

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2151

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2151, as amended, would create and amend law regarding elder and dependent adult abuse multidisciplinary teams.

The bill would require the Attorney General to appoint a Kansas elder and dependent abuse multidisciplinary team coordinator (coordinator) and, within limits of available appropriations, appoint such additional staff as necessary to support the coordinator. The coordinator would be required to facilitate the convening of an elder and dependent adult abuse multidisciplinary team (team) in each judicial district.

Each team would be composed of the following individuals (or designees):

- The sheriff of each county within the judicial district;
- The county or district attorney of each county within the judicial district;
- The Secretary for Children and Families;
- The Secretary for Aging and Disability Services;
and
- The State Long-Term Care Ombudsman.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would allow each team to also include the following individuals:

- A representative from any law enforcement agency not already included;
- A medical provider;
- A legal services provider;
- A housing provider or representative of elder or dependent adult housing facilities;
- The district coroner or a medical examiner;
- A representative of the financial services or banking industry;
- A representative of the Area Agencies on Aging; or
- Any other individual deemed necessary by the team.

Each team would be required to coordinate investigations of elder and dependent adult abuse, as defined by the relevant statutes, and would be authorized to identify opportunities within local jurisdictions to improve policies and procedures in the notification of and response to abuse, neglect, and exploitation of elder or dependent adults, within the limits of local resources.

Each team would determine the manner and frequency of meetings and would be required to meet at least quarterly. Meetings would not be subject to the provisions of the Kansas Open Meetings Act.

Each team could create and enter into memorandums of understanding with any governmental agency or private entity deemed necessary by the team.

All documents, materials, and other information obtained by or discussed by a team would be confidential and privileged and not subject to the Kansas Open Records Act. This records provision would expire on July 1, 2026, unless the Legislature reviews and reenacts the provision prior to that date.

Beginning in 2022, the Attorney General would be required to submit a report to the Legislature, on or before the first day of each regular legislative session, on the implementation and use of the teams.

The statute creating the Abuse, Neglect, and Exploitation of Persons Unit (Unit) in the Office of the Attorney General (OAG) would be amended to allow the Unit to assist in any investigation or discussion of any elder and dependent adult abuse multidisciplinary team, pursuant to the bill.

Background

The bill was introduced by the House Committee on Children and Seniors at the request of the OAG.

House Committee on Children and Seniors

In the House Committee hearing, representatives of the OAG and the Department for Children and Families (DCF) provided **proponent** testimony on the bill, stating it would facilitate communication and investigation of complex cases of adult abuse, neglect, and exploitation. Representatives of AARP Kansas, Disability Rights Center of Kansas, Kansas Bankers Association, Kansas Coalition Against Sexual and Domestic Violence, the Kansas Department for Aging and Disability Services (KDADS), and the Kansas Department of Health and Environment submitted written-only proponent testimony.

No neutral or **opponent** testimony was provided.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, representatives of Kansas Advocates for Better Care, Kansas Council on Developmental Disabilities, and the OAG provided **proponent** testimony. Proponents stated the bill originates from the Elder and Dependent Adult Abuse Prevention Council, and the bill would allow multidisciplinary teams to meet and discuss complex cases and maintain confidentiality when necessary for investigations.

Written-only **proponent** testimony was provided by representatives of AARP Kansas, Kansas Association of Area Agencies on Aging and Disabilities, Kansas Bankers Association, Kansas Coalition Against Sexual and Domestic Violence, KDADS, DCF, and Disability Rights Center of Kansas. No other testimony was provided.

The Senate Committee amended the bill to include a representative of the Area Agencies on Aging as a person who may be added to the multidisciplinary team.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the OAG indicates enactment of the bill would increase expenditures by \$97,077 from the State General Fund for FY 2022, including salary and benefits of \$67,232 for 1.0 FTE position (the coordinator) and other operating expenses of \$29,845.

DCF, KDADS, and the Kansas Association of Counties indicate enactment of the bill would have no fiscal effect on the agencies or counties.

Enactment of the bill could potentially increase the number of cases filed in district courts and could result in collection of additional docket fees. If it does, the Office of Judicial Administration indicates there would be a fiscal effect

on the operations of the court system. However, a fiscal effect cannot be determined, because it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Elder and dependent abuse; multidisciplinary team coordinator; multidisciplinary teams; Attorney General