

HOUSE BILL No. 2600

By Committee on Health and Human Services

2-3

1 AN ACT concerning public assistance; relating to recovery of assistance
2 debt; verification of identity and income; fraud investigations; child
3 care subsidies; work requirements; lifetime benefit limits; amending
4 K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and
5 repealing the existing sections.

6
7 WHEREAS, The provisions of this act shall be known as the Kansas
8 hope, opportunity and prosperity for everyone (HOPE) act.

9 Now, therefore:

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

11 Section 1. K.S.A. 2015 Supp. 39-702 is hereby amended to read as
12 follows: 39-702. The following words and phrases when used in this act
13 shall, for the purposes of this act, have the meanings respectively ascribed
14 to them in this section:

15 (a) "Secretary" means the secretary for children and families, unless
16 otherwise specified.

17 (b) "Applicants" means all persons who, as individuals, or in whose
18 behalf requests are made of the secretary for aid or assistance.

19 (c) "Social welfare service" may include such functions as giving
20 assistance, the prevention of public dependency, and promoting the
21 rehabilitation of dependent persons or those who are approaching public
22 dependency.

23 (d) "Assistance" includes such items or functions as the giving or
24 providing of money, food assistance, food, clothing, shelter, medicine or
25 other materials, the giving of any service, including instructive or
26 scientific. The definitions of social welfare service and assistance in this
27 section shall be deemed as partially descriptive and not limiting.

28 (e) "Temporary assistance to needy families" means financial
29 assistance with respect to or on behalf of a dependent child or dependent
30 children and includes financial assistance for any month to meet the needs
31 of the relative or qualifying caretaker with whom any dependent child is
32 living.

33 (f) "Medical assistance" means the payment of all or part of the cost
34 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
35 services which are within the scope of services to be provided under a
36 medical care plan developed by the secretary pursuant to this act and

1 furnished by health care providers who have a current approved provider
2 agreement with the secretary; and (2) transportation to obtain care and
3 services which are within the scope of services to be provided under a
4 medical care plan developed by the secretary pursuant to this act.

5 (g) "Dependent children" means needy children under the age of 18,
6 or who are under the age of 19 and are full-time students in secondary
7 schools or the equivalent educational program who are in the care of a
8 biological or adoptive parent, court appointed guardian, conservator or
9 legal custodian and who are living with any relative, including first
10 cousins, uncles, aunts, and persons of preceding generations are denoted
11 by prefixes of grand, great, or great-great, and including the spouses or
12 former spouses of any persons named in the above groups, in a place of
13 residence maintained by one or more of such relatives as their own home.

14 (h) "The blind" means not only those who are totally and permanently
15 devoid of vision, but also those persons whose vision is so defective as to
16 prevent the performance of ordinary activities for which eyesight is
17 essential.

18 (i) "Recipient" means a person who has received assistance under the
19 terms of this act.

20 (j) "Intake office" means the place where the secretary shall maintain
21 an office for receiving applications.

22 (k) "Adequate consideration" means consideration equal, or
23 reasonably proportioned to the value of that for which it is given.

24 (l) "Title IV-D" means part D of title IV of the federal social security
25 act (42 U.S.C. § 651 et seq.), as in effect on May 1, 1997.

26 (m) "TANF diversion assistance" means a one-time voluntary
27 payment option in lieu of ongoing TANF assistance. The diversion
28 payment is available to applicants who have not received TANF assistance
29 as an adult, and is designed to meet a crisis or emergency hardship that
30 would endanger such applicants' ability to remain employed or to accept
31 an offer of employment. Any household that includes such recipient
32 accepting the diversion payment is ineligible to receive on-going TANF
33 assistance for 12 months after receipt of the diversion payment. Any
34 recipient who receives a diversion payment is limited to ~~42~~ 30 months of
35 TANF cash assistance in a lifetime, unless such recipient shall meet a
36 hardship criteria as defined by the secretary.

37 (n) "Non-cooperation" means the failure of the applicant or recipient
38 to comply with all requirements provided in state and federal law, rules
39 and regulations and agency policy.

40 Sec. 2. K.S.A. 2015 Supp. 39-709 is hereby amended to read as
41 follows: 39-709. (a) *General eligibility requirements for assistance for*
42 *which federal moneys are expended.* Subject to the additional requirements
43 below, assistance in accordance with plans under which federal moneys

1 are expended may be granted to any needy person who:

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

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

30 (b) *Temporary assistance for needy families.* Assistance may be
31 granted under this act to any dependent child, or relative, subject to the
32 general eligibility requirements as set out in subsection (a), who resides in
33 the state of Kansas or whose parent or other relative with whom the child
34 is living resides in the state of Kansas. Such assistance shall be known as
35 temporary assistance for needy families. ~~On and after January 1, 2017, the~~
36 ~~department shall conduct an electronic check for any false information~~
37 ~~provided on an application for TANF and other benefits programs~~
38 ~~administered by the department.~~ Where the husband and wife or
39 cohabiting partners are living together, both shall register for work under
40 the program requirements for temporary assistance for needy families in
41 accordance with criteria and guidelines prescribed by rules and regulations
42 of the secretary.

43 (1) As used in this subsection, "family group" or "household" means

1 the applicant or recipient for TANF, child care subsidy or employment
2 services and all individuals living together in which there is a relationship
3 of legal responsibility or a qualifying caretaker relationship. This will
4 include a cohabiting boyfriend or girlfriend living with the person legally
5 responsible for the child. The family group shall not be eligible for TANF
6 if the family group contains at least one adult member who has received
7 TANF, including the federal TANF assistance received in any other state,
8 for 36 calendar months beginning on and after October 1, 1996, unless the
9 secretary determines a hardship exists and grants an extension allowing
10 receipt of TANF until the 48-month limit is reached. No extension beyond
11 48 months shall be granted. Hardship provisions for a recipient include:

12 (A) Is a caretaker of a disabled family member living in the
13 household;

14 (B) has a disability which precludes employment on a long-term basis
15 or requires substantial rehabilitation;

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

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

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

23 (2) All adults applying for TANF shall be required to complete a
24 work program assessment as specified by the Kansas department for
25 children and families, including those who have been disqualified for or
26 denied TANF due to non-cooperation, drug testing requirements or fraud.
27 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
28 relative/non-relative caretakers and adults receiving supplemental security
29 income are not required to complete the assessment process. During the
30 application processing period, applicants must complete at least one
31 module or its equivalent of the work program assessment to be considered
32 eligible for TANF benefits, unless good cause is found to be exempt from
33 the requirements. Good cause exemptions shall only include:

34 (A) The applicant can document an existing certification verifying
35 completion of the work program assessment;

36 (B) the applicant has a valid offer of employment or is employed a
37 minimum of 20 hours a week;

38 (C) the applicant is a parenting teen without a GED or high school
39 diploma;

40 (D) the applicant is enrolled in job corps;

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

42 (F) the applicant has completed the work program assessment within
43 the last 12 months.

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

5 (4) TANF mandatory work program applicants and recipients shall
6 participate in work components that lead to competitive, integrated
7 employment. Components are defined by the federal government as being
8 either primary or secondary. In order to meet federal work participation
9 requirements, households need to meet at least 30 hours of participation
10 per week, at least 20 hours of which need to be primary and at least 10
11 hours may be secondary components in one parent households where the
12 youngest child is six years of age or older. Participation hours shall be 55
13 hours in two parent households (35 hours per week if child care is not
14 used). The maximum assignment is 40 hours per week per individual. For
15 two parent families to meet the federal work participation rate both parents
16 must participate in a combined total of 55 hours per week, 50 hours of
17 which must be in primary components, or one or both parents could be
18 assigned a combined total of 35 hours per week (30 hours of which must
19 be primary components) if department for children and families paid child
20 care is not received by the family. Single parent families with a child under
21 age six meet the federal participation requirement if the parent is engaged
22 in work or work activities for at least 20 hours per week in a primary work
23 component. The following components meet federal definitions of primary
24 hours of participation: Full or part-time employment, apprenticeship, work
25 study, self-employment, job corps, subsidized employment, work
26 experience sites, on-the-job training, supervised community service,
27 vocational education, job search and job readiness. Secondary components
28 include: Job skills training, education directly related to employment such
29 as adult basic education and English as a second language, and completion
30 of a high school diploma or GED.

31 (5) A parent or other adult caretaker personally providing care for a
32 child under the age of three months in their TANF household is exempt
33 from work participation activities until the month the child turns three
34 months of age. Such three-month limitation shall not apply to a parent or
35 other adult caretaker who is personally providing care for a child born
36 significantly premature, with serious medical conditions or with a
37 disability as defined by the secretary, in consultation with the secretary of
38 health and environment, and adopted in the rules and regulations. The
39 three-month period is defined as two consecutive months starting with the
40 month after childbirth. The exemption for caring for a child under three
41 months cannot be claimed:

42 (A) By either parent when two parents are in the home and the
43 household meets the two-parent definition for federal reporting purposes;

1 (B) by one parent or caretaker when the other parent or caretaker is in
2 the home, and available, capable and suitable to provide care and the
3 household does not meet the two-parent definition for federal reporting
4 purposes;

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

9 (D) by any adult in the TANF assistance plan when at least one adult
10 has reached the 36 months of TANF cash assistance; or

11 (E) by any person assigned to a work participation activity for
12 substance use disorders.

13 (6) TANF work experience placements shall be reviewed after 90
14 days and are limited to six months per 48-month lifetime limit. A client's
15 progress shall be reviewed prior to each new placement regardless of the
16 length of time they are at the work experience site.

17 (7) TANF participants with disabilities shall engage in required
18 employment activities to the maximum extent consistent with their
19 abilities. TANF participants shall provide current documentation by a
20 qualified medical practitioner that details the abilities to engage in
21 employment and any limitations in work activities along with the expected
22 duration of such limitations. Disability is defined as a physical or mental
23 impairment constituting or resulting in a substantial impediment to
24 employment for such individual.

25 (8) Non-cooperation is the failure of the applicant or recipient to
26 comply with all requirements provided in state and federal law, federal and
27 state rules and regulations and agency policy. The period of ineligibility
28 for TANF benefits based on non-cooperation with work programs shall be
29 as follows:

30 (A) For a first penalty, three months and full cooperation with work
31 program activities;

32 (B) for a second penalty, six months and full cooperation with work
33 program activities;

34 (C) for a third penalty, one year and full cooperation with work
35 program activities; and

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

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

1 (10) Non-cooperation is the failure of the applicant or recipient to
2 comply with all requirements provided in state and federal law, federal and
3 state rules and regulations and agency policy. The period of ineligibility
4 for child care subsidy or TANF benefits based on parents' non-cooperation
5 with child support services shall be as follows:

6 (A) For the first penalty, three months and cooperation with child
7 support services prior to regaining eligibility;

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

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

12 (D) for a fourth penalty, 10 years.

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

17 (12) Any individual who is found to have committed fraud or is
18 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.
19 2015 Supp. 21-5801, and amendments thereto, in either the TANF or child
20 care program shall render all adults in the family unit ineligible for TANF
21 assistance. Adults in the household who were determined to have
22 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
23 39-720 and K.S.A. 2015 Supp. 21-5801, and amendments thereto, shall
24 render themselves and all adult household members ineligible for their
25 lifetime for TANF, even if fraud was committed in only one program.
26 Households who have been determined to have committed fraud or were
27 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2015
28 Supp. 21-5801, and amendments thereto, shall be required to name a
29 protective payee as approved by the secretary or the secretary's designee to
30 administer TANF benefits or food assistance on behalf of the children. No
31 adult in a household may have access to the TANF cash assistance benefit.

32 *Any individual who has failed to cooperate with a fraud investigation*
33 *shall be ineligible to participate in the TANF cash assistance program and*
34 *the child care subsidy program until the department for children and*
35 *families determines that such individual is cooperating with the fraud*
36 *investigation. The department for children and families shall maintain a*
37 *sufficient level of fraud investigative staff to enable the department to*
38 *conduct fraud investigations in a timely manner and in full accordance*
39 *with state law and department rules and regulations or policies.*

40 (13) (A) Food assistance shall not be provided to any person
41 convicted of a felony offense occurring on or after July 1, 2015, which
42 includes as an element of such offense the manufacture, cultivation,
43 distribution, possession or use of a controlled substance or controlled

1 substance analog. For food assistance, the individual shall be permanently
2 disqualified if they have been convicted of a state or federal felony offense
3 occurring on or after July 1, 2015, involving possession or use of a
4 controlled substance or controlled substance analog.

5 (B) Notwithstanding the provisions of subparagraph (A), an
6 individual shall be eligible for food assistance if the individual enrolls in
7 and participates in a drug treatment program approved by the secretary,
8 submits to and passes a drug test and agrees to submit to drug testing if
9 requested by the department pursuant to a drug testing plan.

10 An individual's failure to submit to testing or failure to successfully
11 pass a drug test shall result in ineligibility for food assistance until a drug
12 test is successfully passed. Failure to successfully complete a drug
13 treatment program shall result in ineligibility for food assistance until a
14 drug treatment plan approved by the secretary is successfully completed,
15 the individual passes a drug test and agrees to submit to drug testing if
16 requested by the department pursuant to a drug testing plan.

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

20 (14) No TANF cash assistance shall be used to purchase alcohol,
21 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
22 collegiate sporting event tickets or tickets for other entertainment events
23 intended for the general public or sexually oriented adult materials. No
24 TANF cash assistance shall be used in any retail liquor store, casino,
25 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
26 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
27 vapor cigarette store, psychic or fortune telling business, bail bond
28 company, video arcade, movie theater, swimming pool, cruise ship, theme
29 park, dog or horse racing facility, parimutuel facility, or sexually oriented
30 business or any retail establishment which provides adult-oriented
31 entertainment in which performers disrobe or perform in an unclothed
32 state for entertainment, or in any business or retail establishment where
33 minors under age 18 are not permitted. TANF cash assistance transactions
34 for cash withdrawals from automated teller machines shall be limited to
35 \$25, per transaction and to one transaction per day. No TANF cash
36 assistance shall be used for purchases at points of sale outside the state of
37 Kansas. The secretary for children and families is authorized to raise or
38 rescind the automated teller machine withdrawal limit established by this
39 section in order to ensure continued appropriation of the TANF block grant
40 through compliance with the provisions of the middle class tax relief and
41 job creation act of 2012 which govern adequate access to cash assistance.

42 (15) (A) The secretary for children and families shall place a
43 photograph of the recipient, if agreed to by such recipient of public

1 assistance, on any Kansas benefits card issued by the Kansas department
2 for children and families that the recipient uses in obtaining food, cash or
3 any other services. When a recipient of public assistance is a minor or
4 otherwise incapacitated individual, a parent or legal guardian of such
5 recipient may have a photograph of such parent or legal guardian placed
6 on the card.

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

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

15 (D) *The department for children and families shall monitor all*
16 *recipient requests for a Kansas benefits card replacement and, upon the*
17 *fourth such request in a 12-month period, send a notice alerting the*
18 *recipient that the recipient's account is being monitored for potential*
19 *suspicious activity. If a recipient makes an additional request for*
20 *replacement subsequent to such notice, the department shall refer the*
21 *investigation to the department's fraud investigation unit.*

22 (16) The secretary for children and families shall adopt rules and
23 regulations:

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

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

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

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

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

39 (iv) adults who are participants in a ~~mandatory~~ food assistance
40 ~~education~~ employment and training program; *or*

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

43 The department for children and families shall provide child care for

1 the pursuit of any degree or certification if the occupation has at least an
2 average job outlook listed in the occupational outlook of the U.S.
3 department of labor, bureau of labor statistics. For occupations with less
4 than an average job outlook, educational plans shall require approval of
5 the secretary or secretary's designee. Child care may also be approved if
6 the student provides verification of a specific job offer that will be
7 available to such student upon completion of the program. Child care for
8 post-secondary education shall be allowed for a lifetime maximum of 24
9 months per adult. The 24 months may not have to be consecutive. Students
10 shall be engaged in paid employment for a minimum of 15 hours per
11 week. In a two-parent adult household, child care would not be allowed if
12 both parents are adults and attending a formal education or training
13 program at the same time. The household may choose which one of the
14 parents is participating as a post-secondary student. The other parent shall
15 meet another approvable criteria for child care subsidy.

16 (17) (A) The secretary for children and families is prohibited from
17 requesting or implementing a waiver or program from the U.S. department
18 of agriculture for the time limited assistance provisions for able-bodied
19 adults aged 18 through 49 without dependents in a household under the
20 food assistance program. The time on food assistance for able-bodied
21 adults aged 18 through 49 without dependents in the household shall be
22 limited to three months in a 36-month period if such adults are not meeting
23 the requirements imposed by the U.S. department of agriculture that they
24 must work for at least 20 hours per week or participate in a federally
25 approved work program or its equivalent.

26 (B) *Each food assistance household member who is not otherwise*
27 *exempt from the following work requirements shall: Register for work;*
28 *participate in an employment and training program, if assigned to such a*
29 *program by the department; accept a suitable employment offer; and not*
30 *voluntarily quit a job of at least 30 hours per week.*

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

35 (i) *For a first penalty, three months;*

36 (ii) *for a second penalty, six months; and*

37 (iii) *for a third penalty and any subsequent penalty, one year.*

38 (18) Eligibility for the food assistance program shall be limited to
39 those individuals who are citizens or who meet qualified non-citizen status
40 as determined by U.S. department of agriculture. Non-citizen individuals
41 who are unable or unwilling to provide qualifying immigrant
42 documentation, as defined by the U.S. department of agriculture, residing
43 within a household shall not be included when determining the household's

1 size for the purposes of assigning a benefit level to the household for food
2 assistance or comparing the household's monthly income with the income
3 eligibility standards. The gross non-exempt earned and unearned income
4 and resources of disqualified individuals shall be counted in its entirety as
5 available to the remaining household members.

6 (19) The secretary for children and families shall not enact the state
7 option from the U.S. department of agriculture for broad-based categorical
8 eligibility for households applying for food assistance according to the
9 provisions of 7 C.F.R. § 273.2(j)(2)(ii).

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

15 (21) (A) The secretary for children and families shall not apply gross
16 income standards for food assistance higher than the standards specified in
17 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
18 eligibility exempting households from such gross income standards
19 requirements shall not be granted for any non-cash, in-kind or other
20 benefit unless expressly required by federal law.

21 (B) The secretary for children and families shall not apply resource
22 limits standards for food assistance that are higher than the standards
23 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal
24 law. Categorical eligibility exempting households from such resource
25 limits shall not be granted for any non-cash, in-kind or other benefit unless
26 expressly required by federal law.

27 (c) (1) *On and after January 1, 2017, the department for children and*
28 *families shall conduct an electronic check for any false information*
29 *provided on an application for TANF and other benefits programs*
30 *administered by the department. For TANF cash assistance, food*
31 *assistance and the child care subsidy program, the department shall verify*
32 *the identity of all adults in the assistance household.*

33 (2) *The Kansas lottery commission shall provide monthly to the*
34 *department the name, address and social security number of all Kansas*
35 *residents that have winnings over \$10,000 for the reported month. The*
36 *department shall verify if individuals with such winnings are receiving*
37 *TANF cash assistance, food assistance or assistance under the child care*
38 *subsidy program and take appropriate action. The department shall use*
39 *data received under this subsection solely, and for no other purpose, to*
40 *determine if any recipient's eligibility for benefits has been affected by*
41 *lottery prize winnings. The department shall not publicly disclose the*
42 *identity of any lottery prize winner, including recipients who are*
43 *determined to have illegally received benefits.*

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

31 ~~(d)~~ (e) *Requirements for medical assistance for which federal moneys*
32 *or state moneys or both are expended.* (1) When the secretary has adopted
33 a medical care plan under which federal moneys or state moneys or both
34 are expended, medical assistance in accordance with such plan shall be
35 granted to any person who is a citizen of the United States or who is an
36 alien lawfully admitted to the United States and who is residing in the state
37 of Kansas, whose resources and income do not exceed the levels
38 prescribed by the secretary. In determining the need of an individual, the
39 secretary may provide for income and resource exemptions and protected
40 income and resource levels. Resources from inheritance shall be counted.
41 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
42 amendments thereto, shall constitute a transfer of resources. The secretary
43 shall exempt principal and interest held in irrevocable trust pursuant to

1 K.S.A. 16-303(c), and amendments thereto, from the eligibility
2 requirements of applicants for and recipients of medical assistance. Such
3 assistance shall be known as medical assistance.

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

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

22 (B) If a trust has discretionary language, the trust shall be considered
23 to be an available resource to the extent, using the full extent of discretion,
24 the trustee may make any of the income or principal available to the
25 applicant or recipient of medical assistance. Any such discretionary trust
26 shall be considered an available resource unless: (i) At the time of creation
27 or amendment of the trust, the trust states a clear intent that the trust is
28 supplemental to public assistance; and (ii) the trust: (a) Is funded from
29 resources of a person who, at the time of such funding, owed no duty of
30 support to the applicant or recipient of medical assistance; or (b) is funded
31 not more than nominally from resources of a person while that person
32 owed a duty of support to the applicant or recipient of medical assistance.

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

36 (4) (A) When an applicant or recipient of medical assistance is a party
37 to a contract, agreement or accord for personal services being provided by
38 a nonlicensed individual or provider and such contract, agreement or
39 accord involves health and welfare monitoring, pharmacy assistance, case
40 management, communication with medical, health or other professionals,
41 or other activities related to home health care, long term care, medical
42 assistance benefits, or other related issues, any moneys paid under such
43 contract, agreement or accord shall be considered to be an available

1 resource unless the following restrictions are met: (i) The contract,
2 agreement or accord must be in writing and executed prior to any services
3 being provided; (ii) the moneys paid are in direct relationship with the fair
4 market value of such services being provided by similarly situated and
5 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed
6 individuals or situations can be found, the value of services will be based
7 on federal hourly minimum wage standards; (iv) such individual providing
8 the services will report all receipts of moneys as income to the appropriate
9 state and federal governmental revenue agencies; (v) any amounts due
10 under such contract, agreement or accord shall be paid after the services
11 are rendered; (vi) the applicant or recipient shall have the power to revoke
12 the contract, agreement or accord; and (vii) upon the death of the applicant
13 or recipient, the contract, agreement or accord ceases.

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

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

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

39 ~~(f)~~ (g) *Medical assistance; assignment of rights to medical support*
40 *and limited power of attorney; recovery from estates of deceased*
41 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-
42 787, and amendments thereto, or as otherwise authorized on and after
43 September 30, 1989, under section 303 of the federal medicare

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

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

37 (2) The amount of any medical assistance paid after June 30, 1992,
38 under the provisions of subsection ~~(d)~~ (e) is: (A) A claim against the
39 property or any interest therein belonging to and a part of the estate of any
40 deceased recipient or, if there is no estate, the estate of the surviving
41 spouse, if any, shall be charged for such medical assistance paid to either
42 or both; and (B) a claim against any funds of such recipient or spouse in
43 any account under K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829,

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

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

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

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

1 deceased recipient through joint tenancy, tenancy in common,
2 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
3 trust, annuities or similar arrangement.

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

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

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

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

1 probate court action in the county where the real property of the recipient
2 is located. However, it may be enforced only:

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

4 (B) when there is no child of the recipient, natural or adopted, who is
5 20 years of age or less residing in the home;

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

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

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

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

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

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

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

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

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

43 ~~(g)~~ (h) *Placement under the revised Kansas code for care of children*

1 *or revised Kansas juvenile justice code; assignment of support rights and*
2 *limited power of attorney.* In any case in which the secretary for children
3 and families pays for the expenses of care and custody of a child pursuant
4 to K.S.A. 2015 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
5 thereto, including the expenses of any foster care placement, an
6 assignment of all past, present and future support rights of the child in
7 custody possessed by either parent or other person entitled to receive
8 support payments for the child is, by operation of law, conveyed to the
9 secretary. Such assignment shall become effective upon placement of a
10 child in the custody of the secretary or upon payment of the expenses of
11 care and custody of a child by the secretary without the requirement that
12 any document be signed by the parent or other person entitled to receive
13 support payments for the child. When the secretary pays for the expenses
14 of care and custody of a child or a child is placed in the custody of the
15 secretary, the parent or other person entitled to receive support payments
16 for the child is also deemed to have appointed the secretary, or the
17 secretary's designee, as attorney in fact to perform the specific act of
18 negotiating and endorsing all drafts, checks, money orders or other
19 negotiable instruments representing support payments received by the
20 secretary on behalf of the child. This limited power of attorney shall be
21 effective from the date the assignment to support rights becomes effective
22 and shall remain in effect until the assignment of support rights has been
23 terminated in full.

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

33 ~~(i)~~ (j) If the applicant or recipient of temporary assistance for needy
34 families is a mother of the dependent child, as a condition of the mother's
35 eligibility for temporary assistance for needy families the mother shall
36 identify by name and, if known, by current address the father of the
37 dependent child except that the secretary may adopt by rules and
38 regulations exceptions to this requirement in cases of undue hardship. Any
39 recipient of temporary assistance for needy families who fails to cooperate
40 with requirements relating to child support services under criteria and
41 guidelines prescribed by rules and regulations of the secretary shall be
42 subject to a penalty established by the secretary.

43 ~~(j)~~ (k) By applying for or receiving child care benefits or food

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

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

41 (2) Any applicant for or recipient of cash assistance whose drug
42 screening results in a positive test may request that the drug screening
43 specimen be sent to a different drug testing facility for an additional drug

1 screening. Any applicant for or recipient of cash assistance who requests
2 an additional drug screening at a different drug testing facility shall be
3 required to pay the cost of drug screening. Such applicant or recipient who
4 took the additional drug screening and who tested negative for unlawful
5 use of a controlled substance and controlled substance analog shall be
6 reimbursed for the cost of such additional drug screening.

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

30 (4) If an applicant for or recipient of cash assistance is ineligible for
31 or terminated from cash assistance as a result of a positive test for
32 unlawful use of a controlled substance or controlled substance analog, and
33 such applicant for or recipient of cash assistance is the parent or legal
34 guardian of a minor child, an appropriate protective payee shall be
35 designated to receive cash assistance on behalf of such child. Such parent
36 or legal guardian of the minor child may choose to designate an individual
37 to receive cash assistance for such parent's or legal guardian's minor child,
38 as approved by the secretary for children and families. Prior to the
39 designated individual receiving any cash assistance, the secretary for
40 children and families shall review whether reasonable suspicion exists that
41 such designated individual is unlawfully using a controlled substance or
42 controlled substance analog.

43 (A) In addition, any individual designated to receive cash assistance

1 on behalf of an eligible minor child shall be subject to drug screening at
2 any time when reasonable suspicion exists that such designated individual
3 is unlawfully using a controlled substance or controlled substance analog.
4 The secretary for children and families may use any information obtained
5 by the secretary for children and families to determine whether such
6 reasonable suspicion exists, including, but not limited to, the designated
7 individual's demeanor, missed appointments and arrest or other police
8 records, previous employment or application for employment in an
9 occupation or industry that regularly conducts drug screening, termination
10 from previous employment due to unlawful use of a controlled substance
11 or controlled substance analog or prior drug screening records of the
12 designated individual indicating unlawful use of a controlled substance or
13 controlled substance analog.

14 (B) Any designated individual whose drug screening results in a
15 positive test may request that the drug screening specimen be sent to a
16 different drug testing facility for an additional drug screening. Any
17 designated individual who requests an additional drug screening at a
18 different drug testing facility shall be required to pay the cost of drug
19 screening. Such designated individual who took the additional drug
20 screening and who tested negative for unlawful use of a controlled
21 substance and controlled substance analog shall be reimbursed for the cost
22 of such additional drug screening.

23 (C) Upon any positive test for unlawful use of a controlled substance
24 or controlled substance analog, the designated individual shall not receive
25 cash assistance on behalf of the parent's or legal guardian's minor child,
26 and another designated individual shall be selected by the secretary for
27 children and families to receive cash assistance on behalf of such parent's
28 or legal guardian's minor child.

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

43 (6) Except for hearings before the Kansas department for children

1 and families or, the results of any drug screening administered as part of
2 the drug screening program authorized by this subsection shall be
3 confidential and shall not be disclosed publicly.

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

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

9 (9) As used in this subsection:

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

14 (B) "Controlled substance" means the same as in K.S.A. 2015 Supp.
15 21-5701, and amendments thereto, and 21 U.S.C. § 802.

16 (C) "Controlled substance analog" means the same as in K.S.A. 2015
17 Supp. 21-5701, and amendments thereto.

18 Sec. 3. K.S.A. 39-719b is hereby amended to read as follows: 39-
19 719b. (a) If at any time during the continuance of assistance to any person,
20 the recipient thereof becomes possessed of any property or income in
21 excess of the amount ascertained at the time of granting assistance, or if
22 any of the recipient's circumstances which affect eligibility to receive
23 assistance change from the time of determination of eligibility, it shall be
24 the duty of the recipient to notify the secretary immediately of the receipt
25 or possession of such property, income, or of such change in circumstances
26 affecting eligibility and ~~said~~ the secretary may, after investigation, cancel
27 or modify the assistance payment in accordance with the circumstances.

28 (b) Any assistance paid shall be recoverable by the secretary as a debt
29 due to the state. If during the life or on the death of any person receiving
30 assistance, it is found that the recipient was possessed of income or
31 property in excess of the amount reported or ascertained at the time of
32 granting assistance, and if it be shown that such assistance was obtained by
33 an ineligible recipient, the total amount of the assistance may be recovered
34 by the secretary as a fourth class claim from the estate of the recipient or in
35 an action brought against the recipient while living.

36 (c) *The total amount of any assistance that is sold, transferred or*
37 *otherwise disposed of to others by a recipient or any other person, or the*
38 *total amount of any assistance that is knowingly purchased, acquired or*
39 *possessed by any person, except as authorized in state and federal law,*
40 *rules and regulations and agency policy of the department for children*
41 *and families or the department of health and environment, is a debt due to*
42 *the state and the total amount of such assistance that was improperly sold,*
43 *transferred, disposed, purchased, acquired or possessed shall be*

1 *recoverable by the secretary for children and families or the secretary of*
2 *health and environment. Such debt may be recovered during the life or*
3 *upon the death of any recipient or person who sold, transferred, disposed,*
4 *purchased, acquired or possessed such assistance and may be recovered*
5 *as a fourth class claim from the estate of the person or in an action*
6 *brought against the recipient or person while living.*

7 Sec. 4. K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709
8 are hereby repealed.

9 Sec. 5. This act shall take effect and be in force from and after its
10 publication in the statute book.