

SENATE BILL No. 363

By Committee on Government Efficiency

1-22

1 AN ACT concerning public assistance; requiring the secretary for children
2 and families and the secretary of health and environment to enter into
3 data-matching agreements with state agencies to verify eligibility for
4 food and medical assistance; directing the department of health and
5 environment to submit certain data to the centers for medicare and
6 medicaid services; prohibiting certain public assistance program
7 waivers or exemptions without legislative approval; prohibiting self-
8 attestation for purposes of determining eligibility for public assistance
9 programs; requiring redeterminations of eligibility for medical
10 assistance on a quarterly basis; limiting retroactive enrollment in the
11 medical assistance program; requiring immediate termination of
12 eligibility for medical assistance upon confirmation of death of the
13 enrollee; increasing the age limit for able-bodied adults without certain
14 dependents; prohibiting certain exemptions from work requirements
15 under the food assistance program; amending K.S.A. 2025 Supp. 39-
16 709 and repealing the existing section.

17
18 *Be it enacted by the Legislature of the State of Kansas:*

19 New Section 1. (a) To verify eligibility for the food assistance
20 program and the medical assistance program pursuant to K.S.A. 39-709,
21 and amendments thereto, the secretary for children and families, in the
22 administration of food assistance, and the secretary of health and
23 environment, in the administration of medical assistance, shall enter into
24 data-matching agreements with state agencies to compare data related to
25 individuals and households applying for or enrolled in food assistance or
26 medical assistance and other state data sets. Each respective secretary shall
27 receive and review information concerning individuals or households
28 applying for or enrolled in food assistance or medical assistance that
29 indicates a change in circumstances that may affect eligibility for food
30 assistance or medical assistance on at least a:

31 (1) Monthly basis, from the office of vital statistics, including, but
32 limited to, death records;

33 (2) quarterly basis, from the department of labor, including, but not
34 limited to, changes in employment or wages;

35 (3) monthly basis, including, but not limited to, potential changes in
36 residency as identified by out-of-state electronic benefit transfer

1 transactions;

2 (4) quarterly basis, from the department of revenue, including, but not
3 limited to, potential changes in income, wages or residency as identified
4 by tax records;

5 (5) monthly basis, from the department of corrections, including, but
6 not limited to, incarceration status;

7 (6) semi-monthly basis, from the department of labor, including, but
8 not limited to, potential changes in employment, income or assets; and

9 (7) monthly basis, from the Kansas lottery and the Kansas racing and
10 gaming commission, to identify individuals and households with lottery or
11 gambling winnings of \$3,000 or greater and, to the extent permissible
12 under federal law, deem this data verified upon receipt, and if the data is
13 not verified upon receipt, the department shall make referrals for further
14 investigation to identify individuals and households with winnings equal to
15 or greater than the resource limit for elderly or disabled individuals and
16 households as defined in 7 C.F.R. § 273.8(b).

17 (b) When an enrollee is determined to be noncompliant with
18 requirements or ineligible for food assistance or medical assistance, such
19 enrollee shall be provided a 30-day notice of such noncompliance or
20 ineligibility prior to being disenrolled from food assistance or medical
21 assistance.

22 New Sec. 2. (a) On and after January 1, 2027, the department of
23 health and environment shall submit medical assistance enrollment data to
24 the United States centers for medicare and medicaid services on a monthly
25 basis to identify and remove individuals who are enrolled in medical
26 assistance programs in multiple states.

27 (b) The department shall submit medical assistance enrollee address
28 information collected from the following reliable data sources:

29 (1) Mail returned to the department by the United States postal
30 service with a forwarding address;

31 (2) the national change of address database maintained by the United
32 States postal service;

33 (3) a managed care organization, prepaid inpatient health plan or
34 prepaid ambulatory health plan that has a contract under the state plan if
35 such address information is provided to such organization or plan directly
36 from, or verified by such organization or plan directly with such enrollee;
37 or

38 (4) any other data source identified by the department and approved
39 by the secretary of the United States department of health and human
40 services.

41 New Sec. 3. (a) On and after July 1, 2026, no state agency shall
42 provide an optional exemption, geographic waiver or work requirements
43 waiver for any public assistance program unless the legislature expressly

1 consents to and approves of such exemption or waiver by an act of the
2 legislature.

3 (b) As used in this section:

4 (1) "Public assistance program" means any assistance under K.S.A.
5 39-709, and amendments thereto; and

6 (2) "state agency" means the same as defined in K.S.A. 75-3701, and
7 amendments thereto.

8 Sec. 4. K.S.A. 2025 Supp. 39-709 is hereby amended to read as
9 follows: 39-709. (a) *General eligibility requirements for assistance for*
10 *which federal moneys are expended.* (1) Subject to the additional
11 requirements below, assistance in accordance with plans under which
12 federal moneys are expended may be granted to any needy person who:

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

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

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

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

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

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

39 (C) resides in the state of Kansas.

40 (2) No person who voluntarily quits employment or who is fired from
41 employment due to gross misconduct as defined by rules and regulations
42 of the secretary or who is a fugitive from justice by reason of a felony
43 conviction or charge or violation of a condition of probation or parole

1 imposed under federal or state law shall be eligible to receive public
2 assistance benefits in this state. Any recipient of public assistance who
3 fails to timely comply with monthly reporting requirements under criteria
4 and guidelines prescribed by rules and regulations of the secretary shall be
5 subject to a penalty established by the secretary by rules and regulations.

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

20 (4) *Unless required under federal law, the Kansas department for*
21 *children and families and the department of health and environment shall*
22 *not accept self-attestation of income, residency, age, household*
23 *composition, caretaker relative status or receipt of other coverage without*
24 *verification prior to enrollment, or request authority to waive or decline to*
25 *periodically check any available income-related data sources to verify*
26 *eligibility for TANF, food assistance, medical assistance or assistance*
27 *under the child care subsidy program.*

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

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

42 (3) The family group shall not be eligible for TANF if the family
43 group contains at least one adult member who has received TANF,

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

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

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

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

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

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

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

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

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

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

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

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

36 (D) is enrolled in job corps;

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

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

40 (7) The Kansas department for children and families shall maintain a
41 sufficient level of dedicated work program staff to enable the agency to
42 conduct work program case management services to TANF recipients in a
43 timely manner and in full accordance with state law and agency policy.

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

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

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

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

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

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

25 (a) Full-time or part-time employment;

26 (b) apprenticeship;

27 (c) work study;

28 (d) self-employment;

29 (e) job corps;

30 (f) subsidized employment;

31 (g) work experience sites;

32 (h) on-the-job training;

33 (i) supervised community service;

34 (j) vocational education;

35 (k) job search; and

36 (l) job readiness.

37 (ii) Secondary components include:

38 (a) Job skills training;

39 (b) education directly related to employment such as adult basic
40 education and English as a second language; and

41 (c) completion of a high school diploma or GED.

42 (D) A parent or other adult caretaker personally providing care for a
43 child under the age of three months in their TANF household shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (D) fourth penalty, 10 years.

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

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

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

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

42 (D) Eligibility for the food assistance program shall be limited to
43 those individuals who are citizens or who meet qualified non-citizen status

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

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

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

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

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

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

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

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

37 (C) The secretary is prohibited from requesting or implementing a
38 waiver or program from the United States department of agriculture for the
39 time limited assistance provisions for able-bodied adults aged 18 through
40 ~~49~~ 64 without dependents *under 14 years of age* in a household under the
41 food assistance program. The time on food assistance for able-bodied
42 adults aged 18 through ~~49~~ 64 without dependents *under 14 years of age* in
43 the household shall be limited to three months in a 36-month period if such

1 adults are not meeting the requirements imposed by the United States
2 department of agriculture that they must work for at least 20 hours per
3 week or participate in a federally approved work program or its equivalent.
4 *No exemption from such time-limited assistance shall be granted for*
5 *homeless individuals, veterans or individuals who are 24 years of age or*
6 *younger and who were in foster care on the date of attaining 18 years of*
7 *age or such higher age as the state has elected under 42 U.S.C. § 675(8)*
8 *(B)(iii).*

9 (3) The Kansas department for children and families shall assign all
10 individuals subject to the requirements established under 7 U.S.C. §
11 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
12 § 2015(d)(4). The provisions of this paragraph shall only apply to:

13 (A) Able-bodied adults aged 18 through ~~49~~ 64 without dependents
14 *under 14 years of age;*

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

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

18 (4) No federal or state funds shall be used for television, radio or
19 billboard advertisements that are designed to promote food assistance
20 benefits and enrollment. No federal or state funding shall be used for any
21 agreements with foreign governments designed to promote food
22 assistance.

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

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

27 (B) determining and maintaining eligibility for non-TANF child care,
28 requiring that all included adults shall be employed a minimum of 20
29 hours per week or more as defined by the secretary or meet the following
30 specific qualifying exemptions:

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

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

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

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

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

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

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

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

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

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

16 (E) Students shall be engaged in paid employment for a minimum of
17 15 hours per week.

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

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

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

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

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

32 (iv) fourth penalty, 10 years.

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

35 (i) Upon application for child care subsidy;

36 (ii) after 12 months of continuous eligibility for child care subsidy;
37 and

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

41 (e) *Fraud Investigations.* (1) The Kansas department for children and
42 families shall conduct an electronic check for any false information
43 provided on an application for TANF and other benefits programs

1 administered by the department. For TANF, food assistance and the child
2 care subsidy program, the department shall verify the identity of all adults
3 in the assistance household.

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

8 (B) Adults in the household who have been determined to have
9 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
10 21-5801 and 39-720, and amendments thereto, shall render themselves and
11 all adult household members ineligible for their lifetime for TANF, even if
12 fraud was committed in only one program.

13 (C) Households who have been determined to have committed fraud
14 or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-
15 720, and amendments thereto, shall be required to name a protective payee
16 as approved by the secretary or the secretary's designee to administer
17 TANF benefits or food assistance on behalf of the children. No adult in a
18 household may have access to the TANF benefit.

19 (3) Any individual who has failed to cooperate with a fraud
20 investigation shall be ineligible to participate in the TANF program and the
21 child care subsidy program until the Kansas department for children and
22 families determines that such individual is cooperating with the fraud
23 investigation.

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

28 (f) *Drug screenings and convictions.* (1) (A) A program of drug
29 screening for applicants for cash assistance as a condition of eligibility for
30 cash assistance and persons receiving cash assistance as a condition of
31 continued receipt of cash assistance shall be established, subject to
32 applicable federal law, by the secretary on and before January 1, 2014.
33 Under such program of drug screening, the secretary shall order a drug
34 screening of an applicant for or a recipient of cash assistance at any time
35 when reasonable suspicion exists that such applicant for or recipient of
36 cash assistance is unlawfully using a controlled substance or controlled
37 substance analog. The secretary may use any information obtained by the
38 secretary to determine whether such reasonable suspicion exists, including,
39 but not limited to, an applicant's or recipient's demeanor, missed
40 appointments and arrest or other police records, previous employment or
41 application for employment in an occupation or industry that regularly
42 conducts drug screening, termination from previous employment due to
43 unlawful use of a controlled substance or controlled substance analog or

1 prior drug screening records of the applicant or recipient indicating
2 unlawful use of a controlled substance or controlled substance analog.

3 (B) Any applicant for or recipient of cash assistance whose drug
4 screening results in a positive test may request that the drug screening
5 specimen be sent to a different drug testing facility for an additional drug
6 screening. Any applicant for or recipient of cash assistance who requests
7 an additional drug screening at a different drug testing facility shall be
8 required to pay the cost of drug screening. Such applicant or recipient who
9 took the additional drug screening and who tested negative for unlawful
10 use of a controlled substance and controlled substance analog shall be
11 reimbursed for the cost of such additional drug screening.

12 (C) Any applicant for or recipient of cash assistance who tests
13 positive for unlawful use of a controlled substance or controlled substance
14 analog shall be required to complete a substance abuse treatment program
15 approved by the secretary, secretary of labor or secretary of commerce,
16 and a job skills program approved by the secretary, secretary of labor or
17 secretary of commerce.

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

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

26 (F) Upon a second positive test for unlawful use of a controlled
27 substance or controlled substance analog, a recipient of cash assistance
28 shall be ordered to complete again a substance abuse treatment program
29 and job skills program, and shall be terminated from cash assistance for a
30 period of 12 months, or until such recipient of cash assistance completes
31 both substance abuse treatment and job skills programs, whichever is later.

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

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

39 (2) (A) If an applicant for or recipient of cash assistance is ineligible
40 for or terminated from cash assistance as a result of a positive test for
41 unlawful use of a controlled substance or controlled substance analog, and
42 such applicant for or recipient of cash assistance is the parent or legal
43 guardian of a minor child, an appropriate protective payee shall be

1 designated to receive cash assistance on behalf of such child. Such parent
2 or legal guardian of the minor child may choose to designate an individual
3 to receive cash assistance for such parent's or legal guardian's minor child,
4 as approved by the secretary. Prior to the designated individual receiving
5 any cash assistance, the secretary shall review whether reasonable
6 suspicion exists that such designated individual is unlawfully using a
7 controlled substance or controlled substance analog.

8 (B) In addition, any individual designated to receive cash assistance
9 on behalf of an eligible minor child shall be subject to drug screening at
10 any time when reasonable suspicion exists that such designated individual
11 is unlawfully using a controlled substance or controlled substance analog.
12 The secretary may use any information obtained by the secretary to
13 determine whether such reasonable suspicion exists, including, but not
14 limited to, the designated individual's demeanor, missed appointments and
15 arrest or other police records, previous employment or application for
16 employment in an occupation or industry that regularly conducts drug
17 screening, termination from previous employment due to unlawful use of a
18 controlled substance or controlled substance analog or prior drug screening
19 records of the designated individual indicating unlawful use of a controlled
20 substance or controlled substance analog.

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

30 (D) Upon any positive test for unlawful use of a controlled substance
31 or controlled substance analog, the designated individual shall not receive
32 cash assistance on behalf of the parent's or legal guardian's minor child,
33 and another designated individual shall be selected by the secretary to
34 receive cash assistance on behalf of such parent's or legal guardian's minor
35 child.

36 (3) If a person has been convicted under federal or state law of any
37 offense that is classified as a felony by the law of the jurisdiction and has
38 as an element of such offense the manufacture, cultivation, distribution,
39 possession or use of a controlled substance or controlled substance analog,
40 and the date of conviction is on or after July 1, 2013, such person shall
41 thereby become forever ineligible to receive any cash assistance under this
42 subsection unless such conviction is the person's first conviction. First-
43 time offenders convicted under federal or state law of any offense that is

1 classified as a felony by the law of the jurisdiction and has as an element
2 of such offense the manufacture, cultivation, distribution, possession or
3 use of a controlled substance or controlled substance analog, and the date
4 of conviction is on or after July 1, 2013, such person shall become
5 ineligible to receive cash assistance for five years from the date of
6 conviction.

7 (4) (A) Food assistance shall not be provided to any person convicted
8 of a felony offense occurring on or after July 1, 2015, that includes as an
9 element of such offense the manufacture, cultivation, distribution,
10 possession or use of a controlled substance or controlled substance analog.
11 For food assistance, the individual shall be permanently disqualified if
12 such individual has been convicted of a state or federal felony offense
13 occurring on or after July 1, 2015, involving possession or use of a
14 controlled substance or controlled substance analog.

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

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

23 (iii) Failure to successfully complete a drug treatment program shall
24 result in ineligibility for food assistance until a drug treatment plan
25 approved by the secretary is successfully completed, the individual passes
26 a drug test and agrees to submit to drug testing if requested by the
27 department pursuant to a drug testing plan.

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

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

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

35 (7) As used in this subsection:

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

40 (B) "Controlled substance" means the same as defined in K.S.A. 21-
41 5701, and amendments thereto, and 21 U.S.C. § 802.

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

(g) *Assignment of support rights and limited power of attorney.* (1) By applying for or receiving TANF such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving temporary assistance for needy families, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney-in-fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

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

(3) In any case in which the secretary pays for the expenses of care and custody of a child pursuant to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to

1 receive support payments for the child is, by operation of law, conveyed to
2 the secretary. Such assignment shall become effective upon placement of a
3 child in the custody of the secretary or upon payment of the expenses of
4 care and custody of a child by the secretary without the requirement that
5 any document be signed by the parent or other person entitled to receive
6 support payments for the child. When the secretary pays for the expenses
7 of care and custody of a child or a child is placed in the custody of the
8 secretary, the parent or other person entitled to receive support payments
9 for the child is also deemed to have appointed the secretary, or the
10 secretary's designee, as attorney in fact to perform the specific act of
11 negotiating and endorsing all drafts, checks, money orders or other
12 negotiable instruments representing support payments received by the
13 secretary on behalf of the child. This limited power of attorney shall be
14 effective from the date the assignment to support rights becomes effective
15 and shall remain in effect until the assignment of support rights has been
16 terminated in full.

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

39 (h) *Electronic benefits card.* (1) The secretary shall place a
40 photograph of the recipient, if agreed to by such recipient of public
41 assistance, on any Kansas benefits card issued by the Kansas department
42 for children and families that the recipient uses in obtaining food, cash or
43 any other services. When a recipient of public assistance is a minor or

1 otherwise incapacitated individual, a parent or legal guardian of such
2 recipient may have a photograph of such parent or legal guardian placed
3 on the card.

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

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

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

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

35 (2) For the purposes of medical assistance eligibility determinations
36 on or after July 1, 2004, if an applicant or recipient owns property in joint
37 tenancy with some other party and the applicant or recipient of medical
38 assistance has restricted or conditioned their interest in such property to a
39 specific and discrete property interest less than 100%, then such
40 designation will cause the full value of the property to be considered an
41 available resource to the applicant or recipient. Medical assistance
42 eligibility for receipt of benefits under the title XIX of the social security
43 act, commonly known as medicaid, shall not be expanded, as provided for

1 in the patient protection and affordable care act, public law 111-148, 124
2 stat. 119, and the health care and education reconciliation act of 2010,
3 public law 111-152, 124 stat. 1029, unless the legislature expressly
4 consents to, and approves of, the expansion of medicaid services by an act
5 of the legislature.

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

10 (B) If a trust has discretionary language, the trust shall be considered
11 to be an available resource to the extent, using the full extent of discretion,
12 the trustee may make any of the income or principal available to the
13 applicant or recipient of medical assistance. Any such discretionary trust
14 shall be considered an available resource unless:

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

17 (ii) the trust is funded:

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

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

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

27 (4) (A) When an applicant or recipient of medical assistance is a party
28 to a contract, agreement or accord for personal services being provided by
29 a nonlicensed individual or provider and such contract, agreement or
30 accord involves health and welfare monitoring, pharmacy assistance, case
31 management, communication with medical, health or other professionals,
32 or other activities related to home health care, long term care, medical
33 assistance benefits, or other related issues, any moneys paid under such
34 contract, agreement or accord shall be considered to be an available
35 resource unless the following restrictions are met:

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

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

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

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

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

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

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

10 (B) When an applicant or recipient of medical assistance is a party to
11 a written contract for personal services being provided by a licensed health
12 professional or facility and such contract involves health and welfare
13 monitoring, pharmacy assistance, case management, communication with
14 medical, health or other professionals, or other activities related to home
15 health care, long term care, medical assistance benefits or other related
16 issues, any moneys paid in advance of receipt of services for such
17 contracts shall be considered to be an available resource.

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

20 (6) *Redeterminations of an individual's eligibility for medical*
21 *assistance shall be conducted on a quarterly basis.*

22 (7) *On and after January 1, 2027:*

23 (A) *Retroactive enrollment in the medical assistance program shall*
24 *be limited to the two months prior to the month in which the recipient*
25 *makes an application for assistance; and*

26 (B) *eligibility of an individual enrolled in the medical assistance*
27 *program shall be verified against a death master file on a quarterly basis*
28 *to ensure that deceased individuals are not enrolled. Upon confirmation of*
29 *the death of an individual, enrollment in the medical assistance program*
30 *shall be terminated immediately.*

31 (j) *Eligibility for medical assistance of resident receiving medical*
32 *care outside state.* A person who is receiving medical care including long-
33 term care outside of Kansas whose health would be endangered by the
34 postponement of medical care until return to the state or by travel to return
35 to Kansas, may be determined eligible for medical assistance if such
36 individual is a resident of Kansas and all other eligibility factors are met.
37 Persons who are receiving medical care on an ongoing basis in a long-term
38 medical care facility in a state other than Kansas and who do not return to
39 a care facility in Kansas when they are able to do so, shall no longer be
40 eligible to receive assistance in Kansas unless such medical care is not
41 available in a comparable facility or program providing such medical care
42 in Kansas. For persons who are minors or who are under guardianship, the
43 actions of the parent or guardian shall be deemed to be the actions of the

1 child or ward in determining whether or not the person is remaining
2 outside the state voluntarily.

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

5 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
6 amendments thereto, or as otherwise authorized on and after September
7 30, 1989, under section 303 of the federal medicare catastrophic coverage
8 act of 1988, whichever is applicable, by applying for or receiving medical
9 assistance under a medical care plan in which federal funds are expended,
10 any accrued, present or future rights to support and any rights to payment
11 for medical care from a third party of an applicant or recipient and any
12 other family member for whom the applicant is applying shall be deemed
13 to have been assigned to the secretary on behalf of the state. The
14 assignment shall automatically become effective upon the date of approval
15 for such assistance without the requirement that any document be signed
16 by the applicant or recipient. By applying for or receiving medical
17 assistance the applicant or recipient is also deemed to have appointed the
18 secretary, or the secretary's designee, as an attorney-in-fact to perform the
19 specific act of negotiating and endorsing all drafts, checks, money orders
20 or other negotiable instruments, representing payments received by the
21 secretary in on behalf of any person applying for, receiving or having
22 received such assistance. This limited power of attorney shall be effective
23 from the date the secretary approves the application for assistance and
24 shall remain in effect until the assignment has been terminated in full. The
25 assignment of any rights to payment for medical care from a third party
26 under this subsection shall not prohibit a health care provider from directly
27 billing an insurance carrier for services rendered if the provider has not
28 submitted a claim covering such services to the secretary for payment.
29 Support amounts collected on behalf of persons whose rights to support
30 are assigned to the secretary only under this subsection and no other shall
31 be distributed pursuant to K.S.A. 39-756(d), and amendments thereto,
32 except that any amounts designated as medical support shall be retained by
33 the secretary for repayment of the unreimbursed portion of assistance.
34 Amounts collected pursuant to the assignment of rights to payment for
35 medical care from a third party shall also be retained by the secretary for
36 repayment of the unreimbursed portion of assistance.

37 (B) Notwithstanding the provisions of subparagraph (A), the
38 secretary of health and environment, or the secretary's designee, is hereby
39 authorized to and shall exercise any of the powers specified in
40 subparagraph (A) in relation to performance of such secretary's duties
41 pertaining to medical subrogation, estate recovery or any other duties
42 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
43 Annotated, and amendments thereto.

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

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

37 (A) If an individual receives any medical assistance before July 1,
38 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
39 and amendments thereto, which forms the basis for a claim under
40 paragraph (2), such claim is limited to the individual's probatable estate as
41 defined by applicable law; and

42 (B) if an individual receives any medical assistance on or after 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 shall apply to the individual's medical assistance
3 estate. The medical assistance estate is defined as including all real and
4 personal property and other assets in which the deceased individual had
5 any legal title or interest immediately before or at the time of death to the
6 extent of that interest or title. The medical assistance estate includes
7 without limitation, assets conveyed to a survivor, heir or assign of the
8 deceased recipient through joint tenancy, tenancy in common,
9 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
10 trust, annuities or similar arrangement.

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

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

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

1 medical facility for a continuous period of less than 90 days, another
2 continuous period of at least 90 days shall be completed prior to
3 dissolution of the lien.

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

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

11 (B) when there is no child of the recipient, natural or adopted, who is
12 20 years of age or less residing in the home;

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

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

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

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

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

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

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

39 (8) Within seven days of receipt of notice by the secretary or the
40 secretary's designee of the death of a recipient of medical assistance under
41 this subsection, the secretary or the secretary's designee shall give notice
42 of such recipient's death to the secretary of health and environment or the
43 secretary's designee.

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

6 Sec. 5. K.S.A. 2025 Supp. 39-709 is hereby repealed.

7 Sec. 6. This act shall take effect and be in force from and after its
8 publication in the statute book.