

SESSION OF 2006

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2105**

As Agreed to May 5, 2006

Brief*

Senate Sub. for HB 2105 would create within the Office of the Attorney General the "Abuse, Neglect and Exploitation of Persons Unit." At the unit's initiative, the unit would have access to all records of reports, investigation documents, and written reports of findings received or generated by the Department of Social and Rehabilitation Services, the Department on Aging, or the Department of Health and Environment which are related to confirmed cases of abuse, neglect, or exploitation of persons or cases in which there is reasonable suspicion to believe abuse, neglect, or exploitation of persons has occurred.

Except for reports alleging self-neglect, the state agencies named in the bill would have ten days to report to the unit confirmed reports of findings concerning abuse, neglect, or exploitation or reports of investigations in which the agencies were denied the opportunity or did not have the ability to conduct or complete full investigations.

The bill would authorize the Attorney General to contract with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect, or exploitation of persons. However, no state funds appropriated to support the Abuse, Neglect and Exploitation Unit that are used to contract with a third party could be used by the third party to file any civil action against the state or any state agency. Information obtained and investigations conducted by the unit would be confidential except that information obtained pursuant to a case which is confirmed or in which there is reasonable suspicion to believe that abuse, neglect, or exploitation has occurred could be shared with a third party contracted with by the Attorney General to carry out provisions of the act.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The bill would authorize the Attorney General to adopt rules and regulations to administer the act. The bill also requires that, on or before the first day of the regular session of the Legislature, the unit would be required to submit an annual report of its activities, investigations, and findings for the preceding fiscal year.

Conference Committee Action

The Conference Committee agreement was characterized by conferees as an agreement reached among the Attorney General's Office, other state agencies, and advocacy groups for the disabled. A primary difference between the version agreed to by the Conference Committee and Senate Sub. for HB 2105 is that the bill as it passed the Senate would have established a collaborative partnership between the Attorney General's Office and the agency in the state which is designated the state protection and advocacy agency under federal law. The change in the Conference Committee agreement is that reference to that specific agency is omitted, although the Attorney General is authorized to contract with "other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect, or exploitation of persons."

Background

Senate Sub. for HB 2105 was prompted by the Kaufman case which ended with prosecution of individuals charged with abusing disabled individuals who were in their care. According to the representative of the Attorney General, the bill is an effort to improve the sharing of information among agencies most likely to receive reports about individuals who are abused.

As it passed the Senate, the bill would have created a partnership between the Office of the Attorney General and the "state protection and advocacy agency." The agency in Kansas which has been designated under federal law and by the Governor of Kansas as the state protection and advocacy agency is the Disability Rights Center of Kansas. Under certain conditions provided for in Kansas law, the Center has greater access to individuals who are developmentally disabled or mentally ill, to facilities, and to records than has the Department of Social and Rehabilitation Services and has greater authority to conduct an investigation of alleged abuse.

In addition to the representative of the Attorney General, individuals appearing in support of creating a Abuse, Neglect, and Exploitation Unit within the Attorney General's Office before the Senate Ways and Means Committee included representatives of the Disability Rights Center of Kansas, Kansans for Life, the Kansas Commission on Disability Concerns, and two women who were residents at the Kaufman House. A representative of the Office of Judicial Administration expressed concern about an earlier version of the legislation which was not considered by the Committee.

The Senate Committee deleted provisions of HB 2105 and replaced them with the provisions concerning the unit within the Attorney General's Office. HB 2105 as it passed the House would have allowed certain employees of the State Fire Marshal's Office to join the Kansas Police and Firemen's Retirement System.

creation of abuse, neglect and exploitation of persons unit
within office of Attorney General