

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 311

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

SB 311 would add an emergency medical services (EMS) attendant to the list of mandatory reporters of abuse, neglect, exploitation, or need of protective services as it pertains to a resident or certain adults (as defined in continuing law).

Continuing law defines “resident” and an “adult” when referencing “certain adults,” as specified below.

Definitions of “Resident” and “Adult” in Continuing Law

Current law (KSA 2017 Supp. 39-1401) defines a “resident” as any resident, as defined by KSA 2017 Supp. 39-923 (any individual kept, cared for, treated, boarded, or otherwise accommodated in an adult care home), or any individual kept, cared for, treated, boarded, or otherwise accommodated in a medical care facility, state psychiatric hospital, or state institution for people with an intellectual disability.

Additionally, current law as it pertains to the abuse, neglect, exploitation, or need for protective services of certain adults (KSA 2017 Supp. 39-1430) defines an “adult” to mean an individual 18 years of age or older alleged to be unable to protect the individual’s own interest and who is harmed or threatened with harm, whether financial, mental, or physical in nature, through action or inaction by either another

*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>

individual or through their own action or inaction when residing in the person's own home, the home of a family member, or the home of a friend; residing in an adult family home; or receiving services through a provider of community services and its affiliates operated or funded by the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), or a residential facility licensed pursuant to statutes pertaining to providers of disability services.

The above definition of "adult" excludes residents as defined in KSA 39-1401 *et seq.*

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of a representative of the KanCare Advocates Network. In the Senate Committee hearing, representatives of DCF and the Kansas EMS Association testified in support of the bill. Proponents stated EMS providers are often first-hand witnesses to incidences of neglect or abuse and are currently only mandated reporters for suspected neglect or abuse of children. Written-only proponent testimony was provided by representatives of AARP Kansas and the Kansas EMS Board.

No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas EMS Board, KDADS, DCF, and the Department of Health and Environment indicate enactment of the bill would have no fiscal effect.