

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

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**MEMORANDUM**

To: Committee on Child Welfare and Foster Care

From: Office of Revisor of Statutes

Date: January 25, 2023

Subject: HB 2034: Requiring a referral of an alleged victim of child abuse or neglect for an examination as part of an investigation, creating a program in the department of health and environment to provide training and payment for such examinations.

House Bill 2034 proposes a program and process to medically examine a child alleged to be a victim of abuse or neglect. First, the bill amends K.S.A. 38-2202 to define new terms that are used in K.S.A. 38-2226 and a new section. Subsection (e) defines "child abuse medical resource center." Then subsection (f) defines "child abuse review and evaluation exam," subsection (g) defines "child abuse review and evaluation network," subsection (h) defines "child abuse review and evaluation provider" and subsection (i) defines "child abuse review and evaluation referral."

A "CARE referral" means a brief written review of allegations of physical abuse, emotional abuse, medical neglect or physical neglect submitted by the secretary or law enforcement agency ... for a recommendation of such child's need for medical care that may include a CARE exam. A "CARE exam" means a forensic medical evaluation of a child alleged to be a victim of abuse or neglect as conducted by a CARE provider. A "CARE provider" is "a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant who performs CARE exams of and provides medical diagnosis and treatment to a child alleged to be a victim of abuse or neglect and who receives" specific and continuous trainings on child maltreatment, peer review and mentoring.

House Bill 2034 amends K.S.A. 38-2226, the statute that requires a visual observation in an investigation of child abuse. The bill adds a section for child abuse review and evaluation referrals in an investigation of child abuse. Subsection (i)(1) requires that "upon assignment by

the secretary of any investigation of physical abuse or physical neglect ... of a child five years or younger... the secretary or the law enforcement agency...shall make a CARE referral."

The section also allows the secretary or the law enforcement agency to make a CARE referral for a child more than five years of age in investigations of physical abuse, emotional abuse, medical neglect or physical neglect.

In new section 1, when a CARE referral is made under K.S.A. 38-2226 to a child abuse medical recourse center and the "center has recommended a CARE exam be conducted" and during the exam, a "CARE provider determines that a child has been subjected to physical abuse, emotional abuse, medical neglect or physical neglect" that shall be "reported in a completed review" and given to the secretary and the local law enforcement agency. Then, when the secretary receives the completed review, the secretary shall include the report in the case record. Such completed review shall be confidential. The new section also outlines opportunities for collaborations for the provision of forensic evaluation services to a child who is the subject of a CARE referral or CARE exam.

The secretary of health and environment shall implement and administer the training for the program. In doing so, the secretary of health and environment shall pay charges for the exam, but only for the reasonable cost of the exam. A provider shall submit all charges for payment of reviews and CARE exams to the secretary of health and environment within 90 days after a review or exam has been performed. The secretary of health and environment shall pay all charges directly to the provider within 30 days after being submitted.

There shall be a child abuse review and evaluation fund administered by the secretary of health and environment to pay for the exams, training of providers, and provision of forensic evaluation services. The secretary for health and environment will manage a database for these referrals. The secretary for health and environment may adopt rules and regulations necessary to implement the section. The new section shall be a part of the child in need of care code.