

HOUSE BILL No. 2151

By Committee on Children and Seniors

1-27

1 AN ACT concerning the attorney general; relating to elder and dependent
2 adult abuse; creating a Kansas elder and dependent adult abuse
3 multidisciplinary team coordinator and elder and dependent adult abuse
4 multidisciplinary teams; prescribing membership; duties and powers;
5 meeting requirements; providing for confidentiality of records; open
6 meeting exemption; report to the legislature; requiring the abuse,
7 neglect and exploitation of persons unit of the attorney general to assist
8 in multidisciplinary team investigations; amending K.S.A. 75-723 and
9 repealing the existing section.

10

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

12 New Section 1. (a) The attorney general shall appoint a Kansas elder
13 and dependent adult abuse multidisciplinary team coordinator and, within
14 the limits of appropriations available therefor, such additional staff as
15 necessary to support the coordinator. The coordinator shall facilitate the
16 convening of an elder and dependent adult abuse multidisciplinary team in
17 each judicial district.

18 (b) (1) Such teams shall be composed of the following individuals, or
19 their designee:

20 (A) The sheriff of each county within the judicial district;

21 (B) the county or district attorney of each county within the judicial
22 district;

23 (C) the secretary for children and families;

24 (D) the secretary for aging and disability services; and

25 (E) the state long-term care ombudsman.

26 (2) Such teams may also include the following individuals:

27 (A) A representative from any law enforcement agency not included
28 in subsection (b)(1)(A);

29 (B) a medical provider;

30 (C) a legal services provider;

31 (D) a housing provider or representative of elder or dependent adult
32 housing facilities;

33 (E) the district coroner or a medical examiner;

34 (F) a representative of the financial services or banking industry; or

35 (G) any other individual deemed necessary by the team.

36 (c) Such team:

1 (1) Shall coordinate investigations of elder and dependent adult abuse
2 as defined by K.S.A. 21-5417, 39-1401 et seq. and 39-1430 et seq., and
3 amendments thereto; and

4 (2) may identify opportunities within local jurisdictions to improve
5 policies and procedures in the notification and response to abuse, neglect
6 and exploitation of elder or dependent adults, within the limits of local
7 resources.

8 (d) Such team shall determine the the manner and frequency of
9 meetings, but shall not meet less than quarterly. The team may create and
10 enter into memorandums of understanding with any governmental agency
11 or private entity deemed necessary by the team.

12 (e) All documents, materials or other information obtained by or
13 discussed by the team shall be confidential and privileged and not be
14 subject to the provisions of the Kansas open records act as provided by
15 K.S.A. 45-215 et seq., and amendments thereto. The provisions of this
16 subsection shall expire on July 1, 2026, unless the legislature reviews and
17 reenacts this provision pursuant to K.S.A. 45-229, and amendments
18 thereto, prior to July 1, 2026.

19 (f) Meetings conducted pursuant to this section shall not be subject to
20 the provisions of the Kansas open meetings act as provided by K.S.A. 75-
21 4317 et seq., and amendments thereto.

22 (g) On or before the first day of each regular session of the
23 legislature, beginning with the 2022 regular session, the attorney general
24 shall submit a report to the legislature on the implementation and use of
25 the teams.

26 Sec. 2. K.S.A. 75-723 is hereby amended to read as follows: 75-723.

27 (a) There is hereby created in the office of the attorney general an abuse,
28 neglect and exploitation of persons unit.

29 (b) Within the limits of available resources, the unit may, in the
30 attorney general's discretion:

31 (1) Participate in the prevention, detection, review and prosecution of
32 abuse, neglect and exploitation of persons, whether financial or physical;

33 (2) conduct investigations of suspected criminal abuse, neglect or
34 exploitation of persons;

35 (3) coordinate with and assist other law enforcement agencies, or
36 participate in task forces or joint operations, in the investigation of
37 suspected criminal abuse, neglect or exploitation of persons;

38 (4) coordinate with and assist the medicaid fraud and abuse division
39 established by K.S.A. 75-725, and amendments thereto, in the prevention,
40 detection and investigation of abuse, neglect and exploitation of persons;

41 (5) work with or participate in the Kansas internet crimes against
42 children task force, and work with any exploited and missing child
43 investigators and any other child crime investigators;

1 (6) assist in any investigation of child abuse or neglect conducted by
2 a law enforcement agency pursuant to K.S.A. 2020 Supp. 38-2226, and
3 amendments thereto; ~~and~~

4 (7) assist in any investigation of adult abuse, neglect, exploitation or
5 fiduciary abuse conducted by a law enforcement agency pursuant to
6 K.S.A. 2020 Supp. 39-1443, and amendments thereto; *and*

7 *(8) assist in any investigation or discussion of any elder and*
8 *dependent adult abuse multidisciplinary team pursuant to section 1, and*
9 *amendments thereto.*

10 (c) The unit shall give priority to preventing, detecting and
11 investigating abuse, neglect or exploitation of adults who are senior
12 citizens, disabled or otherwise vulnerable to abuse, neglect or exploitation.

13 (d) Except as provided by subsection (k), the information obtained
14 and the investigations conducted by the unit shall be confidential as
15 required by state or federal law. Upon request of the unit, the unit shall
16 have access to all records of reports, investigation documents and written
17 reports of findings related to substantiated or affirmed cases of abuse,
18 neglect or exploitation of persons or cases in which the attorney general
19 has reasonable suspicion to believe abuse, neglect or exploitation of
20 persons has occurred which are received or generated by a state agency.

21 (e) Whenever a state agency reports a matter involving suspected
22 abuse, neglect or exploitation of an adult to a law enforcement agency or a
23 county or district attorney, such state agency shall simultaneously forward
24 such report to the unit.

25 (f) Except for reports alleging only self-neglect, a state agency
26 receiving reports of abuse, neglect or exploitation of adults shall forward
27 to the unit:

28 (1) Within 10 days of substantiation, reports of findings concerning
29 the substantiated abuse, neglect or exploitation of adults; and

30 (2) within 10 days of such denial, each report of an investigation in
31 which such state agency was denied the opportunity or ability to conduct
32 or complete a full investigation of abuse, neglect or exploitation of adults.

33 (g) On or before the first day of the regular legislative session each
34 year, the unit shall submit to the legislature a written report of the unit's
35 activities, investigations and findings for the preceding fiscal year.

36 (h) The attorney general shall adopt rules and regulations as deemed
37 appropriate for the administration of this section.

38 (i) No state funds appropriated to support the provisions of the unit
39 and expended to contract or enter into agreements with any third party
40 shall be used by a third party to file any civil action against the state of
41 Kansas or any agency of the state of Kansas. Nothing in this section shall
42 prohibit the attorney general from initiating or participating in any civil
43 action against any party.

1 (j) The attorney general may contract or enter into agreements with
2 other agencies or organizations to provide services related to the attorney
3 general's duties under this section or to the investigation or litigation of
4 findings related to abuse, neglect or exploitation of persons.

5 (k) Notwithstanding any other provision of law, nothing shall prohibit
6 the attorney general or the unit from distributing or utilizing only that
7 information obtained pursuant to a confirmed case of abuse, neglect or
8 exploitation or cases in which there is reasonable suspicion to believe
9 abuse, neglect or exploitation has occurred pursuant to this section with
10 any third party under contract or agreement with the attorney general to
11 carry out the provisions of this section.

12 (l) As used in this section:

13 (1) "Adult" means any person 18 years of age or older; and

14 (2) "state agency" means the Kansas department for children and
15 families, Kansas department for aging and disability services or Kansas
16 department of health and environment.

17 Sec. 3. K.S.A. 75-723 is hereby repealed.

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