

SENATE BILL No. 363

By Committee on Government Efficiency

1-22

1 AN ACT concerning public assistance; requiring the *department of health*
2 *and environment in coordination with the Kansas department for*
3 *aging and disability services to seek federal approval to establish*
4 *continuous medicaid eligibility for certain individuals with*
5 *intellectual or developmental disabilities who are receiving services*
6 *through a home and community based services waiver; requiring*
7 *state agencies that administer public assistance programs to submit a*
8 *certain report to certain legislative committees; requiring the*
9 secretary for children and families and the secretary of health and
10 environment to enter into data-matching agreements with state agencies
11 to verify eligibility for food and medical assistance; directing the
12 department of health and environment to submit certain data to the
13 centers for medicare and medicaid services; prohibiting certain public
14 assistance program waivers or exemptions without legislative approval;
15 prohibiting self-attestation for purposes of determining eligibility for
16 public assistance programs; requiring redeterminations of eligibility for
17 medical assistance on a quarterly basis *and providing exceptions for*
18 *certain individuals*; limiting retroactive enrollment in the medical
19 assistance program; requiring immediate termination of eligibility for
20 medical assistance upon confirmation of death of the enrollee;
21 increasing the age limit for able-bodied adults without certain
22 dependents; prohibiting certain exemptions from work requirements
23 under the food assistance program; amending K.S.A. 2025 Supp. 39-
24 709 and repealing the existing section.

25
26 *Be it enacted by the Legislature of the State of Kansas:*

27 *New Section 1. (a) The department of health and environment, in*
28 *coordination with the Kansas department for aging and disability*
29 *services, shall seek all necessary federal approvals, including, but not*
30 *limited to, authority under section 1115 of the federal social security act,*
31 *to establish continuous medicaid eligibility protections for individuals*
32 *with documented permanent intellectual or developmental disabilities*
33 *who are receiving services through a home and community based*
34 *services waiver.*

35 *(b) For purposes of federal approval and program design, the state*
36 *shall seek authority to:*

1 ***(1) Establish continuous medicaid eligibility for individuals***
2 ***described in subsection (a) unless a verified change occurs in income,***
3 ***assets, residency or disability status;***

4 ***(2) limit routine eligibility redeterminations for individuals***
5 ***described in subsection (a) to circumstances involving a documented or***
6 ***reported material change;***

7 ***(3) maintain all existing financial eligibility standards and federal***
8 ***program integrity requirements; and***

9 ***(4) reduce administrative functions that do not improve eligibility***
10 ***accuracy or program oversight.***

11 ***(c) Nothing in this section shall be construed to:***

12 ***(1) Expand medicaid eligibility categories;***

13 ***(2) modify financial eligibility thresholds;***

14 ***(3) alter services, protections or assurances required under any***
15 ***home and community based services waiver authorized under section***
16 ***1915(c) of the federal social security act; or***

17 ***(4) authorize implementation of continuous eligibility protections***
18 ***unless and until federal approval is received.***

19 ***(d) Upon receipt of federal approval, the secretary of health and***
20 ***environment shall implement continuous eligibility protections in***
21 ***coordination with the secretary for aging and disability services.***

22 ***(e) If federal approval is not granted, the secretaries shall report to***
23 ***the legislature regarding:***

24 ***(1) Barriers to approval;***

25 ***(2) alternative administrative options to improve eligibility***
26 ***continuity; and***

27 ***(3) estimated fiscal and administrative impacts of alternative***
28 ***approaches.***

29 ***New Sec. 2. (a) Each state agency that administers a public***
30 ***assistance program under K.S.A. 39-709, and amendments thereto, shall***
31 ***submit a report to the legislative committees specified in subsection (b),***
32 ***or any successor committee, on the number of Kansans becoming***
33 ***ineligible for public assistance benefits and the reasons for losing such***
34 ***eligibility.***

35 ***(b) (1) Such report under subsection (a) shall be submitted***
36 ***quarterly to the:***

37 ***(A) Robert G. (Bob) Bethell joint committee on home and***
38 ***community based services and KanCare oversight; and***

39 ***(B) legislative budget committee.***

40 ***(2) Such report under subsection (a) shall be submitted annually,***
41 ***on or before the first day of each regular session of the legislature, to***
42 ***the:***

43 ***(A) Senate committee on public health and welfare;***

- 1 **(B) senate committee on government efficiency;**
2 **(C) house of representatives committee on social services budget;**
3 **and**
4 **(D) house of representatives committee on welfare reform.**

5 New-Section 1. **Sec. 3.** (a) To verify eligibility for the food assistance
6 program and the medical assistance program pursuant to K.S.A. 39-709,
7 and amendments thereto, the secretary for children and families, in the
8 administration of food assistance, and the secretary of health and
9 environment, in the administration of medical assistance, shall enter into
10 data-matching agreements with state agencies to compare data related to
11 individuals and households applying for or enrolled in food assistance or
12 medical assistance and other state data sets. Each respective secretary shall
13 receive and review information concerning individuals or households
14 applying for or enrolled in food assistance or medical assistance that
15 indicates a change in circumstances that may affect eligibility for food
16 assistance or medical assistance on at least a:

- 17 (1) Monthly basis, from the office of vital statistics, including, but
18 limited to, death records;
19 (2) quarterly basis, from the department of labor, including, but not
20 limited to, changes in employment or wages;
21 (3) monthly basis, including, but not limited to, potential changes in
22 residency as identified by out-of-state electronic benefit transfer
23 transactions;
24 (4) quarterly basis, from the department of revenue, including, but not
25 limited to, potential changes in income, wages or residency as identified
26 by tax records;
27 (5) monthly basis, from the department of corrections, including, but
28 not limited to, incarceration status;
29 (6) semi-monthly basis, from the department of labor, including, but
30 not limited to, potential changes in employment, income or assets; and
31 (7) monthly basis, from the Kansas lottery and the Kansas racing and
32 gaming commission, to identify individuals and households with lottery or
33 gambling winnings of \$3,000 or greater and, to the extent permissible
34 under federal law, deem this data verified upon receipt, and if the data is
35 not verified upon receipt, the department shall make referrals for further
36 investigation to identify individuals and households with winnings equal to
37 or greater than the resource limit for elderly or disabled individuals and
38 households as defined in 7 C.F.R. § 273.8(b).

39 (b) When an enrollee is determined to be noncompliant with
40 requirements or ineligible for food assistance or medical assistance, such
41 enrollee shall be provided a 30-day notice of such noncompliance or
42 ineligibility prior to being disenrolled from food assistance or medical
43 assistance.

1 New Sec.-~~2~~ 4. (a) On and after January 1, 2027, the department of
2 health and environment shall submit medical assistance enrollment data to
3 the United States centers for medicare and medicaid services on a monthly
4 basis to identify and remove individuals who are enrolled in medical
5 assistance programs in multiple states.

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

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

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

12 (3) a managed care organization, prepaid inpatient health plan or
13 prepaid ambulatory health plan that has a contract under the state plan if
14 such address information is provided to such organization or plan directly
15 from, or verified by such organization or plan directly with such enrollee;
16 or

17 (4) any other data source identified by the department and approved
18 by the secretary of the United States department of health and human
19 services.

20 New Sec.-~~3~~ 5. (a) On and after July 1, 2026, no state agency shall
21 provide an optional exemption, geographic waiver or work requirements
22 waiver for any public assistance program unless the legislature expressly
23 consents to and approves of such exemption or waiver by an act of the
24 legislature.

25 (b) As used in this section:

26 (1) "Public assistance program" means any assistance under K.S.A.
27 39-709, and amendments thereto; and

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

30 Sec.-~~4~~ 6. K.S.A. 2025 Supp. 39-709 is hereby amended to read as
31 follows: 39-709. (a) *General eligibility requirements for assistance for*
32 *which federal moneys are expended.* (1) Subject to the additional
33 requirements below, assistance in accordance with plans under which
34 federal moneys are expended may be granted to any needy person who:

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

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

42 (ii) not take into account the financial responsibility of any individual
43 for any applicant or recipient of assistance unless such applicant or

1 recipient is such individual's spouse, cohabiting partner or such
2 individual's minor child or minor stepchild if the stepchild is living with
3 such individual;

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

6 (iv) consider one motor vehicle owned by the applicant for assistance,
7 regardless of the value of such vehicle, as exempt personal property and
8 shall consider any equity in any boat, personal water craft, recreational
9 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined
10 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
11 owned by the applicant for assistance to be a nonexempt resource of the
12 applicant for assistance except that any additional motor vehicle used by
13 the applicant, the applicant's spouse or the applicant's cohabiting partner
14 for the primary purpose of earning income may be considered as exempt
15 personal property in the secretary's discretion;

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

18 (C) resides in the state of Kansas.

19 (2) No person who voluntarily quits employment or who is fired from
20 employment due to gross misconduct as defined by rules and regulations
21 of the secretary or who is a fugitive from justice by reason of a felony
22 conviction or charge or violation of a condition of probation or parole
23 imposed under federal or state law shall be eligible to receive public
24 assistance benefits in this state. Any recipient of public assistance who
25 fails to timely comply with monthly reporting requirements under criteria
26 and guidelines prescribed by rules and regulations of the secretary shall be
27 subject to a penalty established by the secretary by rules and regulations.

28 (3) The department of administration shall provide monthly to the
29 Kansas department for children and families the social security numbers or
30 alternate taxpayer identification numbers of all persons who claim a
31 Kansas lottery prize in excess of ~~\$5,000~~ \$3,000 during the reported month.
32 The Kansas department for children and families shall verify if individuals
33 with such winnings are receiving temporary assistance for needy families
34 or TANF, food assistance or assistance under the child care subsidy
35 program and take appropriate action. The Kansas department for children
36 and families shall use data received under this subsection solely, and for no
37 other purpose, to determine if any recipient's eligibility for benefits has
38 been affected by lottery prize winnings. The Kansas department for
39 children and families shall not publicly disclose the identity of any lottery
40 prize winner, including recipients who are determined to have illegally
41 received benefits.

42 (4) *Unless required under federal law, the Kansas department for*
43 *children and families and the department of health and environment shall*

1 *not accept self-attestation of income, residency, age, household*
2 *composition, caretaker relative status or receipt of other coverage without*
3 *verification prior to enrollment, or request authority to waive or decline to*
4 *periodically check any available income-related data sources to verify*
5 *eligibility for TANF, food assistance, medical assistance or assistance*
6 *under the child care subsidy program.*

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

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

21 (3) The family group shall not be eligible for TANF if the family
22 group contains at least one adult member who has received TANF,
23 including the federal TANF received in any other state, for 24 calendar
24 months beginning on and after October 1, 1996, unless the secretary
25 determines a hardship exists and grants an extension allowing receipt of
26 TANF until the 36-month limit is reached. No extension beyond 36 months
27 shall be granted. Hardship provisions for a recipient include:

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

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

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

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

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

39 (4) Eligibility for TANF shall be subject to subsection (f)(1) through
40 (3).

41 (5) All adults applying for TANF shall be required to complete a
42 work program assessment as specified by the Kansas department for
43 children and families, including those who have been disqualified for or

1 denied TANF due to non-cooperation, drug testing requirements or fraud.
2 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
3 relative/non-relative caretakers and adults receiving supplemental security
4 income are not required to complete the assessment process.

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

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

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

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

15 (D) is enrolled in job corps;

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

17 (F) has completed the work program assessment within the last 12
18 months.

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

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

27 (B) (i) In order to meet federal work participation requirements,
28 households shall meet at least 30 hours of participation per week, at least
29 20 hours of which shall be primary and at least 10 hours may be secondary
30 components in one parent households where the youngest child is six years
31 of age or older.

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

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

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

1 component.

2 (C) (i) The following components meet federal definitions of primary
3 hours of participation:

- 4 (a) Full-time or part-time employment;
 - 5 (b) apprenticeship;
 - 6 (c) work study;
 - 7 (d) self-employment;
 - 8 (e) job corps;
 - 9 (f) subsidized employment;
 - 10 (g) work experience sites;
 - 11 (h) on-the-job training;
 - 12 (i) supervised community service;
 - 13 (j) vocational education;
 - 14 (k) job search; and
 - 15 (l) job readiness.
- 16 (ii) Secondary components include:

- 17 (a) Job skills training;
- 18 (b) education directly related to employment such as adult basic
19 education and English as a second language; and
- 20 (c) completion of a high school diploma or GED.

21 (D) A parent or other adult caretaker personally providing care for a
22 child under the age of three months in their TANF household shall be
23 exempt from work participation activities until the month the child attains
24 three months of age. Such three-month limitation shall not apply to a
25 parent or other adult caretaker who is personally providing care for a child
26 born significantly premature, with serious medical conditions or with a
27 disability as defined by the secretary, in consultation with the secretary of
28 health and environment and adopted in the rules and regulations. The
29 three-month period is defined as two consecutive months starting with the
30 month after childbirth. The exemption for caring for a child under three
31 months of age cannot be claimed by:

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

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

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

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

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

5 (F) TANF participants with disabilities shall engage in required
6 employment activities to the maximum extent consistent with their
7 abilities. A TANF participant shall provide current documentation by a
8 qualified medical practitioner that details the ability to engage in
9 employment and any limitation in work activities along with the expected
10 duration of such limitations. As used in this subparagraph, "disability"
11 means a physical or mental impairment constituting or resulting in a
12 substantial impediment to employment for such individual.

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

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

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

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

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

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

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

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

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

32 (D) fourth penalty, 10 years.

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

1 performers disrobe or perform in an unclothed state for entertainment, or
2 in any business or retail establishment where minors under 18 years of age
3 are not permitted. No TANF shall be used for purchases at points of sale
4 outside the state of Kansas.

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

11 (B) The secretary shall not apply resource limits standards for food
12 assistance that are higher than the standards specified in 7 U.S.C. §
13 2015(g)(1) unless expressly required by federal law. Categorical eligibility
14 exempting households from such resource limits shall not be granted for
15 any non-cash, in-kind or other benefit unless expressly required by federal
16 law.

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

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

33 (E) Individuals who have not cooperated with TANF work programs
34 shall be ineligible to participate in the food assistance program. The
35 comparable penalty shall be applied to only the individual in the food
36 assistance program who failed to comply with the TANF work
37 requirement. The agency shall impose the same penalty to the member of
38 the household who failed to comply with TANF requirements. The penalty
39 periods are three months, six months, one year or 10 years.

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

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

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

4 (i) Register for work;

5 (ii) participate in an employment and training program, if assigned to
6 such a program by the department;

7 (iii) accept a suitable employment offer; and

8 (iv) not voluntarily quit a job of at least 30 hours per week.

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

13 (i) First penalty, three months;

14 (ii) second penalty, six months; and

15 (iii) third penalty and any subsequent penalty, one year.

16 (C) The secretary is prohibited from requesting or implementing a
17 waiver or program from the United States department of agriculture for the
18 time limited assistance provisions for able-bodied adults aged 18 through
19 ~~49~~ *64* without dependents *under 14 years of age* in a household under the
20 food assistance program. The time on food assistance for able-bodied
21 adults aged 18 through ~~49~~ *64* without dependents *under 14 years of age*
22 in the household shall be limited to three months in a 36-month period if such
23 adults are not meeting the requirements imposed by the United States
24 department of agriculture that they must work for at least 20 hours per
25 week or participate in a federally approved work program or its equivalent.
26 *No exemption from such time-limited assistance shall be granted for*
27 *homeless individuals, veterans or individuals who are 24 years of age or*
28 *younger and who were in foster care on the date of attaining 18 years of*
29 *age or such higher age as the state has elected under 42 U.S.C. § 675(8)*
30 *(B)(iii).*

31 (3) The Kansas department for children and families shall assign all
32 individuals subject to the requirements established under 7 U.S.C. §
33 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
34 § 2015(d)(4). The provisions of this paragraph shall only apply to:

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

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

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

40 (4) No federal or state funds shall be used for television, radio or
41 billboard advertisements that are designed to promote food assistance
42 benefits and enrollment. No federal or state funding shall be used for any
43 agreements with foreign governments designed to promote food

1 assistance.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (E) Students shall be engaged in paid employment for a minimum of
39 15 hours per week.

40 (F) In a two-parent adult household, child care would not be allowed
41 if both parents are adults and attending a formal education or training
42 program at the same time. The household may choose which one of the
43 parents is participating as a post-secondary student. The other parent shall

1 meet another approvable criteria for child care subsidy.

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

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

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

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

11 (iv) fourth penalty, 10 years.

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

14 (i) Upon application for child care subsidy;

15 (ii) after 12 months of continuous eligibility for child care subsidy;
16 and

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

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

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

30 (B) Adults in the household who have been determined to have
31 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
32 21-5801 and 39-720, and amendments thereto, shall render themselves and
33 all adult household members ineligible for their lifetime for TANF, even if
34 fraud was committed in only one program.

35 (C) Households who have been determined to have committed fraud
36 or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-
37 720, and amendments thereto, shall be required to name a protective payee
38 as approved by the secretary or the secretary's designee to administer
39 TANF benefits or food assistance on behalf of the children. No adult in a
40 household may have access to the TANF benefit.

41 (3) Any individual who has failed to cooperate with a fraud
42 investigation shall be ineligible to participate in the TANF program and the
43 child care subsidy program until the Kansas department for children and

1 families determines that such individual is cooperating with the fraud
2 investigation.

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

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

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

34 (C) Any applicant for or recipient of cash assistance who tests
35 positive for unlawful use of a controlled substance or controlled substance
36 analog shall be required to complete a substance abuse treatment program
37 approved by the secretary, secretary of labor or secretary of commerce,
38 and a job skills program approved by the secretary, secretary of labor or
39 secretary of commerce.

40 (D) Subject to applicable federal laws, any applicant for or recipient
41 of cash assistance who fails to complete or refuses to participate in the
42 substance abuse treatment program or job skills program as required under
43 this subsection shall be ineligible to receive cash assistance until

1 completion of such substance abuse treatment and job skills programs.

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

5 (F) Upon a second positive test for unlawful use of a controlled
6 substance or controlled substance analog, a recipient of cash assistance
7 shall be ordered to complete again a substance abuse treatment program
8 and job skills program, and shall be terminated from cash assistance for a
9 period of 12 months, or until such recipient of cash assistance completes
10 both substance abuse treatment and job skills programs, whichever is later.

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

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

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

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

43 (C) Any designated individual whose drug screening results in a

1 positive test may request that the drug screening specimen be sent to a
2 different drug testing facility for an additional drug screening. Any
3 designated individual who requests an additional drug screening at a
4 different drug testing facility shall be required to pay the cost of drug
5 screening. Such designated individual who took the additional drug
6 screening and who tested negative for unlawful use of a controlled
7 substance and controlled substance analog shall be reimbursed for the cost
8 of such additional drug screening.

9 (D) Upon any positive test for unlawful use of a controlled substance
10 or controlled substance analog, the designated individual shall not receive
11 cash assistance on behalf of the parent's or legal guardian's minor child,
12 and another designated individual shall be selected by the secretary to
13 receive cash assistance on behalf of such parent's or legal guardian's minor
14 child.

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

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

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

42 (ii) An individual's failure to submit to testing or failure to
43 successfully pass a drug test shall result in ineligibility for food assistance

1 until a drug test is successfully passed.

2 (iii) Failure to successfully complete a drug treatment program shall
3 result in ineligibility for food assistance until a drug treatment plan
4 approved by the secretary is successfully completed, the individual passes
5 a drug test and agrees to submit to drug testing if requested by the
6 department pursuant to a drug testing plan.

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

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

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

14 (7) As used in this subsection:

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

19 (B) "Controlled substance" means the same as defined in K.S.A. 21-
20 5701, and amendments thereto, and 21 U.S.C. § 802.

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

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

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

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

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

39 (4) By applying for or receiving child care subsidy or food assistance,
40 the applicant or recipient shall be deemed to have assigned, pursuant to
41 K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the
42 state only accrued, present or future rights to support from any other
43 person such applicant may have in such person's own behalf or in behalf of

1 any other family member for whom the applicant is applying for or
2 receiving aid. The assignment of support rights shall automatically become
3 effective upon the date of approval for or receipt of such aid without the
4 requirement that any document be signed by the applicant or recipient. By
5 applying for or receiving child care subsidy or food assistance, the
6 applicant or recipient is also deemed to have appointed the secretary, or the
7 secretary's designee, as an attorney in fact to perform the specific act of
8 negotiating and endorsing all drafts, checks, money orders or other
9 negotiable instruments representing support payments received by the
10 secretary in behalf of any person applying for, receiving or having
11 received such assistance. This limited power of attorney shall be effective
12 from the date the secretary approves the application for aid and shall
13 remain in effect until the assignment of support rights has been terminated
14 in full. An applicant or recipient who has assigned support rights to the
15 secretary pursuant to this subsection shall cooperate in establishing and
16 enforcing support obligations to the same extent required of applicants for
17 or recipients of TANF.

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

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

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

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

41 (i) *Requirements for medical assistance for which federal moneys or*
42 *state moneys or both are expended.* (1) When the secretary has adopted a
43 medical care plan under which federal moneys or state moneys or both are

1 expended, medical assistance in accordance with such plan shall be
2 granted to any person who is a citizen of the United States or who is an
3 alien lawfully admitted to the United States and who is residing in the state
4 of Kansas, whose resources and income do not exceed the levels
5 prescribed by the secretary. In determining the need of an individual, the
6 secretary may provide for income and resource exemptions and protected
7 income and resource levels. Resources from inheritance shall be counted.
8 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
9 amendments thereto, shall constitute a transfer of resources. The secretary
10 shall exempt principal and interest held in irrevocable trust pursuant to
11 K.S.A. 16-303(c), and amendments thereto, from the eligibility
12 requirements of applicants for and recipients of medical assistance. Such
13 assistance shall be known as medical assistance.

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

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

32 (B) If a trust has discretionary language, the trust shall be considered
33 to be an available resource to the extent, using the full extent of discretion,
34 the trustee may make any of the income or principal available to the
35 applicant or recipient of medical assistance. Any such discretionary trust
36 shall be considered an available resource unless:

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

39 (ii) the trust is funded:

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

43 (b) not more than nominally from resources of a person while that

1 person owed a duty of support to the applicant or recipient of medical
2 assistance.

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

6 (4) (A) When an applicant or recipient of medical assistance is a party
7 to a contract, agreement or accord for personal services being provided by
8 a nonlicensed individual or provider and such contract, agreement or
9 accord involves health and welfare monitoring, pharmacy assistance, case
10 management, communication with medical, health or other professionals,
11 or other activities related to home health care, long term care, medical
12 assistance benefits, or other related issues, any moneys paid under such
13 contract, agreement or accord shall be considered to be an available
14 resource unless the following restrictions are met:

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

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

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

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

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

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

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

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

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

42 (6) *Except as provided in paragraph (8), redeterminations of an*
43 *individual's eligibility for medical assistance shall be conducted on a*

1 *quarterly basis.*

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

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

6 (B) *eligibility of an individual enrolled in the medical assistance*
7 *program shall be verified against a death master file on a quarterly basis*
8 *to ensure that deceased individuals are not enrolled. Upon confirmation of*
9 *the death of an individual, enrollment in the medical assistance program*
10 *shall be terminated immediately.*

11 (8) *Notwithstanding any provision of this subsection to the*
12 *contrary, all medical assistance eligibility determinations and*
13 *redeterminations for the following individuals shall be governed by the*
14 *Kansas medicaid eligibility standards in effect on June 30, 2026, except*
15 *as otherwise required by federal law:*

16 (A) *Pregnant women;*

17 (B) *individuals who are 65 years of age or older, including those*
18 *applying for long-term care services or home and community based*
19 *services; and*

20 (C) *individuals who are applying for or receiving services through a*
21 *home and community based services waiver, including those on the*
22 *waiting list for such services.*

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

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

40 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
41 amendments thereto, or as otherwise authorized on and after September
42 30, 1989, under section 303 of the federal medicare catastrophic coverage
43 act of 1988, whichever is applicable, by applying for or receiving medical

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

29 (B) Notwithstanding the provisions of subparagraph (A), the
30 secretary of health and environment, or the secretary's designee, is hereby
31 authorized to and shall exercise any of the powers specified in
32 subparagraph (A) in relation to performance of such secretary's duties
33 pertaining to medical subrogation, estate recovery or any other duties
34 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
35 Annotated, and amendments thereto.

36 (2) The amount of any medical assistance paid after June 30, 1992,
37 under the provisions of subsection (i) is a claim against the property or any
38 interest therein belonging to and a part of the estate of any deceased
39 recipient or, if there is no estate, the estate of the surviving spouse, if any,
40 shall be charged for such medical assistance paid to either or both and a
41 claim against any funds of such recipient or spouse in any account under
42 K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall
43 be no recovery of medical assistance correctly paid to or on behalf of an

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

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

29 (A) If an individual receives any medical assistance before July 1,
30 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
31 and amendments thereto, which forms the basis for a claim under
32 paragraph (2), such claim is limited to the individual's probatable estate as
33 defined by applicable law; and

34 (B) if an individual receives any medical assistance on or after July 1,
35 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
36 and amendments thereto, which forms the basis for a claim under
37 paragraph (2), such claim shall apply to the individual's medical assistance
38 estate. The medical assistance estate is defined as including all real and
39 personal property and other assets in which the deceased individual had
40 any legal title or interest immediately before or at the time of death to the
41 extent of that interest or title. The medical assistance estate includes
42 without limitation, assets conveyed to a survivor, heir or assign of the
43 deceased recipient through joint tenancy, tenancy in common,

1 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
2 trust, annuities or similar arrangement.

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

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

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

39 (5) The lien filed by the secretary of health and environment or the
40 secretary's designee for medical assistance correctly received may be
41 enforced before or after the death of the recipient by the filing of an action
42 to foreclose such lien in the Kansas district court or through an estate
43 probate court action in the county where the real property of the recipient

1 is located. However, it may be enforced only:

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

3 (B) when there is no child of the recipient, natural or adopted, who is
4 20 years of age or less residing in the home;

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

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

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

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

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

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

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

31 (8) Within seven days of receipt of notice by the secretary or the
32 secretary's designee of the death of a recipient of medical assistance under
33 this subsection, the secretary or the secretary's designee shall give notice
34 of such recipient's death to the secretary of health and environment or the
35 secretary's designee.

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

41 ~~Sec. 5. 7.~~ K.S.A. 2025 Supp. 39-709 is hereby repealed.

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