

**HOUSE BILL No. 2151**

By Committee on Children and Seniors

1-27

1 AN ACT concerning the attorney general; relating to elder and dependent  
2 adult abuse; creating a Kansas elder and dependent adult abuse  
3 multidisciplinary team coordinator and elder and dependent adult abuse  
4 multidisciplinary teams; prescribing membership; duties and powers;  
5 meeting requirements; providing for confidentiality of records; open  
6 meeting exemption; report to the legislature; requiring the abuse,  
7 neglect and exploitation of persons unit of the attorney general to assist  
8 in multidisciplinary team investigations; amending K.S.A. 75-723 and  
9 repealing the existing section.

10

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

12 New Section 1. (a) The attorney general shall appoint a Kansas elder  
13 and dependent adult abuse multidisciplinary team coordinator and, within  
14 the limits of appropriations available therefor, such additional staff as  
15 necessary to support the coordinator. The coordinator shall facilitate the  
16 convening of an elder and dependent adult abuse multidisciplinary team in  
17 each judicial district.

18 (b) (1) Such teams shall be composed of the following individuals, or  
19 their designee:

20 (A) The sheriff of each county within the judicial district;

21 (B) the county or district attorney of each county within the judicial  
22 district;

23 (C) the secretary for children and families;

24 (D) the secretary for aging and disability services; and

25 (E) the state long-term care ombudsman.

26 (2) Such teams may also include the following individuals:

27 (A) A representative from any law enforcement agency not included  
28 in subsection (b)(1)(A);

29 (B) a medical provider;

30 (C) a legal services provider;

31 (D) a housing provider or representative of elder or dependent adult  
32 housing facilities;

33 (E) the district coroner or a medical examiner;

34 (F) a representative of the financial services or banking industry; ~~or~~

35 (G) ***a representative of the area agencies on aging; or***

36 (H) any other individual deemed necessary by the team.

1 (c) Such team:

2 (1) Shall coordinate investigations of elder and dependent adult abuse  
3 as defined by K.S.A. 21-5417, 39-1401 et seq. and 39-1430 et seq., and  
4 amendments thereto; and

5 (2) may identify opportunities within local jurisdictions to improve  
6 policies and procedures in the notification and response to abuse, neglect  
7 and exploitation of elder or dependent adults, within the limits of local  
8 resources.

9 (d) Such team shall determine the the manner and frequency of  
10 meetings, but shall not meet less than quarterly. The team may create and  
11 enter into memorandums of understanding with any governmental agency  
12 or private entity deemed necessary by the team.

13 (e) All documents, materials or other information obtained by or  
14 discussed by the team shall be confidential and privileged and not be  
15 subject to the provisions of the Kansas open records act as provided by  
16 K.S.A. 45-215 et seq., and amendments thereto. The provisions of this  
17 subsection shall expire on July 1, 2026, unless the legislature reviews and  
18 reenacts this provision pursuant to K.S.A. 45-229, and amendments  
19 thereto, prior to July 1, 2026.

20 (f) Meetings conducted pursuant to this section shall not be subject to  
21 the provisions of the Kansas open meetings act as provided by K.S.A. 75-  
22 4317 et seq., and amendments thereto.

23 (g) On or before the first day of each regular session of the  
24 legislature, beginning with the 2022 regular session, the attorney general  
25 shall submit a report to the legislature on the implementation and use of  
26 the teams.

27 Sec. 2. K.S.A. 75-723 is hereby amended to read as follows: 75-723.

28 (a) There is hereby created in the office of the attorney general an abuse,  
29 neglect and exploitation of persons unit.

30 (b) Within the limits of available resources, the unit may, in the  
31 attorney general's discretion:

32 (1) Participate in the prevention, detection, review and prosecution of  
33 abuse, neglect and exploitation of persons, whether financial or physical;

34 (2) conduct investigations of suspected criminal abuse, neglect or  
35 exploitation of persons;

36 (3) coordinate with and assist other law enforcement agencies, or  
37 participate in task forces or joint operations, in the investigation of  
38 suspected criminal abuse, neglect or exploitation of persons;

39 (4) coordinate with and assist the medicaid fraud and abuse division  
40 established by K.S.A. 75-725, and amendments thereto, in the prevention,  
41 detection and investigation of abuse, neglect and exploitation of persons;

42 (5) work with or participate in the Kansas internet crimes against  
43 children task force, and work with any exploited and missing child

1 investigators and any other child crime investigators;

2 (6) assist in any investigation of child abuse or neglect conducted by  
3 a law enforcement agency pursuant to K.S.A. 2020 Supp. 38-2226, and  
4 amendments thereto; ~~and~~

5 (7) assist in any investigation of adult abuse, neglect, exploitation or  
6 fiduciary abuse conducted by a law enforcement agency pursuant to  
7 K.S.A. 2020 Supp. 39-1443, and amendments thereto; *and*

8 (8) *assist in any investigation or discussion of any elder and*  
9 *dependent adult abuse multidisciplinary team pursuant to section 1, and*  
10 *amendments thereto.*

11 (c) The unit shall give priority to preventing, detecting and  
12 investigating abuse, neglect or exploitation of adults who are senior  
13 citizens, disabled or otherwise vulnerable to abuse, neglect or exploitation.

14 (d) Except as provided by subsection (k), the information obtained  
15 and the investigations conducted by the unit shall be confidential as  
16 required by state or federal law. Upon request of the unit, the unit shall  
17 have access to all records of reports, investigation documents and written  
18 reports of findings related to substantiated or affirmed cases of abuse,  
19 neglect or exploitation of persons or cases in which the attorney general  
20 has reasonable suspicion to believe abuse, neglect or exploitation of  
21 persons has occurred which are received or generated by a state agency.

22 (e) Whenever a state agency reports a matter involving suspected  
23 abuse, neglect or exploitation of an adult to a law enforcement agency or a  
24 county or district attorney, such state agency shall simultaneously forward  
25 such report to the unit.

26 (f) Except for reports alleging only self-neglect, a state agency  
27 receiving reports of abuse, neglect or exploitation of adults shall forward  
28 to the unit:

29 (1) Within 10 days of substantiation, reports of findings concerning  
30 the substantiated abuse, neglect or exploitation of adults; and

31 (2) within 10 days of such denial, each report of an investigation in  
32 which such state agency was denied the opportunity or ability to conduct  
33 or complete a full investigation of abuse, neglect or exploitation of adults.

34 (g) On or before the first day of the regular legislative session each  
35 year, the unit shall submit to the legislature a written report of the unit's  
36 activities, investigations and findings for the preceding fiscal year.

37 (h) The attorney general shall adopt rules and regulations as deemed  
38 appropriate for the administration of this section.

39 (i) No state funds appropriated to support the provisions of the unit  
40 and expended to contract or enter into agreements with any third party  
41 shall be used by a third party to file any civil action against the state of  
42 Kansas or any agency of the state of Kansas. Nothing in this section shall  
43 prohibit the attorney general from initiating or participating in any civil

1 action against any party.

2 (j) The attorney general may contract or enter into agreements with  
3 other agencies or organizations to provide services related to the attorney  
4 general's duties under this section or to the investigation or litigation of  
5 findings related to abuse, neglect or exploitation of persons.

6 (k) Notwithstanding any other provision of law, nothing shall prohibit  
7 the attorney general or the unit from distributing or utilizing only that  
8 information obtained pursuant to a confirmed case of abuse, neglect or  
9 exploitation or cases in which there is reasonable suspicion to believe  
10 abuse, neglect or exploitation has occurred pursuant to this section with  
11 any third party under contract or agreement with the attorney general to  
12 carry out the provisions of this section.

13 (l) As used in this section:

14 (1) "Adult" means any person 18 years of age or older; and

15 (2) "state agency" means the Kansas department for children and  
16 families, Kansas department for aging and disability services or Kansas  
17 department of health and environment.

18 Sec. 3. K.S.A. 75-723 is hereby repealed.

19 Sec. 4. This act shall take effect and be in force from and after its  
20 publication in the statute book.