

HOUSE Substitute for SENATE BILL No. 317

By Committee on Federal and State Affairs

3-23

9 AN ACT concerning abuse, neglect and exploitation of persons with dis-
10 abilities; creating a unit to investigate such abuse in the office of the
11 attorney general.
12

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

14 Section 1. (a) There is hereby created in the office of the attorney
15 general an abuse, neglect and exploitation of persons with disabilities unit.
16 Such unit shall be a collaborative partnership of the attorney general's
17 office and the state protection and advocacy agency.

18 (b) For the purposes of this section, the attorney general's office and
19 the state protection and advocacy agency shall have free exchange of in-
20 formation between such agencies as determined by the office of the at-
21 torney general and except as otherwise prohibited by federal or state law.
22 The information obtained and the investigations conducted by the unit
23 shall be confidential as required by state or federal law. As determined
24 by the office of the attorney general, the unit shall have access to all
25 records of reports, investigation documents and written reports of find-
26 ings related to abuse, neglect or exploitation of persons with disabilities
27 received or generated by the department of social and rehabilitation serv-
28 ices, department on aging, department of health and environment and
29 the long-term care ombudsman. Except for reports alleging only self-
30 neglect, such state agency receiving reports of abuse, neglect or exploi-
31 tation of persons with disabilities shall within five days forward to the
32 unit:

33 (1) Each report of abuse, neglect or exploitation of persons with dis-
34 abilities at the time it is received, and upon completion, the investigative
35 reports and written report of findings;

36 (2) all incident reports of abuse, neglect or exploitation of persons
37 with disabilities, incident investigations reports and any other reports gen-
38 erated as a result of reports of abuse, neglect or exploitation of persons
39 with disabilities;

40 (3) all licensing surveys, facility surveys and other reports of surveys
41 required by federal law, rules and regulations, or state law, rules and
42 regulations; and

43 (4) each report of an investigation in which such state agency was

1 denied the opportunity or ability to conduct or complete a full investi-
2 gation of abuse, neglect or exploitation of persons with disabilities.

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

6 (d) As used in this section, "the state protection and advocacy agency"
7 is that agency designated pursuant to 42 U.S.C. 15043, 42 U.S.C. 10805
8 or 29 U.S.C. 794e.

9 (e) The attorney general may adopt rules and regulations as deemed
10 appropriate for the administration of this section.

11 Sec. 2. This act shall take effect and be in force from and after its
12 publication in the statute book.