

HOUSE BILL No. 2738

By Committee on Welfare Reform

Requested by Representative Awerkamp

2-5

1 AN ACT concerning public assistance; relating to food assistance;
2 directing the secretary for children and families to request or update a
3 pending waiver application from the supplemental nutrition assistance
4 program that would allow the state to prohibit the purchase of food
5 commonly marketed, advertised or recognized as candy and soft drinks;
6 amending K.S.A. 2025 Supp. 39-709 and repealing the existing section.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2025 Supp. 39-709 is hereby amended to read as
10 follows: 39-709. (a) *General eligibility requirements for assistance for*
11 *which federal moneys are expended.* (1) Subject to the additional
12 requirements below, assistance in accordance with plans under which
13 federal moneys are expended may be granted to any needy person who:

14 (A) Has insufficient income or resources to provide a reasonable
15 subsistence compatible with decency and health and when determining
16 such income or resources, the secretary shall:

17 (i) When a husband and wife or cohabiting partners are living
18 together, consider the combined income or resources of both to determine
19 the eligibility of either or both for such assistance unless otherwise
20 prohibited by law;

21 (ii) not take into account the financial responsibility of any individual
22 for any applicant or recipient of assistance unless such applicant or
23 recipient is such individual's spouse, cohabiting partner or such
24 individual's minor child or minor stepchild if the stepchild is living with
25 such individual;

26 (iii) review and may provide such income and resource exemptions as
27 may be permitted by federal law; and

28 (iv) consider one motor vehicle owned by the applicant for assistance,
29 regardless of the value of such vehicle, as exempt personal property and
30 shall consider any equity in any boat, personal water craft, recreational
31 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined
32 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
33 owned by the applicant for assistance to be a nonexempt resource of the
34 applicant for assistance except that any additional motor vehicle used by
35 the applicant, the applicant's spouse or the applicant's cohabiting partner

1 for the primary purpose of earning income may be considered as exempt
2 personal property in the secretary's discretion;

3 (B) is a citizen of the United States or is an alien lawfully admitted to
4 the United States; and

5 (C) resides in the state of Kansas.

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

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

29 (b) *Temporary assistance for needy families program.* (1) As used in
30 this section, "family group" or "household" means the applicant or
31 recipient for TANF, child care subsidy or employment services and all
32 individuals living together in which there is a relationship of legal
33 responsibility or a qualifying caretaker relationship. This will include a
34 cohabiting partner living with the person legally responsible for the child.

35 (2) Assistance may be granted under this act to any dependent child,
36 or relative, subject to the general eligibility requirements as set out in
37 subsection (a), who resides in the state of Kansas or whose parent or other
38 relative with whom the child is living resides in the state of Kansas. Where
39 the husband and wife or cohabiting partners are living together, both shall
40 register for work under the program requirements for TANF in accordance
41 with criteria and guidelines prescribed by rules and regulations of the
42 secretary.

43 (3) The family group shall not be eligible for TANF if the family

1 group contains at least one adult member who has received TANF,
2 including the federal TANF received in any other state, for 24 calendar
3 months beginning on and after October 1, 1996, unless the secretary
4 determines a hardship exists and grants an extension allowing receipt of
5 TANF until the 36-month limit is reached. No extension beyond 36 months
6 shall be granted. Hardship provisions for a recipient include:

7 (A) Is a caretaker of a disabled family member living in the
8 household;

9 (B) has a disability that precludes employment on a long-term basis
10 or requires substantial rehabilitation;

11 (C) needs a time limit extension to overcome the effects of domestic
12 violence or sexual assault;

13 (D) is involved with prevention and protection services and has an
14 open social service plan; or

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

18 (4) Eligibility for TANF shall be subject to subsection (f)(1) through
19 (3).

20 (5) All adults applying for TANF shall be required to complete a
21 work program assessment as specified by the Kansas department for
22 children and families, including those who have been disqualified for or
23 denied TANF due to non-cooperation, drug testing requirements or fraud.
24 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
25 relative/non-relative caretakers and adults receiving supplemental security
26 income are not required to complete the assessment process.

27 (6) During the application processing period, applicants must
28 complete at least one module or its equivalent of the work program
29 assessment to be considered eligible for TANF benefits, unless good cause
30 is found to be exempt from the requirements. Good cause exemptions shall
31 only include that the applicant:

32 (A) Can document an existing certification verifying completion of
33 the work program assessment;

34 (B) has a valid offer of employment or is employed a minimum of 20
35 hours a week;

36 (C) is a parenting teen without a GED or high school diploma;

37 (D) is enrolled in job corps;

38 (E) is working with a refugee social services agency; or

39 (F) has completed the work program assessment within the last 12
40 months.

41 (7) The Kansas department for children and families shall maintain a
42 sufficient level of dedicated work program staff to enable the agency to
43 conduct work program case management services to TANF recipients in a

1 timely manner and in full accordance with state law and agency policy.

2 (8) (A) TANF mandatory work program applicants and recipients
3 shall participate in work components that lead to competitive, integrated
4 employment. Components are defined by the federal government as being
5 either primary or secondary.

6 (B) (i) In order to meet federal work participation requirements,
7 households shall meet at least 30 hours of participation per week, at least
8 20 hours of which shall be primary and at least 10 hours may be secondary
9 components in one parent households where the youngest child is six years
10 of age or older.

11 (ii) Participation hours shall be 55 hours per week in two parent
12 households, 35 hours per week if child care is not used. The maximum
13 assignment is 40 hours per week per individual.

14 (iii) For two parent families to meet the federal work participation
15 rate, both parents shall participate in a combined total of 55 hours per
16 week, 50 hours of which shall be in primary components, or one or both
17 parents could be assigned a combined total of 35 hours per week, 30 hours
18 of which must be primary components, if the Kansas department for
19 children and families paid child care is not received by the family.

20 (iv) Single parent families with a child under six years of age meet
21 the federal participation requirement if the parent is engaged in work or
22 work activities for at least 20 hours per week in a primary work
23 component.

24 (C) (i) The following components meet federal definitions of primary
25 hours of participation:

- 26 (a) Full-time or part-time employment;
- 27 (b) apprenticeship;
- 28 (c) work study;
- 29 (d) self-employment;
- 30 (e) job corps;
- 31 (f) subsidized employment;
- 32 (g) work experience sites;
- 33 (h) on-the-job training;
- 34 (i) supervised community service;
- 35 (j) vocational education;
- 36 (k) job search; and
- 37 (l) job readiness.

38 (ii) Secondary components include:

- 39 (a) Job skills training;
 - 40 (b) education directly related to employment such as adult basic
41 education and English as a second language; and
 - 42 (c) completion of a high school diploma or GED.
- 43 (D) A parent or other adult caretaker personally providing care for a

1 child under the age of three months in their TANF household shall be
2 exempt from work participation activities until the month the child attains
3 three months of age. Such three-month limitation shall not apply to a
4 parent or other adult caretaker who is personally providing care for a child
5 born significantly premature, with serious medical conditions or with a
6 disability as defined by the secretary, in consultation with the secretary of
7 health and environment and adopted in the rules and regulations. The
8 three-month period is defined as two consecutive months starting with the
9 month after childbirth. The exemption for caring for a child under three
10 months of age cannot be claimed by:

11 (i) Either parent when two parents are in the home and the household
12 meets the two-parent definition for federal reporting purposes;

13 (ii) one parent or caretaker when the other parent or caretaker is in the
14 home, and available, capable and suitable to provide care and the
15 household does not meet the two-parent definition for federal reporting
16 purposes;

17 (iii) a person 19 years of age or younger when such person is
18 pregnant or a parent of a child in the home and the person does not possess
19 a high school diploma or its equivalent. Such person shall become exempt
20 the month such person attains 20 years of age; or

21 (iv) any person assigned to a work participation activity for substance
22 use disorders.

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

27 (F) TANF participants with disabilities shall engage in required
28 employment activities to the maximum extent consistent with their
29 abilities. A TANF participant shall provide current documentation by a
30 qualified medical practitioner that details the ability to engage in
31 employment and any limitation in work activities along with the expected
32 duration of such limitations. As used in this subparagraph, "disability"
33 means a physical or mental impairment constituting or resulting in a
34 substantial impediment to employment for such individual.

35 (G) The period of ineligibility for TANF benefits based on non-
36 cooperation, as defined in K.S.A. 39-702, and amendments thereto, with
37 work programs shall be as follows, for a:

38 (i) First penalty, three months and full cooperation with work
39 program activities;

40 (ii) second penalty, six months and full cooperation with work
41 program activities;

42 (iii) third penalty, one year and full cooperation with work program
43 activities; and

1 (iv) fourth or subsequent penalty, 10 years.

2 (9) The period of ineligibility for TANF benefits based on parents'
3 non-cooperation, as defined in K.S.A. 39-702, and amendments thereto,
4 with child support services shall be as follows, for a:

5 (A) First penalty, three months and cooperation with child support
6 services prior to regaining eligibility;

7 (B) second penalty, six months and cooperation with child support
8 services prior to regaining eligibility;

9 (C) third penalty, one year and cooperation with child support
10 services prior to regaining eligibility; and

11 (D) fourth penalty, 10 years.

12 (10) No TANF shall be used to purchase alcohol, cigarettes, tobacco
13 products, lottery tickets, concert tickets, professional or collegiate sporting
14 event tickets or tickets for other entertainment events intended for the
15 general public or sexually oriented adult materials. No TANF shall be used
16 in any retail liquor store, casino, gaming establishment, jewelry store,
17 tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie
18 shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune
19 telling business, bail bond company, video arcade, movie theater,
20 swimming pool, cruise ship, theme park, dog or horse racing facility,
21 parimutuel facility, or sexually oriented business or any retail
22 establishment that provides adult-oriented entertainment in which
23 performers disrobe or perform in an unclothed state for entertainment, or
24 in any business or retail establishment where minors under 18 years of age
25 are not permitted. No TANF shall be used for purchases at points of sale
26 outside the state of Kansas.

27 (c) *Food assistance program.* (1) (A) The secretary shall not apply
28 gross income standards for food assistance higher than the standards
29 specified in 7 U.S.C. § 2015(c) unless expressly required by federal law.
30 Categorical eligibility exempting households from such gross income
31 standards requirements shall not be granted for any non-cash, in-kind or
32 other benefit unless expressly required by federal law.

33 (B) The secretary shall not apply resource limits standards for food
34 assistance that are higher than the standards specified in 7 U.S.C. §
35 2015(g)(1) unless expressly required by federal law. Categorical eligibility
36 exempting households from such resource limits shall not be granted for
37 any non-cash, in-kind or other benefit unless expressly required by federal
38 law.

39 (C) The secretary shall not enact the state option from the United
40 States department of agriculture for broad-based categorical eligibility for
41 households applying for food assistance according to the provisions of 7
42 C.F.R. § 273.2(j)(2)(ii).

43 (D) Eligibility for the food assistance program shall be limited to

1 those individuals who are citizens or who meet qualified non-citizen status
2 as determined by the United States department of agriculture. Non-citizen
3 individuals who are unable or unwilling to provide qualifying immigrant
4 documentation, as defined by the United States department of agriculture,
5 residing within a household shall not be included when determining the
6 household's size for the purposes of assigning a benefit level to the
7 household for food assistance or comparing the household's monthly
8 income with the income eligibility standards. The gross non-exempt
9 earned and unearned income and resources of disqualified individuals shall
10 be counted in its entirety as available to the remaining household
11 members.

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

19 (F) Individuals who have not cooperated without good cause with
20 child support services shall be ineligible to participate in the food
21 assistance program. The period of disqualification ends once it has been
22 determined that such individual is cooperating with child support services.

23 (G) Eligibility for food assistance shall be subject to subsection (f)(4).

24 (2) (A) Each food assistance household member who is not otherwise
25 exempt from the following work requirements shall:

- 26 (i) Register for work;
27 (ii) participate in an employment and training program, if assigned to
28 such a program by the department;
29 (iii) accept a suitable employment offer; and
30 (iv) not voluntarily quit a job of at least 30 hours per week.

31 (B) Any recipient who has not complied with the work requirements
32 under subparagraph (A) shall be ineligible to participate in the food
33 assistance program for the following time period and until the recipient
34 complies with such work requirements for a:

- 35 (i) First penalty, three months;
36 (ii) second penalty, six months; and
37 (iii) third penalty and any subsequent penalty, one year.

38 (C) The secretary is prohibited from requesting or implementing a
39 waiver or program from the United States department of agriculture for the
40 time limited assistance provisions for able-bodied adults aged 18 through
41 49 without dependents in a household under the food assistance program.
42 The time on food assistance for able-bodied adults aged 18 through 49
43 without dependents in the household shall be limited to three months in a

1 36-month period if such adults are not meeting the requirements imposed
2 by the United States department of agriculture that they must work for at
3 least 20 hours per week or participate in a federally approved work
4 program or its equivalent.

5 (3) The Kansas department for children and families shall assign all
6 individuals subject to the requirements established under 7 U.S.C. §
7 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
8 § 2015(d)(4). The provisions of this paragraph shall only apply to:

9 (A) Able-bodied adults aged 18 through 49 without dependents;

10 (B) work registrants aged 50 through 59 without dependents not
11 exempt from 7 U.S.C. § 2015(d)(2); and

12 (C) individuals who are not employed at least 30 hours per week.

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

18 (5) *The secretary for children and families shall request a waiver*
19 *from the United States department of agriculture, food and nutrition*
20 *services to exclude candy and soft drinks from the definition of eligible*
21 *foods under 7 C.F.R. § 27102. If a pending waiver application exists, the*
22 *secretary shall amend and re-submit such waiver application. If no such*
23 *waiver is granted, the secretary shall annually submit an application for*
24 *such a waiver until such waiver is granted. For the purposes of this*
25 *paragraph:*

26 (A) (i) *"Candy" means any solid, semi-solid or molded preparation of*
27 *sugar, natural or artificial sweeteners or chocolate, which may include*
28 *added ingredients, such as flavorings, fruits, nuts or flour, that is*
29 *commonly marketed, advertised or recognized as candy, chocolate bar,*
30 *chewing gum or similar confectionery. "Candy" includes, but is not limited*
31 *to: chocolate bars, hard candies, gummies, caramels, taffy, licorice, mints*
32 *and chewing gum.*

33 (ii) *"Candy" does not include baked goods, such as cakes, cookies,*
34 *muffins, brownies, pastries, bread or similar products or items primarily*
35 *identified and sold as bakery or bread products, regardless of sweetener*
36 *content; and*

37 (B) *"soft drinks" means the same as defined in K.S.A. 79-3602, and*
38 *amendments thereto.*

39 (d) *Child care subsidy program.* (1) The secretary shall adopt rules
40 and regulations for:

41 (A) Determining eligibility for the child care subsidy program,
42 including an income of a cohabiting partner in a child care household; and

43 (B) determining and maintaining eligibility for non-TANF child care,

1 requiring that all included adults shall be employed a minimum of 20
2 hours per week or more as defined by the secretary or meet the following
3 specific qualifying exemptions:

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

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

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

13 (iv) adults who are participants in a food assistance employment and
14 training program;

15 (v) adults who are participants in an early head start child care
16 partnership program and are working or in school or training; or

17 (vi) adults who are caretakers of a child in custody of the secretary in
18 out-of-home placement needing child care.

19 (2) (A) The Kansas department for children and families shall
20 provide child care for the pursuit of any degree or certification if the
21 occupation has at least an average job outlook listed in the occupational
22 outlook of the United States department of labor, bureau of labor statistics.

23 (B) For occupations with less than an average job outlook,
24 educational plans shall require approval of the secretary or secretary's
25 designee.

26 (C) Child care may also be approved if the student provides
27 verification of a specific job offer that will be available to such student
28 upon completion of the program.

29 (D) Child care for post-secondary education shall be allowed for a
30 lifetime maximum of 24 months per adult. The 24 months does not have to
31 be consecutive.

32 (E) Students shall be engaged in paid employment for a minimum of
33 15 hours per week.

34 (F) In a two-parent adult household, child care would not be allowed
35 if both parents are adults and attending a formal education or training
36 program at the same time. The household may choose which one of the
37 parents is participating as a post-secondary student. The other parent shall
38 meet another approvable criteria for child care subsidy.

39 (3) (A) The period of ineligibility for child care subsidy based on
40 parents' non-cooperation, as defined in K.S.A. 39-702, and amendments
41 thereto, with child support services shall be as follows, for a:

42 (i) First penalty, three months and cooperation with child support
43 services prior to regaining eligibility;

1 (ii) second penalty, six months and cooperation with child support
2 services prior to regaining eligibility;

3 (iii) third penalty, one year and cooperation with child support
4 services prior to regaining eligibility; and

5 (iv) fourth penalty, 10 years.

6 (B) The secretary, or the secretary's designee, shall review child
7 support compliance of a parent:

8 (i) Upon application for child care subsidy;

9 (ii) after 12 months of continuous eligibility for child care subsidy;
10 and

11 (iii) following such 12 months of continuous eligibility when the
12 secretary renews or redetermines a parent's eligibility for child care
13 subsidy.

14 (e) *Fraud Investigations.* (1) The Kansas department for children and
15 families shall conduct an electronic check for any false information
16 provided on an application for TANF and other benefits programs
17 administered by the department. For TANF, food assistance and the child
18 care subsidy program, the department shall verify the identity of all adults
19 in the assistance household.

20 (2) (A) Any individual who is found to have committed fraud or is
21 found guilty of the crime of theft pursuant to K.S.A. 21-5801 and 39-720,
22 and amendments thereto, in either the TANF or child care program shall
23 render all adults in the family unit ineligible for TANF.

24 (B) Adults in the household who have been determined to have
25 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
26 21-5801 and 39-720, and amendments thereto, shall render themselves and
27 all adult household members ineligible for their lifetime for TANF, even if
28 fraud was committed in only one program.

29 (C) Households who have been determined to have committed fraud
30 or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-
31 720, and amendments thereto, shall be required to name a protective payee
32 as approved by the secretary or the secretary's designee to administer
33 TANF benefits or food assistance on behalf of the children. No adult in a
34 household may have access to the TANF benefit.

35 (3) Any individual who has failed to cooperate with a fraud
36 investigation shall be ineligible to participate in the TANF program and the
37 child care subsidy program until the Kansas department for children and
38 families determines that such individual is cooperating with the fraud
39 investigation.

40 (4) The Kansas department for children and families shall maintain a
41 sufficient level of fraud investigative staff to enable the department to
42 conduct fraud investigations in a timely manner and in full accordance
43 with state law and department rules and regulations or policies.

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

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

28 (C) Any applicant for or recipient of cash assistance who tests
29 positive for unlawful use of a controlled substance or controlled substance
30 analog shall be required to complete a substance abuse treatment program
31 approved by the secretary, secretary of labor or secretary of commerce,
32 and a job skills program approved by the secretary, secretary of labor or
33 secretary of commerce.

34 (D) Subject to applicable federal laws, any applicant for or recipient
35 of cash assistance who fails to complete or refuses to participate in the
36 substance abuse treatment program or job skills program as required under
37 this subsection shall be ineligible to receive cash assistance until
38 completion of such substance abuse treatment and job skills programs.

39 (E) Upon completion of both substance abuse treatment and job skills
40 programs, such applicant for or recipient of cash assistance may be subject
41 to periodic drug screening, as determined by the secretary.

42 (F) Upon a second positive test for unlawful use of a controlled
43 substance or controlled substance analog, a recipient of cash assistance

1 shall be ordered to complete again a substance abuse treatment program
2 and job skills program, and shall be terminated from cash assistance for a
3 period of 12 months, or until such recipient of cash assistance completes
4 both substance abuse treatment and job skills programs, whichever is later.

5 (G) Upon a third positive test for unlawful use of a controlled
6 substance or controlled substance analog, a recipient of cash assistance
7 shall be terminated from cash assistance, subject to applicable federal law.

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

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

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

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

1 substance and controlled substance analog shall be reimbursed for the cost
2 of such additional drug screening.

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

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

23 (4) (A) Food assistance shall not be provided to any person convicted
24 of a felony offense occurring on or after July 1, 2015, that includes as an
25 element of such offense the manufacture, cultivation, distribution,
26 possession or use of a controlled substance or controlled substance analog.
27 For food assistance, the individual shall be permanently disqualified if
28 such individual has been convicted of a state or federal felony offense
29 occurring on or after July 1, 2015, involving possession or use of a
30 controlled substance or controlled substance analog.

31 (B) (i) Notwithstanding the provisions of subparagraph (A), an
32 individual shall be eligible for food assistance if the individual enrolls in
33 and participates in a drug treatment program approved by the secretary,
34 submits to and passes a drug test and agrees to submit to drug testing if
35 requested by the department pursuant to a drug testing plan.

36 (ii) An individual's failure to submit to testing or failure to
37 successfully pass a drug test shall result in ineligibility for food assistance
38 until a drug test is successfully passed.

39 (iii) Failure to successfully complete a drug treatment program shall
40 result in ineligibility for food assistance until a drug treatment plan
41 approved by the secretary is successfully completed, the individual passes
42 a drug test and agrees to submit to drug testing if requested by the
43 department pursuant to a drug testing plan.

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

4 (5) The secretary may adopt such rules and regulations as are
5 necessary to carry out the provisions of this subsection.

6 (6) Any authority granted to the secretary under this subsection shall
7 be in addition to any other penalties prescribed by law.

8 (7) As used in this subsection:

9 (A) "Cash assistance" means cash assistance provided to individuals
10 under the provisions of article 7 of chapter 39 of the Kansas Statutes
11 Annotated, and amendments thereto, and any rules and regulations adopted
12 pursuant to such provisions.

13 (B) "Controlled substance" means the same as defined in K.S.A. 21-
14 5701, and amendments thereto, and 21 U.S.C. § 802.

15 (C) "Controlled substance analog" means the same as defined in
16 K.S.A. 21-5701, and amendments thereto.

17 (g) *Assignment of support rights and limited power of attorney.* (1)
18 By applying for or receiving TANF such applicant or recipient shall be
19 deemed to have assigned to the secretary on behalf of the state any
20 accrued, present or future rights to support from any other person such
21 applicant may have in such person's own behalf or in behalf of any other
22 family member for whom the applicant is applying for or receiving aid. In
23 any case in which an order for child support has been established and the
24 legal custodian and obligee under the order surrenders physical custody of
25 the child to a caretaker relative without obtaining a modification of legal
26 custody and support rights on behalf of the child are assigned pursuant to
27 this section, the surrender of physical custody and the assignment shall
28 transfer, by operation of law, the child's support rights under the order to
29 the secretary on behalf of the state. Such assignment shall be of all
30 accrued, present or future rights to support of the child surrendered to the
31 caretaker relative. The assignment of support rights shall automatically
32 become effective upon the date of approval for or receipt of such aid
33 without the requirement that any document be signed by the applicant,
34 recipient or obligee. By applying for or receiving temporary assistance for
35 needy families, or by surrendering physical custody of a child to a
36 caretaker relative who is an applicant or recipient of such assistance on the
37 child's behalf, the applicant, recipient or obligee is also deemed to have
38 appointed the secretary, or the secretary's designee, as an attorney-in-fact
39 to perform the specific act of negotiating and endorsing all drafts, checks,
40 money orders or other negotiable instruments representing support
41 payments received by the secretary in behalf of any person applying for,
42 receiving or having received such assistance. This limited power of
43 attorney shall be effective from the date the secretary approves the

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

3 (2) If the applicant or recipient of TANF is a mother of the dependent
4 child, as a condition of the mother's eligibility for TANF, the mother shall
5 identify by name and, if known, by current address the father of the
6 dependent child except that the secretary may adopt by rules and
7 regulations exceptions to this requirement in cases of undue hardship. Any
8 recipient of TANF who fails to cooperate with requirements relating to
9 child support services under criteria and guidelines prescribed by rules and
10 regulations of the secretary shall be subject to a penalty established by the
11 secretary.

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

33 (4) By applying for or receiving child care subsidy or food assistance,
34 the applicant or recipient shall be deemed to have assigned, pursuant to
35 K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the
36 state only accrued, present or future rights to support from any other
37 person such applicant may have in such person's own behalf or in behalf of
38 any other family member for whom the applicant is applying for or
39 receiving aid. The assignment of support rights shall automatically become
40 effective upon the date of approval for or receipt of such aid without the
41 requirement that any document be signed by the applicant or recipient. By
42 applying for or receiving child care subsidy or food assistance, the
43 applicant or recipient is also deemed to have appointed the secretary, or the

1 secretary's designee, as an attorney in fact to perform the specific act of
2 negotiating and endorsing all drafts, checks, money orders or other
3 negotiable instruments representing support payments received by the
4 secretary in behalf of any person applying for, receiving or having
5 received such assistance. This limited power of attorney shall be effective
6 from the date the secretary approves the application for aid and shall
7 remain in effect until the assignment of support rights has been terminated
8 in full. An applicant or recipient who has assigned support rights to the
9 secretary pursuant to this subsection shall cooperate in establishing and
10 enforcing support obligations to the same extent required of applicants for
11 or recipients of TANF.

12 (h) *Electronic benefits card.* (1) The secretary shall place a
13 photograph of the recipient, if agreed to by such recipient of public
14 assistance, on any Kansas benefits card issued by the Kansas department
15 for children and families that the recipient uses in obtaining food, cash or
16 any other services. When a recipient of public assistance is a minor or
17 otherwise incapacitated individual, a parent or legal guardian of such
18 recipient may have a photograph of such parent or legal guardian placed
19 on the card.

20 (2) Any Kansas benefits card with a photograph of a recipient shall
21 be valid for voting purposes as a public assistance identification card in
22 accordance with the provisions of K.S.A. 25-2908, and amendments
23 thereto.

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

31 (4) As used in this subsection, "Kansas benefits card" means any card
32 issued to provide food assistance, TANF or child care assistance,
33 including, but not limited to, the vision card, EBT card and Kansas
34 benefits card.

35 (i) *Requirements for medical assistance for which federal moneys or*
36 *state moneys or both are expended.* (1) When the secretary has adopted a
37 medical care plan under which federal moneys or state moneys or both are
38 expended, medical assistance in accordance with such plan shall be
39 granted to any person who is a citizen of the United States or who is an
40 alien lawfully admitted to the United States and who is residing in the state
41 of Kansas, whose resources and income do not exceed the levels
42 prescribed by the secretary. In determining the need of an individual, the
43 secretary may provide for income and resource exemptions and protected

1 income and resource levels. Resources from inheritance shall be counted.
2 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
3 amendments thereto, shall constitute a transfer of resources. The secretary
4 shall exempt principal and interest held in irrevocable trust pursuant to
5 K.S.A. 16-303(c), and amendments thereto, from the eligibility
6 requirements of applicants for and recipients of medical assistance. Such
7 assistance shall be known as medical assistance.

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

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

26 (B) If a trust has discretionary language, the trust shall be considered
27 to be an available resource to the extent, using the full extent of discretion,
28 the trustee may make any of the income or principal available to the
29 applicant or recipient of medical assistance. Any such discretionary trust
30 shall be considered an available resource unless:

31 (i) At the time of creation or amendment of the trust, the trust states a
32 clear intent that the trust is supplemental to public assistance; and

33 (ii) the trust is funded:

34 (a) From resources of a person who, at the time of such funding,
35 owed no duty of support to the applicant or recipient of medical assistance;
36 or

37 (b) not more than nominally from resources of a person while that
38 person owed a duty of support to the applicant or recipient of medical
39 assistance.

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

43 (4) (A) When an applicant or recipient of medical assistance is a party

1 to a contract, agreement or accord for personal services being provided by
2 a nonlicensed individual or provider and such contract, agreement or
3 accord involves health and welfare monitoring, pharmacy assistance, case
4 management, communication with medical, health or other professionals,
5 or other activities related to home health care, long term care, medical
6 assistance benefits, or other related issues, any moneys paid under such
7 contract, agreement or accord shall be considered to be an available
8 resource unless the following restrictions are met:

9 (i) The contract, agreement or accord must be in writing and executed
10 prior to any services being provided;

11 (ii) the moneys paid are in direct relationship with the fair market
12 value of such services being provided by similarly situated and trained
13 nonlicensed individuals;

14 (iii) if no similarly situated nonlicensed individuals or situations can
15 be found, the value of services will be based on federal hourly minimum
16 wage standards;

17 (iv) such individual providing the services shall report all receipts of
18 moneys as income to the appropriate state and federal governmental
19 revenue agencies;

20 (v) any amounts due under such contract, agreement or accord shall
21 be paid after the services are rendered;

22 (vi) the applicant or recipient shall have the power to revoke the
23 contract, agreement or accord; and

24 (vii) upon the death of the applicant or recipient, the contract,
25 agreement or accord ceases.

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

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

36 (j) *Eligibility for medical assistance of resident receiving medical*
37 *care outside state.* A person who is receiving medical care including long-
38 term care outside of Kansas whose health would be endangered by the
39 postponement of medical care until return to the state or by travel to return
40 to Kansas, may be determined eligible for medical assistance if such
41 individual is a resident of Kansas and all other eligibility factors are met.
42 Persons who are receiving medical care on an ongoing basis in a long-term
43 medical care facility in a state other than Kansas and who do not return to

1 a care facility in Kansas when they are able to do so, shall no longer be
2 eligible to receive assistance in Kansas unless such medical care is not
3 available in a comparable facility or program providing such medical care
4 in Kansas. For persons who are minors or who are under guardianship, the
5 actions of the parent or guardian shall be deemed to be the actions of the
6 child or ward in determining whether or not the person is remaining
7 outside the state voluntarily.

8 (k) *Medical assistance; assignment of rights to medical support and*
9 *limited power of attorney; recovery from estates of deceased recipients.* (1)

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

42 (B) Notwithstanding the provisions of subparagraph (A), the
43 secretary of health and environment, or the secretary's designee, is hereby

1 authorized to and shall exercise any of the powers specified in
2 subparagraph (A) in relation to performance of such secretary's duties
3 pertaining to medical subrogation, estate recovery or any other duties
4 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
5 Annotated, and amendments thereto.

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

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

42 (A) If an individual receives any medical assistance before July 1,
43 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,

1 and amendments thereto, which forms the basis for a claim under
2 paragraph (2), such claim is limited to the individual's probatable estate as
3 defined by applicable law; and

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

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

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

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

1 against any real property owned by the recipient, such lien will be
2 dissolved if the recipient is discharged, returns home and resides upon the
3 real property to which the lien is attached for a continuous period of at
4 least 90 days without being readmitted as an inpatient to a nursing or
5 medical facility. If the recipient is readmitted as an inpatient to a nursing or
6 medical facility for a continuous period of less than 90 days, another
7 continuous period of at least 90 days shall be completed prior to
8 dissolution of the lien.

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

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

16 (B) when there is no child of the recipient, natural or adopted, who is
17 20 years of age or less residing in the home;

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

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

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

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

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

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

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

1 (8) Within seven days of receipt of notice by the secretary or the
2 secretary's designee of the death of a recipient of medical assistance under
3 this subsection, the secretary or the secretary's designee shall give notice
4 of such recipient's death to the secretary of health and environment or the
5 secretary's designee.

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

11 Sec. 2. K.S.A. 2025 Supp. 39-709 is hereby repealed.

12 Sec. 3. This act shall take effect and be in force from and after its
13 publication in the statute book.