27 other family member for whom the applicant is applying shall be deemed
28 to have been assigned to the secretary on behalf of the state. The
29 assignment shall automatically become effective upon the date of approval
30 for such assistance without the requirement that any document be signed
31 by the applicant or recipient. By applying for or receiving medical
32 assistance the applicant or recipient is also deemed to have appointed the
33 secretary, or the secretary's designee, as an attorney in fact to perform the
34 specific act of negotiating and endorsing all drafts, checks, money orders
35 or other negotiable instruments, representing payments received by the
36 secretary in on behalf of any person applying for, receiving or having
37 received such assistance. This limited power of attorney shall be effective
38 from the date the secretary approves the application for assistance and
39 shall remain in effect until the assignment has been terminated in full. The
40 assignment of any rights to payment for medical care from a third party
41 under this subsection shall not prohibit a health care provider from directly
42 billing an insurance carrier for services rendered if the provider has not
43 submitted a claim covering such services to the secretary for payment.

1 Support amounts collected on behalf of persons whose rights to support
2 are assigned to the secretary only under this subsection and no other shall
3 be distributed pursuant to K.S.A. 39-756(d), and amendments thereto,
4 except that any amounts designated as medical support shall be retained by
5 the secretary for repayment of the unreimbursed portion of assistance.
6 Amounts collected pursuant to the assignment of rights to payment for
7 medical care from a third party shall also be retained by the secretary for
8 repayment of the unreimbursed portion of assistance.

9 (B) Notwithstanding the provisions of subparagraph (A), the
10 secretary of health and environment, or the secretary's designee, is hereby
11 authorized to and shall exercise any of the powers specified in
12 subparagraph (A) in relation to performance of such secretary's duties
13 pertaining to medical subrogation, estate recovery or any other duties
14 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
15 Annotated, and amendments thereto.

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

1 the implementation and administration of the medical assistance recovery
2 program under this subsection.

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

9 (A) If an individual receives any medical assistance before July 1,
10 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
11 and amendments thereto, which forms the basis for a claim under
12 paragraph (2), such claim is limited to the individual's probatable estate as
13 defined by applicable law; and

14 (B) if an individual receives any medical assistance on or after July 1,
15 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
16 and amendments thereto, which forms the basis for a claim under
17 paragraph (2), such claim shall apply to the individual's medical assistance
18 estate. The medical assistance estate is defined as including all real and
19 personal property and other assets in which the deceased individual had
20 any legal title or interest immediately before or at the time of death to the
21 extent of that interest or title. The medical assistance estate includes,
22 without limitation assets conveyed to a survivor, heir or assign of the
23 deceased recipient through joint tenancy, tenancy in common,
24 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
25 trust, annuities or similar arrangement.

26 (4) The secretary of health and environment or the secretary's
27 designee is authorized to file and enforce a lien against the real property of
28 a recipient of medical assistance in certain situations, subject to all prior
29 liens of record and transfers for value to a bona fide purchaser of record.
30 The lien must be filed in the office of the register of deeds of the county
31 where the real property is located within one year from the date of death of
32 the recipient and must contain the legal description of all real property in
33 the county subject to the lien.

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

37 (B) The secretary of health and environment or the secretary's
38 designee may place a lien on any interest in real property owned by a
39 recipient of medical assistance during the lifetime of such recipient. Such
40 lien may be filed only after notice and an opportunity for a hearing has
41 been given. Such lien may be enforced only upon competent medical
42 testimony that the recipient cannot reasonably be expected to be
43 discharged and returned home. A six-month period of compensated

1 inpatient care at a nursing home or other medical institution shall
2 constitute a determination by the department of health and environment
3 that the recipient cannot reasonably be expected to be discharged and
4 returned home. To return home means the recipient leaves the nursing or
5 medical facility and resides in the home on which the lien has been placed
6 for a continuous period of at least 90 days without being readmitted as an
7 inpatient to a nursing or medical facility. The amount of the lien shall be
8 for the amount of assistance paid by the department of health and
9 environment until the time of the filing of the lien and for any amount paid
10 thereafter for such medical assistance to the recipient. After the lien is filed
11 against any real property owned by the recipient, such lien will be
12 dissolved if the recipient is discharged, returns home and resides upon the
13 real property to which the lien is attached for a continuous period of at
14 least 90 days without being readmitted as an inpatient to a nursing or
15 medical facility. If the recipient is readmitted as an inpatient to a nursing or
16 medical facility for a continuous period of less than 90 days, another
17 continuous period of at least 90 days shall be completed prior to
18 dissolution of the lien.

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

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

26 (B) when there is no child of the recipient, natural or adopted, who is
27 20 years of age or less residing in the home;

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

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

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

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

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

43 (C) the value of the real property is consumed by the lien, at which

1 time the secretary of health and environment or the secretary's designee
2 may force the sale for the real property to satisfy the lien.

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

11 (8) Within seven days of receipt of notice by the secretary for
12 children and families or the secretary's designee of the death of a recipient
13 of medical assistance under this subsection, the secretary for children and
14 families or the secretary's designee shall give notice of such recipient's
15 death to the secretary of health and environment or the secretary's
16 designee.

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

22 (h) *Placement under the revised Kansas code for care of children or*
23 *revised Kansas juvenile justice code; assignment of support rights and*
24 *limited power of attorney.* In any case in which the secretary for children
25 and families pays for the expenses of care and custody of a child pursuant
26 to K.S.A. 2016 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
27 thereto, including the expenses of any foster care placement, an
28 assignment of all past, present and future support rights of the child in
29 custody possessed by either parent or other person entitled to receive
30 support payments for the child is, by operation of law, conveyed to the
31 secretary. Such assignment shall become effective upon placement of a
32 child in the custody of the secretary or upon payment of the expenses of
33 care and custody of a child by the secretary without the requirement that
34 any document be signed by the parent or other person entitled to receive
35 support payments for the child. When the secretary pays for the expenses
36 of care and custody of a child or a child is placed in the custody of the
37 secretary, the parent or other person entitled to receive support payments
38 for the child is also deemed to have appointed the secretary, or the
39 secretary's designee, as attorney in fact to perform the specific act of
40 negotiating and endorsing all drafts, checks, money orders or other
41 negotiable instruments representing support payments received by the
42 secretary on behalf of the child. This limited power of attorney shall be
43 effective from the date the assignment to support rights becomes effective

1 and shall remain in effect until the assignment of support rights has been
2 terminated in full.

3 (i) No person who voluntarily quits employment or who is fired from
4 employment due to gross misconduct as defined by rules and regulations
5 of the secretary or who is a fugitive from justice by reason of a felony
6 conviction or charge or violation of a condition of probation or parole
7 imposed under federal or state law shall be eligible to receive public
8 assistance benefits in this state. Any recipient of public assistance who
9 fails to timely comply with monthly reporting requirements under criteria
10 and guidelines prescribed by rules and regulations of the secretary shall be
11 subject to a penalty established by the secretary by rules and regulations.

12 (j) If the applicant or recipient of temporary assistance for needy
13 families is a mother of the dependent child, as a condition of the mother's
14 eligibility for temporary assistance for needy families the mother shall
15 identify by name and, if known, by current address the father of the
16 dependent child except that the secretary may adopt by rules and
17 regulations exceptions to this requirement in cases of undue hardship. Any
18 recipient of temporary assistance for needy families who fails to cooperate
19 with requirements relating to child support services under criteria and
20 guidelines prescribed by rules and regulations of the secretary shall be
21 subject to a penalty established by the secretary.

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

1 (1) (1) A program of drug screening for applicants for cash assistance
2 as a condition of eligibility for cash assistance and persons receiving cash
3 assistance as a condition of continued receipt of cash assistance shall be
4 established, subject to applicable federal law, by the secretary for children
5 and families on and before January 1, 2014. Under such program of drug
6 screening, the secretary for children and families shall order a drug
7 screening of an applicant for or a recipient of cash assistance at any time
8 when reasonable suspicion exists that such applicant for or recipient of
9 cash assistance is unlawfully using a controlled substance or controlled
10 substance analog. The secretary for children and families may use any
11 information obtained by the secretary for children and families to
12 determine whether such reasonable suspicion exists, including, but not
13 limited to, an applicant's or recipient's demeanor, missed appointments and
14 arrest or other police records, previous employment or application for
15 employment in an occupation or industry that regularly conducts drug
16 screening, termination from previous employment due to unlawful use of a
17 controlled substance or controlled substance analog or prior drug screening
18 records of the applicant or recipient indicating unlawful use of a controlled
19 substance or controlled substance analog.

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

29 (3) Any applicant for or recipient of cash assistance who tests
30 positive for unlawful use of a controlled substance or controlled substance
31 analog shall be required to complete a substance abuse treatment program
32 approved by the secretary for children and families, secretary of labor or
33 secretary of commerce, and a job skills program approved by the secretary
34 for children and families, secretary of labor or secretary of commerce.
35 Subject to applicable federal laws, any applicant for or recipient of cash
36 assistance who fails to complete or refuses to participate in the substance
37 abuse treatment program or job skills program as required under this
38 subsection shall be ineligible to receive cash assistance until completion of
39 such substance abuse treatment and job skills programs. Upon completion
40 of both substance abuse treatment and job skills programs, such applicant
41 for or recipient of cash assistance may be subject to periodic drug
42 screening, as determined by the secretary for children and families. Upon a
43 second positive test for unlawful use of a controlled substance or

1 controlled substance analog, a recipient of cash assistance shall be ordered
2 to complete again a substance abuse treatment program and job skills
3 program, and shall be terminated from cash assistance for a period of 12
4 months, or until such recipient of cash assistance completes both substance
5 abuse treatment and job skills programs, whichever is later. Upon a third
6 positive test for unlawful use of a controlled substance or controlled
7 substance analog, a recipient of cash assistance shall be terminated from
8 cash assistance, subject to applicable federal law.

9 (4) If an applicant for or recipient of cash assistance is ineligible for
10 or terminated from cash assistance as a result of a positive test for
11 unlawful use of a controlled substance or controlled substance analog, and
12 such applicant for or recipient of cash assistance is the parent or legal
13 guardian of a minor child, an appropriate protective payee shall be
14 designated to receive cash assistance on behalf of such child. Such parent
15 or legal guardian of the minor child may choose to designate an individual
16 to receive cash assistance for such parent's or legal guardian's minor child,
17 as approved by the secretary for children and families. Prior to the
18 designated individual receiving any cash assistance, the secretary for
19 children and families shall review whether reasonable suspicion exists that
20 such designated individual is unlawfully using a controlled substance or
21 controlled substance analog.

22 (A) In addition, any individual designated to receive cash assistance
23 on behalf of an eligible minor child shall be subject to drug screening at
24 any time when reasonable suspicion exists that such designated individual
25 is unlawfully using a controlled substance or controlled substance analog.
26 The secretary for children and families may use any information obtained
27 by the secretary for children and families to determine whether such
28 reasonable suspicion exists, including, but not limited to, the designated
29 individual's demeanor, missed appointments and arrest or other police
30 records, previous employment or application for employment in an
31 occupation or industry that regularly conducts drug screening, termination
32 from previous employment due to unlawful use of a controlled substance
33 or controlled substance analog or prior drug screening records of the
34 designated individual indicating unlawful use of a controlled substance or
35 controlled substance analog.

36 (B) Any designated individual whose drug screening results in a
37 positive test may request that the drug screening specimen be sent to a
38 different drug testing facility for an additional drug screening. Any
39 designated individual who requests an additional drug screening at a
40 different drug testing facility shall be required to pay the cost of drug
41 screening. Such designated individual who took the additional drug
42 screening and who tested negative for unlawful use of a controlled
43 substance and controlled substance analog shall be reimbursed for the cost

1 of such additional drug screening.

2 (C) Upon any positive test for unlawful use of a controlled substance
3 or controlled substance analog, the designated individual shall not receive
4 cash assistance on behalf of the parent's or legal guardian's minor child,
5 and another designated individual shall be selected by the secretary for
6 children and families to receive cash assistance on behalf of such parent's
7 or legal guardian's minor child.

8 (5) If a person has been convicted under federal or state law of any
9 offense which is classified as a felony by the law of the jurisdiction and
10 which has as an element of such offense the manufacture, cultivation,
11 distribution, possession or use of a controlled substance or controlled
12 substance analog, and the date of conviction is on or after July 1, 2013,
13 such person shall thereby become forever ineligible to receive any cash
14 assistance under this subsection unless such conviction is the person's first
15 conviction. First-time offenders convicted under federal or state law of any
16 offense which is classified as a felony by the law of the jurisdiction and
17 which has as an element of such offense the manufacture, cultivation,
18 distribution, possession or use of a controlled substance or controlled
19 substance analog, and the date of conviction is on or after July 1, 2013,
20 such person shall become ineligible to receive cash assistance for five
21 years from the date of conviction.

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

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

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

31 (9) As used in this subsection:

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

36 (B) "Controlled substance" means the same as in K.S.A. 2016 Supp.
37 21-5701, and amendments thereto, and 21 U.S.C. § 802.

38 (C) "Controlled substance analog" means the same as in K.S.A. 2016
39 Supp. 21-5701, and amendments thereto.

40 Sec. 3. K.S.A. 2016 Supp. 39-709 is hereby repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.