

SENATE BILL No. 501

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning public assistance; requiring able-bodied adults
2 without dependents to complete an employment and training program
3 in order to receive food assistance; requiring state agencies to conduct
4 cross-checks to verify public assistance eligibility; requiring the
5 department of health and environment to seek approval to eliminate
6 mandatory hospital presumptive eligibility; requiring hospitals to
7 follow standards established for presumptive eligibility determinations;
8 requiring state agencies to make data from fraud investigations relating
9 to food assistance and medical assistance publicly available on such
10 agencies' websites; amending K.S.A. 39-709 and repealing the existing
11 section.
12

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

14 New Section 1. (a) As used in this section, "department" means the
15 department of health and environment.

16 (b) The department shall request approval from the United States
17 centers for medicare and medicaid services for a section 1115
18 demonstration waiver to enable the department to eliminate mandatory
19 hospital presumptive eligibility and restrict presumptive eligibility
20 determinations to children and pregnant women eligibility groups prior to
21 January 1, 2023. If approval for such a waiver is denied, the department
22 shall resubmit a request for approval within 24 months of each denial.

23 (c) Unless required under federal law, the department shall not
24 designate itself or any subsidiary office or agency as a qualified health
25 entity for the purpose of making presumptive eligibility determinations or
26 for any purpose not expressly authorized by state law.

27 (d) In making presumptive eligibility determinations, each hospital
28 shall:

29 (1) Notify the department of each presumptive eligibility
30 determination within five working days from the date the determination
31 was made;

32 (2) assist individuals determined to be presumptively eligible with
33 completing and submitting a medical assistance application;

34 (3) notify the applicant in writing and on all relevant forms with plain
35 language and large print the date presumptive eligibility coverage will end
36 if the applicant does not file a medical assistance application with the

1 department; and

2 (4) notify the applicant that if the applicant files a medical assistance
3 application with the department before the last day of the following month,
4 presumptive eligibility coverage will continue until an eligibility
5 determination is made on the application that was filed.

6 (e) The department shall use the following standards to establish and
7 ensure accurate presumptive eligibility determinations made by each
8 qualified hospital:

9 (1) Whether the medical assistance presumptive eligibility card
10 received by the department within five working days from the
11 determination date;

12 (2) whether a medical assistance application received by the
13 department before the expiration of the presumptive eligibility period; and

14 (3) if a medical assistance application was received, whether the
15 individual was found to be eligible for coverage.

16 (f) (1) The first time a qualified hospital fails to meet any of the
17 standards established for a presumptive eligibility determination, the
18 department shall notify the hospital in writing within five days from after
19 the date such standard was not met. Such notice shall include a description
20 of the standard that was not met, an explanation of why such standard was
21 not met and confirmation that a second finding will require that all
22 applicable hospital staff participate in mandatory training on hospital
23 presumptive eligibility rules and regulations to be conducted by the
24 department.

25 (2) If a qualified hospital fails to meet any of the standards
26 established for a presumptive eligibility determination, within one year of
27 the first notice of violation, the department shall notify the hospital in
28 writing within five days after the date such standard was not met. The
29 written notice shall include:

30 (A) A description of the standard that was not met and an explanation
31 of why it was not met;

32 (B) confirmation that all applicable hospital staff will be required to
33 participate in a mandatory training on hospital presumptive eligibility rules
34 and regulations to be conducted by the department, including the date,
35 time and location of the training as determined by the department;

36 (C) a description of available appellate procedures by which a
37 qualified hospital may dispute the finding of a violation and remove the
38 finding by providing clear and convincing evidence that the standard was
39 met; and

40 (D) that the second time a hospital fails to meet of the standards for
41 presumptive eligibility for any determination, the hospital will no longer
42 be qualified to make presumptive eligibility determinations.

43 (3) If a qualified hospital fails to meet any of the standards

1 established for any presumptive eligibility determination, within one year
2 of the second violation, the department shall notify the hospital in writing
3 within five days after the date such standard was not met. The written
4 notice shall include:

5 (A) A description of the standard that was not met and an explanation
6 of why such standard was not met;

7 (B) a description of available appellate procedures by which a
8 qualified hospital may dispute the finding of a violation and remove the
9 finding by providing clear and convincing evidence that the standard was
10 met; and

11 (C) confirmation that, effective immediately, the hospital shall no
12 longer be qualified to make presumptive eligibility determinations of any
13 kind.

14 Sec. 2. K.S.A. 39-709 is hereby amended to read as follows: 39-709.

15 (a) *General eligibility requirements for assistance for which federal*
16 *moneys are expended.* Subject to the additional requirements below,
17 assistance in accordance with plans under which federal moneys are
18 expended may be granted to any needy person who:

19 (1) Has insufficient income or resources to provide a reasonable
20 subsistence compatible with decency and health. Where a husband and
21 wife or cohabiting partners are living together, the combined income or
22 resources of both shall be considered in determining the eligibility of
23 either or both for such assistance unless otherwise prohibited by law. The
24 secretary, in determining need of any applicant for or recipient of
25 assistance shall not take into account the financial responsibility of any
26 individual for any applicant or recipient of assistance unless such applicant
27 or recipient is such individual's spouse, cohabiting partner or such
28 individual's minor child or minor stepchild if the stepchild is living with
29 such individual. The secretary in determining need of an individual may
30 provide such income and resource exemptions as may be permitted by
31 federal law. For purposes of eligibility for temporary assistance for needy
32 families, for food assistance and for any other assistance provided through
33 the Kansas department for children and families under which federal
34 moneys are expended, the secretary for children and families shall
35 consider one motor vehicle owned by the applicant for assistance,
36 regardless of the value of such vehicle, as exempt personal property and
37 shall consider any equity in any boat, personal water craft, recreational
38 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined
39 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
40 owned by the applicant for assistance to be a nonexempt resource of the
41 applicant for assistance except that any additional motor vehicle used by
42 the applicant, the applicant's spouse or the applicant's cohabiting partner
43 for the primary purpose of earning income may be considered as exempt

1 personal property in the secretary's discretion.

2 (2) Is a citizen of the United States or is an alien lawfully admitted to
3 the United States and who is residing in the state of Kansas.

4 (b) *Temporary assistance for needy families.* Assistance may be
5 granted under this act to any dependent child, or relative, subject to the
6 general eligibility requirements as set out in subsection (a), who resides in
7 the state of Kansas or whose parent or other relative with whom the child
8 is living resides in the state of Kansas. Such assistance shall be known as
9 temporary assistance for needy families. Where the husband and wife or
10 cohabiting partners are living together, both shall register for work under
11 the program requirements for temporary assistance for needy families in
12 accordance with criteria and guidelines prescribed by rules and regulations
13 of the secretary.

14 (1) As used in this subsection, "family group" or "household" means
15 the applicant or recipient for TANF, child care subsidy or employment
16 services and all individuals living together in which there is a relationship
17 of legal responsibility or a qualifying caretaker relationship. This will
18 include a cohabiting boyfriend or girlfriend living with the person legally
19 responsible for the child. The family group shall not be eligible for TANF
20 if the family group contains at least one adult member who has received
21 TANF, including the federal TANF assistance received in any other state,
22 for 24 calendar months beginning on and after October 1, 1996, unless the
23 secretary determines a hardship exists and grants an extension allowing
24 receipt of TANF until the 36-month limit is reached. No extension beyond
25 36 months shall be granted. Hardship provisions for a recipient include:

26 (A) Is a caretaker of a disabled family member living in the
27 household;

28 (B) has a disability ~~which~~ *that* precludes employment on a long-term
29 basis or requires substantial rehabilitation;

30 (C) needs a time limit extension to overcome the effects of domestic
31 violence/sexual assault;

32 (D) is involved with prevention and protection services (PPS) and has
33 an open social service plan; or

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

37 (2) All adults applying for TANF shall be required to complete a
38 work program assessment as specified by the Kansas department for
39 children and families, including those who have been disqualified for or
40 denied TANF due to non-cooperation, drug testing requirements or fraud.
41 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
42 relative/non-relative caretakers and adults receiving supplemental security
43 income are not required to complete the assessment process. During the

1 application processing period, applicants must complete at least one
2 module or its equivalent of the work program assessment to be considered
3 eligible for TANF benefits, unless good cause is found to be exempt from
4 the requirements. Good cause exemptions shall only include *that the*
5 *applicant*:

6 (A) ~~The applicant~~ Can document an existing certification verifying
7 completion of the work program assessment;

8 (B) ~~the applicant~~ has a valid offer of employment or is employed a
9 minimum of 20 hours a week;

10 (C) ~~the applicant~~ is a parenting teen without a GED or high school
11 diploma;

12 (D) ~~the applicant~~ is enrolled in job corps;

13 (E) ~~the applicant~~ is working with a refugee social services agency; or

14 (F) ~~the applicant~~ has completed the work program assessment within
15 the last 12 months.

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

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

24 (B) In order to meet federal work participation requirements,
25 households need to meet at least 30 hours of participation per week, at
26 least 20 hours of which need to be primary and at least 10 hours may be
27 secondary components in one parent households where the youngest child
28 is six years of age or older. Participation hours shall be 55 hours in two
29 parent households ~~(, 35 hours per week if child care is not used)~~. The
30 maximum assignment is 40 hours per week per individual. For two parent
31 families to meet the federal work participation rate both parents must
32 participate in a combined total of 55 hours per week, 50 hours of which
33 must be in primary components, or one or both parents could be assigned a
34 combined total of 35 hours per week ~~(, 30 hours of which must be primary~~
35 ~~components)~~, if *the Kansas* department for children and families paid child
36 care is not received by the family. Single parent families with a child under
37 age six meet the federal participation requirement if the parent is engaged
38 in work or work activities for at least 20 hours per week in a primary work
39 component.

40 (C) The following components meet federal definitions of primary
41 hours of participation: Full or part-time employment, apprenticeship, work
42 study, self-employment, job corps, subsidized employment, work
43 experience sites, on-the-job training, supervised community service,

1 vocational education, job search and job readiness. Secondary components
2 include: Job skills training, education directly related to employment such
3 as adult basic education and English as a second language, and completion
4 of a high school diploma or GED.

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

16 (A) ~~By~~ Either parent when two parents are in the home and the
17 household meets the two-parent definition for federal reporting purposes;

18 (B) ~~by~~ one parent or caretaker when the other parent or caretaker is in
19 the home, and available, capable and suitable to provide care and the
20 household does not meet the two-parent definition for federal reporting
21 purposes;

22 (C) ~~by~~ a person age 19 or younger when such person is pregnant or a
23 parent of a child in the home and the person does not possess a high school
24 diploma or its equivalent. Such person shall become exempt the month
25 such person turns age 20; or

26 (D) ~~by~~ any person assigned to a work participation activity for
27 substance use disorders.

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

32 (7) TANF participants with disabilities shall engage in required
33 employment activities to the maximum extent consistent with their
34 abilities. TANF participants shall provide current documentation by a
35 qualified medical practitioner that details the abilities to engage in
36 employment and any limitations in work activities along with the expected
37 duration of such limitations. Disability is defined as a physical or mental
38 impairment constituting or resulting in a substantial impediment to
39 employment for such individual.

40 (8) Non-cooperation is the failure of the applicant or recipient to
41 comply with all requirements provided in state and federal law, federal and
42 state rules and regulations and agency policy. The period of ineligibility
43 for TANF benefits based on non-cooperation, *as defined in K.S.A. 39-702,*

1 *and amendments thereto*, with work programs shall be as follows, *for a*:

2 (A) ~~For a~~ First penalty, three months and full cooperation with work
3 program activities;

4 (B) ~~for a~~ second penalty, six months and full cooperation with work
5 program activities;

6 (C) ~~for a~~ third penalty, one year and full cooperation with work
7 program activities; and

8 (D) ~~for a~~ fourth or subsequent penalty, 10 years.

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

16 (10) Non-cooperation is the failure of the applicant or recipient to
17 comply with all requirements provided in state and federal law, federal and
18 state rules and regulations and agency policy. The period of ineligibility
19 for child care subsidy or TANF benefits based on parents' non-
20 cooperation, *as defined in K.S.A. 39-702, and amendments thereto*, with
21 child support services shall be as follows, *for a*:

22 (A) ~~For the~~ First penalty, three months and cooperation with child
23 support services prior to regaining eligibility;

24 (B) ~~for a~~ second penalty, six months and cooperation with child
25 support services prior to regaining eligibility;

26 (C) ~~for a~~ third penalty, one year and cooperation with child support
27 services prior to regaining eligibility; and

28 (D) ~~for a~~ fourth penalty, 10 years.

29 (11) Individuals that have not cooperated without good cause with
30 child support services shall be ineligible to participate in the food
31 assistance program. The period of disqualification ends once it has been
32 determined that such individual is cooperating with child support services.

33 (12) (A) Any individual who is found to have committed fraud or is
34 found guilty of the crime of theft pursuant to K.S.A. 39-720, and
35 amendments thereto, and K.S.A. 2021 Supp. 21-5801, and amendments
36 thereto, in either the TANF or child care program shall render all adults in
37 the family unit ineligible for TANF assistance. Adults in the household
38 who were determined to have committed fraud or were convicted of the
39 crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and
40 K.S.A. 2021 Supp. 21-5801, and amendments thereto, shall render
41 themselves and all adult household members ineligible for their lifetime
42 for TANF, even if fraud was committed in only one program. Households
43 who have been determined to have committed fraud or were convicted of

1 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and
2 K.S.A. 2021 Supp. 21-5801, and amendments thereto, shall be required to
3 name a protective payee as approved by the secretary or the secretary's
4 designee to administer TANF benefits or food assistance on behalf of the
5 children. No adult in a household may have access to the TANF cash
6 assistance benefit.

7 (B) Any individual that has failed to cooperate with a fraud
8 investigation shall be ineligible to participate in the TANF cash assistance
9 program and the child care subsidy program until the *Kansas* department
10 for children and families determines that such individual is cooperating
11 with the fraud investigation. The *Kansas* department for children and
12 families shall maintain a sufficient level of fraud investigative staff to
13 enable the department to conduct fraud investigations in a timely manner
14 and in full accordance with state law and department rules and regulations
15 or policies.

16 (13) (A) Food assistance shall not be provided to any person
17 convicted of a felony offense occurring on or after July 1, 2015, ~~which~~
18 *that* includes as an element of such offense the manufacture, cultivation,
19 distribution, possession or use of a controlled substance or controlled
20 substance analog. For food assistance, the individual shall be permanently
21 disqualified if they have been convicted of a state or federal felony offense
22 occurring on or after July 1, 2015, involving possession or use of a
23 controlled substance or controlled substance analog.

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

29 (ii) An individual's failure to submit to testing or failure to
30 successfully pass a drug test shall result in ineligibility for food assistance
31 until a drug test is successfully passed. Failure to successfully complete a
32 drug treatment program shall result in ineligibility for food assistance until
33 a drug treatment plan approved by the secretary is successfully completed,
34 the individual passes a drug test and agrees to submit to drug testing if
35 requested by the department pursuant to a drug testing plan.

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

39 (14) No TANF cash assistance shall be used to purchase alcohol,
40 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
41 collegiate sporting event tickets or tickets for other entertainment events
42 intended for the general public or sexually oriented adult materials. No
43 TANF cash assistance shall be used in any retail liquor store, casino,

1 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
2 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
3 vapor cigarette store, psychic or fortune telling business, bail bond
4 company, video arcade, movie theater, swimming pool, cruise ship, theme
5 park, dog or horse racing facility, parimutuel facility, or sexually oriented
6 business or any retail establishment ~~which~~ *that* provides adult-oriented
7 entertainment in which performers disrobe or perform in an unclothed
8 state for entertainment, or in any business or retail establishment where
9 minors under age 18 are not permitted. No TANF cash assistance shall be
10 used for purchases at points of sale outside the state of Kansas.

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

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

23 (C) As used in this paragraph and its subparagraphs, "Kansas benefits
24 card" means any card issued to provide food assistance, cash assistance or
25 child care assistance, including, but not limited to, the vision card, EBT
26 card and Kansas benefits card.

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

34 (16) The secretary for children and families shall adopt rules and
35 regulations *for*:

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

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

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

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

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

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

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

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

14 The *Kansas* department for children and families shall provide child
15 care for the pursuit of any degree or certification if the occupation has at
16 least an average job outlook listed in the occupational outlook of the ~~U.S.~~
17 *United States* department of labor, bureau of labor statistics. For
18 occupations with less than an average job outlook, educational plans shall
19 require approval of the secretary or secretary's designee. Child care may
20 also be approved if the student provides verification of a specific job offer
21 that will be available to such student upon completion of the program.
22 Child care for post-secondary education shall be allowed for a lifetime
23 maximum of 24 months per adult. The 24 months may not have to be
24 consecutive. Students shall be engaged in paid employment for a minimum
25 of 15 hours per week. In a two-parent adult household, child care would
26 not be allowed if both parents are adults and attending a formal education
27 or training program at the same time. The household may choose which
28 one of the parents is participating as a post-secondary student. The other
29 parent shall meet another approvable criteria for child care subsidy.

30 (17) (A) The secretary for children and families is prohibited from
31 requesting or implementing a waiver or program from the ~~U.S.~~ *United*
32 *States* department of agriculture for the time limited assistance provisions
33 for able-bodied adults aged 18 through 49 without dependents in a
34 household under the food assistance program. The time on food assistance
35 for able-bodied adults aged 18 through 49 without dependents in the
36 household shall be limited to three months in a 36-month period if such
37 adults are not meeting the requirements imposed by the U.S. department of
38 agriculture that they must work for at least 20 hours per week or
39 participate in a federally approved work program or its equivalent.

40 (B) Each food assistance household member who is not otherwise
41 exempt from the following work requirements shall: Register for work;
42 participate in an employment and training program, if assigned to such a
43 program by the department; accept a suitable employment offer; and not

1 voluntarily quit a job of at least 30 hours per week.

2 (C) Any recipient who has not complied with the work requirements
3 under subparagraph (B) shall be ineligible to participate in the food
4 assistance program for the following time period and until the recipient
5 complies with such work requirements *for a*:

6 (i) ~~For a~~ First penalty, three months;

7 (ii) ~~for a~~ second penalty, six months; and

8 (iii) ~~for a~~ third penalty and any subsequent penalty, one year.

9 (D) *The secretary for children and families shall not exercise the*
10 *state's option to provide any exemptions from the work requirement under*
11 *7 U.S.C. § 2015(o)(6)(E).*

12 (E) *The Kansas department for children for children and families*
13 *shall assign all individuals subject to the requirements established under 7*
14 *U.S.C. § 2015(d)(1) to an employment and training program as defined in*
15 *7 U.S.C. § 2015(d)(4).*

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

28 (19) The secretary for children and families shall not enact the state
29 option from the ~~U.S.~~ *United States* department of agriculture for broad-
30 based categorical eligibility for households applying for food assistance
31 according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

32 (20) No federal or state funds shall be used for television, radio or
33 billboard advertisements that are designed to promote food assistance
34 benefits and enrollment. No federal or state funding shall be used for any
35 agreements with foreign governments designed to promote food
36 assistance.

37 (21) (A) The secretary for children and families shall not apply gross
38 income standards for food assistance higher than the standards specified in
39 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
40 eligibility exempting households from such gross income standards
41 requirements shall not be granted for any non-cash, in-kind or other
42 benefit unless expressly required by federal law.

43 (B) The secretary for children and families shall not apply resource

1 limits standards for food assistance that are higher than the standards
2 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal
3 law. Categorical eligibility exempting households from such resource
4 limits shall not be granted for any non-cash, in-kind or other benefit unless
5 expressly required by federal law.

6 *(C) A household receiving food assistance shall be subject to*
7 *reporting requirements, as established by 7 C.F.R. § 273.12(a)(1), within*
8 *10 days of the date the change becomes known to the household.*

9 (c) (1) ~~On and after January 1, 2017,~~The Kansas department for
10 children and families shall conduct an electronic check for any false
11 information provided on an application for TANF and other benefits
12 programs administered by the department. For TANF cash assistance, food
13 assistance and the child care subsidy program, the department shall verify
14 the identity of all adults in the assistance household.

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

33 (3) *Unless required under federal law, the Kansas department for*
34 *children and families shall not accept self-attestation of income, residency,*
35 *age, household composition, caretaker relative status or receipt of other*
36 *coverage without verification prior to enrollment or request authority to*
37 *waive or decline to periodically check any available income-related data*
38 *sources to verify eligibility for medical assistance.*

39 (4) *The Kansas department for children and families shall coordinate*
40 *with appropriate law enforcement authorities, including, but not limited*
41 *to, the federal bureau of investigation, the attorney general and local law*
42 *enforcement entities, to conduct an on-site inspection of authorized*
43 *retailers that accept EBT card transactions to identify suspicious*

1 *transaction records or amounts indicating possible trafficking of benefits*
2 *or other criminal conduct and make referrals for proper investigations*
3 *under applicable law.*

4 (d) *Temporary assistance for needy families; assignment of support*
5 *rights and limited power of attorney.* By applying for or receiving
6 temporary assistance for needy families such applicant or recipient shall be
7 deemed to have assigned to the secretary on behalf of the state any
8 accrued, present or future rights to support from any other person such
9 applicant may have in such person's own behalf or in behalf of any other
10 family member for whom the applicant is applying for or receiving aid. In
11 any case in which an order for child support has been established and the
12 legal custodian and obligee under the order surrenders physical custody of
13 the child to a caretaker relative without obtaining a modification of legal
14 custody and support rights on behalf of the child are assigned pursuant to
15 this section, the surrender of physical custody and the assignment shall
16 transfer, by operation of law, the child's support rights under the order to
17 the secretary on behalf of the state. Such assignment shall be of all
18 accrued, present or future rights to support of the child surrendered to the
19 caretaker relative. The assignment of support rights shall automatically
20 become effective upon the date of approval for or receipt of such aid
21 without the requirement that any document be signed by the applicant,
22 recipient or obligee. By applying for or receiving temporary assistance for
23 needy families, or by surrendering physical custody of a child to a
24 caretaker relative who is an applicant or recipient of such assistance on the
25 child's behalf, the applicant, recipient or obligee is also deemed to have
26 appointed the secretary, or the secretary's designee, as an attorney-in-fact
27 to perform the specific act of negotiating and endorsing all drafts, checks,
28 money orders or other negotiable instruments representing support
29 payments received by the secretary in behalf of any person applying for,
30 receiving or having received such assistance. This limited power of
31 attorney shall be effective from the date the secretary approves the
32 application for aid and shall remain in effect until the assignment of
33 support rights has been terminated in full.

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

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

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

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

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

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

32 (ii) the trust *is funded*:

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

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

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

42 (4) (A) When an applicant or recipient of medical assistance is a party
43 to a contract, agreement or accord for personal services being provided by

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

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

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

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

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

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

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

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

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

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

35 (f) *Eligibility for medical assistance of resident receiving medical*
36 *care outside state.* A person who is receiving medical care including long-
37 term care outside of Kansas whose health would be endangered by the
38 postponement of medical care until return to the state or by travel to return
39 to Kansas, may be determined eligible for medical assistance if such
40 individual is a resident of Kansas and all other eligibility factors are met.
41 Persons who are receiving medical care on an ongoing basis in a long-term
42 medical care facility in a state other than Kansas and who do not return to
43 a care facility in Kansas when they are able to do so, shall no longer be

1 eligible to receive assistance in Kansas unless such medical care is not
2 available in a comparable facility or program providing such medical care
3 in Kansas. For persons who are minors or who are under guardianship, the
4 actions of the parent or guardian shall be deemed to be the actions of the
5 child or ward in determining whether or not the person is remaining
6 outside the state voluntarily.

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

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

41 (B) Notwithstanding the provisions of subparagraph (A), the
42 secretary of health and environment, or the secretary's designee, is hereby
43 authorized to and shall exercise any of the powers specified in

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

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

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

41 (A) If an individual receives any medical assistance before July 1,
42 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
43 and amendments thereto, which forms the basis for a claim under

1 paragraph (2), such claim is limited to the individual's probatable estate as
2 defined by applicable law; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (8) Within seven days of receipt of notice by the secretary for

1 children and families or the secretary's designee of the death of a recipient
2 of medical assistance under this subsection, the secretary for children and
3 families or the secretary's designee shall give notice of such recipient's
4 death to the secretary of health and environment or the secretary's
5 designee.

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

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

34 (i) No person who voluntarily quits employment or who is fired from
35 employment due to gross misconduct as defined by rules and regulations
36 of the secretary or who is a fugitive from justice by reason of a felony
37 conviction or charge or violation of a condition of probation or parole
38 imposed under federal or state law shall be eligible to receive public
39 assistance benefits in this state. Any recipient of public assistance who
40 fails to timely comply with monthly reporting requirements under criteria
41 and guidelines prescribed by rules and regulations of the secretary shall be
42 subject to a penalty established by the secretary by rules and regulations.

43 (j) If the applicant or recipient of temporary assistance for needy

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

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

32 (l) (1) A program of drug screening for applicants for cash assistance
33 as a condition of eligibility for cash assistance and persons receiving cash
34 assistance as a condition of continued receipt of cash assistance shall be
35 established, subject to applicable federal law, by the secretary for children
36 and families on and before January 1, 2014. Under such program of drug
37 screening, the secretary for children and families shall order a drug
38 screening of an applicant for or a recipient of cash assistance at any time
39 when reasonable suspicion exists that such applicant for or recipient of
40 cash assistance is unlawfully using a controlled substance or controlled
41 substance analog. The secretary for children and families may use any
42 information obtained by the secretary for children and families to
43 determine whether such reasonable suspicion exists, including, but not

1 limited to, an applicant's or recipient's demeanor, missed appointments and
2 arrest or other police records, previous employment or application for
3 employment in an occupation or industry that regularly conducts drug
4 screening, termination from previous employment due to unlawful use of a
5 controlled substance or controlled substance analog or prior drug screening
6 records of the applicant or recipient indicating unlawful use of a controlled
7 substance or controlled substance analog.

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

17 (3) Any applicant for or recipient of cash assistance who tests
18 positive for unlawful use of a controlled substance or controlled substance
19 analog shall be required to complete a substance abuse treatment program
20 approved by the secretary for children and families, secretary of labor or
21 secretary of commerce, and a job skills program approved by the secretary
22 for children and families, secretary of labor or secretary of commerce.
23 Subject to applicable federal laws, any applicant for or recipient of cash
24 assistance who fails to complete or refuses to participate in the substance
25 abuse treatment program or job skills program as required under this
26 subsection shall be ineligible to receive cash assistance until completion of
27 such substance abuse treatment and job skills programs. Upon completion
28 of both substance abuse treatment and job skills programs, such applicant
29 for or recipient of cash assistance may be subject to periodic drug
30 screening, as determined by the secretary for children and families. Upon a
31 second positive test for unlawful use of a controlled substance or
32 controlled substance analog, a recipient of cash assistance shall be ordered
33 to complete again a substance abuse treatment program and job skills
34 program, and shall be terminated from cash assistance for a period of 12
35 months, or until such recipient of cash assistance completes both substance
36 abuse treatment and job skills programs, whichever is later. Upon a third
37 positive test for unlawful use of a controlled substance or controlled
38 substance analog, a recipient of cash assistance shall be terminated from
39 cash assistance, subject to applicable federal law.

40 (4) If an applicant for or recipient of cash assistance is ineligible for
41 or terminated from cash assistance as a result of a positive test for
42 unlawful use of a controlled substance or controlled substance analog, and
43 such applicant for or recipient of cash assistance is the parent or legal

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

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

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

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

39 (5) If a person has been convicted under federal or state law of any
40 offense ~~which~~ that is classified as a felony by the law of the jurisdiction
41 and ~~which~~ has as an element of such offense the manufacture, cultivation,
42 distribution, possession or use of a controlled substance or controlled
43 substance analog, and the date of conviction is on or after July 1, 2013,

1 such person shall thereby become forever ineligible to receive any cash
2 assistance under this subsection unless such conviction is the person's first
3 conviction. First-time offenders convicted under federal or state law of any
4 offense ~~which~~ *that* is classified as a felony by the law of the jurisdiction
5 and ~~which~~ has as an element of such offense the manufacture, cultivation,
6 distribution, possession or use of a controlled substance or controlled
7 substance analog, and the date of conviction is on or after July 1, 2013,
8 such person shall become ineligible to receive cash assistance for five
9 years from the date of conviction.

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

14 (7) The secretary for children and families may adopt such rules and
15 regulations as are necessary to carry out the provisions of this subsection.

16 (8) Any authority granted to the secretary for children and families
17 under this subsection shall be in addition to any other penalties prescribed
18 by law.

19 (9) As used in this subsection:

20 (A) "Cash assistance" means cash assistance provided to individuals
21 under the provisions of article 7 of chapter 39 of the Kansas Statutes
22 Annotated, and amendments thereto, and any rules and regulations adopted
23 pursuant to such ~~statutes~~ *provisions*.

24 (B) "Controlled substance" means the same as in K.S.A. 2021 Supp.
25 21-5701, and amendments thereto, and 21 U.S.C. § 802.

26 (C) "Controlled substance analog" means the same as in K.S.A. 2021
27 Supp. 21-5701, and amendments thereto.

28 *(m) (1) The department of health and environment shall not accept*
29 *eligibility determinations for medical assistance from an exchange*
30 *established under 42 U.S.C. § 18041(c). The department may accept*
31 *assessments from an exchange established under 42 U.S.C. § 18041(c),*
32 *but shall verify eligibility and make eligibility determinations.*

33 *(2) The department of health and environment shall request approval*
34 *from the United States centers for medicare and medicaid services by*
35 *January 1, 2023, for a section 1115 demonstration waiver to prohibit*
36 *reenrollment and deny eligibility for a minimum of six months for non-*
37 *disabled, non-pregnant adults between 19 and 64 years of age who fail to*
38 *report a change in circumstances that affect their eligibility for medicaid.*
39 *If federal approval for such a waiver is denied, the department of health*
40 *and environment shall resubmit a request for approval within 24 months of*
41 *each denial.*

42 *(3) (A) The secretary for children and families and the secretary of*
43 *health and environment shall enter into the following data matching*

1 *agreements to obtain data to cross-check households enrolled in food*
2 *assistance or medical assistance. The Kansas department for children and*
3 *families shall receive and review the following information concerning*
4 *individuals in households enrolled in food assistance or medical*
5 *assistance that indicates a change in circumstances that may affect*
6 *eligibility for food assistance or medical assistance:*

7 *(i) Information from the office of vital statistics on at least a monthly*
8 *basis, including, but not limited to, death records;*

9 *(ii) information from the department of labor on at least a quarterly*
10 *basis, including, but not limited to, changes in employment or wages;*

11 *(iii) information from the Kansas department for children an families*
12 *on at least a monthly basis, including, but not limited to, out-of-state*
13 *electronic benefit transfer transactions to identify any potential changes is*
14 *residency;*

15 *(iv) information from the department of revenue on at least a*
16 *quarterly basis, including, but not limited to, tax records to identify any*
17 *changes in income, wages or residency;*

18 *(v) information from the department of corrections on at least a*
19 *monthly basis; and*

20 *(vi) information from the department of labor on at least a semi-*
21 *monthly basis, including, but not limited to, potential changes in*
22 *employment, income or assets.*

23 *(4) On at least a quarterly basis, the Kansas department for children*
24 *and families and the department of health and environment shall make*
25 *data from findings of noncompliance and fraud investigations in food*
26 *assistance and medical assistance publicly available on both department's*
27 *websites. Only aggregate data shall be disclosed, and no personally*
28 *identifiable information shall be used. Such data shall include:*

29 *(i) The number of households or medicaid cases investigated for*
30 *intentional program violations or fraud;*

31 *(ii) the number of households or medicaid cases referred for*
32 *prosecution;*

33 *(iii) the number of improper payments and expenditures;*

34 *(iv) the amount recovered from noncompliance and fraud*
35 *investigations;*

36 *(v) improper payments and ineligible recipients as a percentage of*
37 *those investigated and reviewed; and*

38 *(vi) the aggregate amount of funds expended by out-of-state*
39 *electronic benefit card transactions.*

40 *Sec. 3. K.S.A. 39-709 is hereby repealed.*

41 *Sec. 4. This act shall take effect and be in force from and after its*
42 *publication in the statute book.*