

SENATE BILL No. 372

By Committee on Public Health and Welfare

1-27

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; ***{use and***
4 ***return of federal TANF funds;}*** amending K.S.A. 39-719b and K.S.A.
5 2015 Supp. 39-702 and 39-709 and 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 ***{New Section 1. If on September 30 of any year the balance of the***
12 ***temporary assistance to needy families federal fund account exceeds***
13 ***\$25,000,000, the Kansas department for children and families shall***
14 ***return any unencumbered amount in such account exceeding***
15 ***\$25,000,000 to the United States department of health and human***
16 ***services for return to the federal treasury. The secretary for children and***
17 ***families shall not transfer funds from the TANF account to another***
18 ***special revenue fund to circumvent the provisions of this section.}***

19 ~~Section 1.~~ ***{Sec. 2.}*** K.S.A. 2015 Supp. 39-702 is hereby amended to
20 read as follows: 39-702. The following words and phrases when used in
21 this act shall, for the purposes of this act, have the meanings respectively
22 ascribed to them in this section:

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

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

27 (c) "Social welfare service" may include such functions as giving
28 assistance, the prevention of public dependency, and promoting the
29 rehabilitation of dependent persons or those who are approaching public
30 dependency.

31 (d) "Assistance" includes such items or functions as the giving or
32 providing of money, food assistance, food, clothing, shelter, medicine or
33 other materials, the giving of any service, including instructive or
34 scientific. The definitions of social welfare service and assistance in this

1 section shall be deemed as partially descriptive and not limiting.

2 (e) "Temporary assistance to needy families" means financial
3 assistance with respect to or on behalf of a dependent child or dependent
4 children and includes financial assistance for any month to meet the needs
5 of the relative or qualifying caretaker with whom any dependent child is
6 living.

7 (f) "Medical assistance" means the payment of all or part of the cost
8 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
9 services which are within the scope of services to be provided under a
10 medical care plan developed by the secretary pursuant to this act and
11 furnished by health care providers who have a current approved provider
12 agreement with the secretary; and (2) transportation to obtain care and
13 services which are within the scope of services to be provided under a
14 medical care plan developed by the secretary pursuant to this act.

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

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

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

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

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

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

36 (m) "TANF diversion assistance" means a one-time voluntary
37 payment option in lieu of ongoing TANF assistance. The diversion
38 payment is available to applicants who have not received TANF assistance
39 as an adult, and is designed to meet a crisis or emergency hardship that
40 would endanger such applicants' ability to remain employed or to accept
41 an offer of employment. Any household that includes such recipient
42 accepting the diversion payment is ineligible to receive on-going TANF
43 assistance for 12 months after receipt of the diversion payment. Any

1 recipient who receives a diversion payment is limited to ~~42-30~~ **18** months
2 of TANF cash assistance in a lifetime, unless such recipient shall meet a
3 hardship criteria as defined by the secretary.

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

7 Sec. ~~2~~ **{3}**. K.S.A. 2015 Supp. 39-709 is hereby amended to read as
8 follows: 39-709. (a) *General eligibility requirements for assistance for*
9 *which federal moneys are expended*. Subject to the additional requirements
10 below, assistance in accordance with plans under which federal moneys
11 are expended may be granted to any needy person who:

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

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

40 (b) *Temporary assistance for needy families*. Assistance may be
41 granted under this act to any dependent child, or relative, subject to the
42 general eligibility requirements as set out in subsection (a), who resides in
43 the state of Kansas or whose parent or other relative with whom the child

1 is living resides in the state of Kansas. Such assistance shall be known as
2 temporary assistance for needy families. ~~On and after January 1, 2017, the~~
3 ~~department shall conduct an electronic check for any false information~~
4 ~~provided on an application for TANF and other benefits programs~~
5 ~~administered by the department.~~ Where the husband and wife or
6 cohabiting partners are living together, both shall register for work under
7 the program requirements for temporary assistance for needy families in
8 accordance with criteria and guidelines prescribed by rules and regulations
9 of the secretary.

10 (1) As used in this subsection, "family group" or "household" means
11 the applicant or recipient for TANF, child care subsidy or employment
12 services and all individuals living together in which there is a relationship
13 of legal responsibility or a qualifying caretaker relationship. This will
14 include a cohabiting boyfriend or girlfriend living with the person legally
15 responsible for the child. The family group shall not be eligible for TANF
16 if the family group contains at least one adult member who has received
17 TANF, including the federal TANF assistance received in any other state,
18 for ~~36~~ **24** calendar months beginning on and after October 1, 1996, unless
19 the secretary determines a hardship exists and grants an extension allowing
20 receipt of TANF until the ~~48-month~~ **36-month** limit is reached. No
21 extension beyond ~~48~~ **36** months shall be granted. Hardship provisions for a
22 recipient include:

23 (A) Is a caretaker of a disabled family member living in the
24 household;

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

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

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

31 (E) is determined by the ~~36th~~ **24th** month to have an extreme hardship
32 other than what is designated in criteria listed in subparagraphs (A)
33 through ~~(E)~~ **{(D)}**. This determination will be made by the executive
34 review team.

35 (2) All adults applying for TANF shall be required to complete a
36 work program assessment as specified by the Kansas department for
37 children and families, including those who have been disqualified for or
38 denied TANF due to non-cooperation, drug testing requirements or fraud.
39 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
40 relative/non-relative caretakers and adults receiving supplemental security
41 income are not required to complete the assessment process. During the
42 application processing period, applicants must complete at least one
43 module or its equivalent of the work program assessment to be considered

1 eligible for TANF benefits, unless good cause is found to be exempt from
2 the requirements. Good cause exemptions shall only include:

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

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

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

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

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

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

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

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

43 (5) A parent or other adult caretaker personally providing care for a

1 child under the age of three months in their TANF household is exempt
2 from work participation activities until the month the child turns three
3 months of age. Such three-month limitation shall not apply to a parent or
4 other adult caretaker who is personally providing care for a child born
5 significantly premature, with serious medical conditions or with a
6 disability as defined by the secretary, in consultation with the secretary of
7 health and environment, and adopted in the rules and regulations. The
8 three-month period is defined as two consecutive months starting with the
9 month after childbirth. The exemption for caring for a child under three
10 months cannot be claimed:

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

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

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

21 (D) by any adult in the TANF assistance plan when at least one adult
22 has reached the ~~36-24~~ {12} months of TANF cash assistance; or

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

25 (6) TANF work experience placements shall be reviewed after 90
26 days and are limited to six months per ~~48-month~~ ~~36-month~~ {24-month}
27 lifetime limit. A client's progress shall be reviewed prior to each new
28 placement regardless of the length of time they are at the work experience
29 site.

30 (7) TANF participants with disabilities shall engage in required
31 employment activities to the maximum extent consistent with their
32 abilities. TANF participants shall provide current documentation by a
33 qualified medical practitioner that details the abilities to engage in
34 employment and any limitations in work activities along with the expected
35 duration of such limitations. Disability is defined as a physical or mental
36 impairment constituting or resulting in a substantial impediment to
37 employment for such individual.

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

43 (A) For a first penalty, three months and full cooperation with work

1 program activities;

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

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

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

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

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

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

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

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

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

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

30 (12) Any individual who is found to have committed fraud or is
31 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.
32 2015 Supp. 21-5801, and amendments thereto, in either the TANF or child
33 care program shall render all adults in the family unit ineligible for TANF
34 assistance. Adults in the household who were determined to have
35 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
36 39-720 and K.S.A. 2015 Supp. 21-5801, and amendments thereto, shall
37 render themselves and all adult household members ineligible for their
38 lifetime for TANF, even if fraud was committed in only one program.
39 Households who have been determined to have committed fraud or were
40 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2015
41 Supp. 21-5801, and amendments thereto, shall be required to name a
42 protective payee as approved by the secretary or the secretary's designee to
43 administer TANF benefits or food assistance on behalf of the children. No

1 adult in a household may have access to the TANF cash assistance benefit.

2 *Any individual that has failed to cooperate with a fraud investigation*
3 *shall be ineligible to participate in the TANF cash assistance program and*
4 *the child care subsidy program until the department for children and*
5 *families determines that such individual is cooperating with the fraud*
6 *investigation. The department for children and families shall maintain a*
7 *sufficient level of fraud investigative staff to enable the department to*
8 *conduct fraud investigations in a timely manner and in full accordance*
9 *with state law and department rules and regulations or policies.*

10 (13) (A) Food assistance shall not be provided to any person
11 convicted of a felony offense occurring on or after July 1, 2015, which
12 includes as an element of such offense the manufacture, cultivation,
13 distribution, possession or use of a controlled substance or controlled
14 substance analog. For food assistance, the individual shall be permanently
15 disqualified if they have been convicted of a state or federal felony offense
16 occurring on or after July 1, 2015, involving possession or use of a
17 controlled substance or controlled substance analog.

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

23 An individual's failure to submit to testing or failure to successfully
24 pass a drug test shall result in ineligibility for food assistance until a drug
25 test is successfully passed. Failure to successfully complete a drug
26 treatment program shall result in ineligibility for food assistance until a
27 drug treatment plan approved by the secretary is successfully completed,
28 the individual passes a drug test and agrees to submit to drug testing if
29 requested by the department pursuant to a drug testing plan.

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

33 (14) No TANF cash assistance shall be used to purchase alcohol,
34 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
35 collegiate sporting event tickets or tickets for other entertainment events
36 intended for the general public or sexually oriented adult materials. No
37 TANF cash assistance shall be used in any retail liquor store, casino,
38 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
39 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
40 vapor cigarette store, psychic or fortune telling business, bail bond
41 company, video arcade, movie theater, swimming pool, cruise ship, theme
42 park, dog or horse racing facility, parimutuel facility, or sexually oriented
43 business or any retail establishment which provides adult-oriented

1 entertainment in which performers disrobe or perform in an unclothed
2 state for entertainment, or in any business or retail establishment where
3 minors under age 18 are not permitted. ~~TANF cash assistance transactions
4 for cash withdrawals from automated teller machines shall be limited to
5 \$25, per transaction and to one transaction per day.~~ No TANF cash
6 assistance shall be used for purchases at points of sale outside the state of
7 Kansas. ~~The secretary for children and families is authorized to raise or
8 rescind the automated teller machine withdrawal limit established by this
9 section in order to ensure continued appropriation of the TANF block grant
10 through compliance with the provisions of the middle class tax relief and
11 job creation act of 2012 which govern adequate access to cash assistance.~~

12 (15) (A) The secretary for children and families shall place a
13 photograph of the recipient, if agreed to by such recipient of public
14 assistance, on any Kansas benefits card issued by the Kansas department
15 for children and families that the recipient uses in obtaining food, cash or
16 any other services. When a recipient of public assistance is a minor or
17 otherwise incapacitated individual, a parent or legal guardian of such
18 recipient may have a photograph of such parent or legal guardian placed
19 on the card.

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

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

28 (D) *The department for children and families shall monitor all
29 recipient requests for a Kansas benefits card replacement and, upon the
30 fourth such request in a 12-month period, send a notice alerting the
31 recipient that the recipient's account is being monitored for potential
32 suspicious activity. If a recipient makes an additional request for
33 replacement subsequent to such notice, the department shall refer the
34 investigation to the department's fraud investigation unit.*

35 (16) The secretary for children and families shall adopt rules and
36 regulations:

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

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

43 (i) Adults who are not capable of meeting the requirement due to a

1 documented physical or mental condition;

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

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

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

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

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

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

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

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

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

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

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

8 (18) Eligibility for the food assistance program shall be limited to
9 those individuals who are citizens or who meet qualified non-citizen status
10 as determined by U.S. department of agriculture. Non-citizen individuals
11 who are unable or unwilling to provide qualifying immigrant
12 documentation, as defined by the U.S. department of agriculture, residing
13 within a household shall not be included when determining the household's
14 size for the purposes of assigning a benefit level to the household for food
15 assistance or comparing the household's monthly income with the income
16 eligibility standards. The gross non-exempt earned and unearned income
17 and resources of disqualified individuals shall be counted in its entirety as
18 available to the remaining household members.

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

23 (20) No federal or state funds shall be used for television, radio or
24 billboard advertisements that are designed to promote food assistance
25 benefits and enrollment. No federal or state funding shall be used for any
26 agreements with foreign governments designed to promote food
27 assistance.

28 (21) (A) The secretary for children and families shall not apply gross
29 income standards for food assistance higher than the standards specified in
30 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
31 eligibility exempting households from such gross income standards
32 requirements shall not be granted for any non-cash, in-kind or other
33 benefit unless expressly required by federal law.

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

40 (c) (1) *On and after January 1, 2017, the department for children and*
41 *families shall conduct an electronic check for any false information*
42 *provided on an application for TANF and other benefits programs*
43 *administered by the department. For TANF cash assistance, food*

1 assistance and the child care subsidy program, the department shall verify
2 the identity of all adults in the assistance household.

3 ~~(2) The Kansas lottery commission shall provide monthly to the~~
4 ~~department the name, address and social security number of all Kansas~~
5 ~~residents that have winnings over \$10,000 for the reported month. The~~
6 ~~department~~ **The Kansas department of administration shall provide**
7 **monthly to the Kansas department for children and families the social**
8 **security numbers or alternate taxpayer identification numbers of all**
9 **persons who claim a Kansas lottery prize in excess of \$5,000 during the**
10 **reported month. The Kansas department for children and families shall**
11 **verify if individuals with such winnings are receiving TANF cash**
12 **assistance, food assistance or assistance under the child care subsidy**
13 **program and take appropriate action. The**~~department~~ **Kansas department**
14 **for children and families shall use data received under this subsection**
15 **solely, and for no other purpose, to determine if any recipient's eligibility**
16 **for benefits has been affected by lottery prize winnings. The**~~department~~
17 **Kansas department for children and families shall not publicly disclose**
18 **the identity of any lottery prize winner, including recipients who are**
19 **determined to have illegally received benefits.**

20 (d) *Temporary assistance for needy families; assignment of support*
21 *rights and limited power of attorney.* By applying for or receiving
22 temporary assistance for needy families such applicant or recipient shall be
23 deemed to have assigned to the secretary on behalf of the state any
24 accrued, present or future rights to support from any other person such
25 applicant may have in such person's own behalf or in behalf of any other
26 family member for whom the applicant is applying for or receiving aid. In
27 any case in which an order for child support has been established and the
28 legal custodian and obligee under the order surrenders physical custody of
29 the child to a caretaker relative without obtaining a modification of legal
30 custody and support rights on behalf of the child are assigned pursuant to
31 this section, the surrender of physical custody and the assignment shall
32 transfer, by operation of law, the child's support rights under the order to
33 the secretary on behalf of the state. Such assignment shall be of all
34 accrued, present or future rights to support of the child surrendered to the
35 caretaker relative. The assignment of support rights shall automatically
36 become effective upon the date of approval for or receipt of such aid
37 without the requirement that any document be signed by the applicant,
38 recipient or obligee. By applying for or receiving temporary assistance for
39 needy families, or by surrendering physical custody of a child to a
40 caretaker relative who is an applicant or recipient of such assistance on the
41 child's behalf, the applicant, recipient or obligee is also deemed to have
42 appointed the secretary, or the secretary's designee, as an attorney-in-fact
43 to perform the specific act of negotiating and endorsing all drafts, checks,

1 money orders or other negotiable instruments representing support
2 payments received by the secretary in behalf of any person applying for,
3 receiving or having received such assistance. This limited power of
4 attorney shall be effective from the date the secretary approves the
5 application for aid and shall remain in effect until the assignment of
6 support rights has been terminated in full.

7 ~~(d)~~ (e) *Requirements for medical assistance for which federal moneys*
8 *or state moneys or both are expended.* (1) When the secretary has adopted
9 a medical care plan under which federal moneys or state moneys or both
10 are expended, medical assistance in accordance with such plan shall be
11 granted to any person who is a citizen of the United States or who is an
12 alien lawfully admitted to the United States and who is residing in the state
13 of Kansas, whose resources and income do not exceed the levels
14 prescribed by the secretary. In determining the need of an individual, the
15 secretary may provide for income and resource exemptions and protected
16 income and resource levels. Resources from inheritance shall be counted.
17 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
18 amendments thereto, shall constitute a transfer of resources. The secretary
19 shall exempt principal and interest held in irrevocable trust pursuant to
20 K.S.A. 16-303(c), and amendments thereto, from the eligibility
21 requirements of applicants for and recipients of medical assistance. Such
22 assistance shall be known as medical assistance.

23 (2) For the purposes of medical assistance eligibility determinations
24 on or after July 1, 2004, if an applicant or recipient owns property in joint
25 tenancy with some other party and the applicant or recipient of medical
26 assistance has restricted or conditioned their interest in such property to a
27 specific and discrete property interest less than 100%, then such
28 designation will cause the full value of the property to be considered an
29 available resource to the applicant or recipient. Medical assistance
30 eligibility for receipt of benefits under the title XIX of the social security
31 act, commonly known as medicaid, shall not be expanded, as provided for
32 in the patient protection and affordable care act, public law 111-148, 124
33 stat. 119, and the health care and education reconciliation act of 2010,
34 public law 111-152, 124 stat. 1029, unless the legislature expressly
35 consents to, and approves of, the expansion of medicaid services by an act
36 of the legislature.

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

41 (B) If a trust has discretionary language, the trust shall be considered
42 to be an available resource to the extent, using the full extent of discretion,
43 the trustee may make any of the income or principal available to the

1 applicant or recipient of medical assistance. Any such discretionary trust
2 shall be considered an available resource unless: (i) At the time of creation
3 or amendment of the trust, the trust states a clear intent that the trust is
4 supplemental to public assistance; and (ii) the trust: (a) Is funded from
5 resources of a person who, at the time of such funding, owed no duty of
6 support to the applicant or recipient of medical assistance; or (b) is funded
7 not more than nominally from resources of a person while that person
8 owed a duty of support to the applicant or recipient of medical assistance.

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

12 (4) (A) When an applicant or recipient of medical assistance is a party
13 to a contract, agreement or accord for personal services being provided by
14 a nonlicensed individual or provider and such contract, agreement or
15 accord involves health and welfare monitoring, pharmacy assistance, case
16 management, communication with medical, health or other professionals,
17 or other activities related to home health care, long term care, medical
18 assistance benefits, or other related issues, any moneys paid under such
19 contract, agreement or accord shall be considered to be an available
20 resource unless the following restrictions are met: (i) The contract,
21 agreement or accord must be in writing and executed prior to any services
22 being provided; (ii) the moneys paid are in direct relationship with the fair
23 market value of such services being provided by similarly situated and
24 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed
25 individuals or situations can be found, the value of services will be based
26 on federal hourly minimum wage standards; (iv) such individual providing
27 the services will report all receipts of moneys as income to the appropriate
28 state and federal governmental revenue agencies; (v) any amounts due
29 under such contract, agreement or accord shall be paid after the services
30 are rendered; (vi) the applicant or recipient shall have the power to revoke
31 the contract, agreement or accord; and (vii) upon the death of the applicant
32 or recipient, the contract, agreement or accord ceases.

33 (B) When an applicant or recipient of medical assistance is a party to
34 a written contract for personal services being provided by a licensed health
35 professional or facility and such contract involves health and welfare
36 monitoring, pharmacy assistance, case management, communication with
37 medical, health or other professionals, or other activities related to home
38 health care, long term care, medical assistance benefits or other related
39 issues, any moneys paid in advance of receipt of services for such
40 contracts shall be considered to be an available resource.

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

43 (e) (f) *Eligibility for medical assistance of resident receiving medical*

1 *care outside state.* A person who is receiving medical care including long-
2 term care outside of Kansas whose health would be endangered by the
3 postponement of medical care until return to the state or by travel to return
4 to Kansas, may be determined eligible for medical assistance if such
5 individual is a resident of Kansas and all other eligibility factors are met.
6 Persons who are receiving medical care on an ongoing basis in a long-term
7 medical care facility in a state other than Kansas and who do not return to
8 a care facility in Kansas when they are able to do so, shall no longer be
9 eligible to receive assistance in Kansas unless such medical care is not
10 available in a comparable facility or program providing such medical care
11 in Kansas. For persons who are minors or who are under guardianship, the
12 actions of the parent or guardian shall be deemed to be the actions of the
13 child or ward in determining whether or not the person is remaining
14 outside the state voluntarily.

15 ~~(f)~~ (g) *Medical assistance; assignment of rights to medical support*
16 *and limited power of attorney; recovery from estates of deceased*
17 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-
18 787, and amendments thereto, or as otherwise authorized on and after
19 September 30, 1989, under section 303 of the federal medicare
20 catastrophic coverage act of 1988, whichever is applicable, by applying for
21 or receiving medical assistance under a medical care plan in which federal
22 funds are expended, any accrued, present or future rights to support and
23 any rights to payment for medical care from a third party of an applicant or
24 recipient and any other family member for whom the applicant is applying
25 shall be deemed to have been assigned to the secretary on behalf of the
26 state. The assignment shall automatically become effective upon the date
27 of approval for such assistance without the requirement that any document
28 be signed by the applicant or recipient. By applying for or receiving
29 medical assistance the applicant or recipient is also deemed to have
30 appointed the secretary, or the secretary's designee, as an attorney in fact
31 perform the specific act of negotiating and endorsing all drafts, checks,
32 money orders or other negotiable instruments, representing payments
33 received by the secretary in on behalf of any person applying for, receiving
34 or having received such assistance. This limited power of attorney shall be
35 effective from the date the secretary approves the application for assistance
36 and shall remain in effect until the assignment has been terminated in full.
37 The assignment of any rights to payment for medical care from a third
38 party under this subsection shall not prohibit a health care provider from
39 directly billing an insurance carrier for services rendered if the provider
40 has not submitted a claim covering such services to the secretary for
41 payment. Support amounts collected on behalf of persons whose rights to
42 support are assigned to the secretary only under this subsection and no
43 other shall be distributed pursuant to K.S.A. 39-756(d), and amendments

1 thereto, except that any amounts designated as medical support shall be
2 retained by the secretary for repayment of the unreimbursed portion of
3 assistance. Amounts collected pursuant to the assignment of rights to
4 payment for medical care from a third party shall also be retained by the
5 secretary for repayment of the unreimbursed portion of assistance.

6 (B) Notwithstanding the provisions of subparagraph (A), the
7 secretary of health and environment, or the secretary's designee, is hereby
8 authorized to and shall exercise any of the powers specified in
9 subparagraph (A) in relation to performance of such secretary's duties
10 pertaining to medical subrogation, estate recovery or any other duties
11 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
12 Annotated, and amendments thereto.

13 (2) The amount of any medical assistance paid after June 30, 1992,
14 under the provisions of subsection—~~(d)~~ (e) is: (A) A claim against the
15 property or any interest therein belonging to and a part of the estate of any
16 deceased recipient or, if there is no estate, the estate of the surviving
17 spouse, if any, shall be charged for such medical assistance paid to either
18 or both; and (B) a claim against any funds of such recipient or spouse in
19 any account under K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829,
20 and amendments thereto. There shall be no recovery of medical assistance
21 correctly paid to or on behalf of an individual under subsection—~~(d)~~ (e)
22 except after the death of the surviving spouse of the individual, if any, and
23 only at a time when the individual has no surviving child who is under 21
24 years of age or is blind or permanently and totally disabled. Transfers of
25 real or personal property by recipients of medical assistance without
26 adequate consideration are voidable and may be set aside. Except where
27 there is a surviving spouse, or a surviving child who is under 21 years of
28 age or is blind or permanently and totally disabled, the amount of any
29 medical assistance paid under subsection—~~(d)~~ (e) is a claim against the
30 estate in any guardianship or conservatorship proceeding. The monetary
31 value of any benefits received by the recipient of such medical assistance
32 under long-term care insurance, as defined by K.S.A. 40-2227, and
33 amendments thereto, shall be a credit against the amount of the claim
34 provided for such medical assistance under this subsection. The secretary
35 of health and environment is authorized to enforce each claim provided for
36 under this subsection. The secretary of health and environment shall not be
37 required to pursue every claim, but is granted discretion to determine
38 which claims to pursue. All moneys received by the secretary of health and
39 environment from claims under this subsection shall be deposited in the
40 social welfare fund. The secretary of health and environment may adopt
41 rules and regulations for the implementation and administration of the
42 medical assistance recovery program under this subsection.

43 (3) By applying for or receiving medical assistance under the

1 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and
2 amendments thereto, such individual or such individual's agent, fiduciary,
3 guardian, conservator, representative payee or other person acting on
4 behalf of the individual consents to the following definitions of estate and
5 the results therefrom:

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

11 (B) if an individual receives any medical assistance on or after July 1,
12 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
13 and amendments thereto, which forms the basis for a claim under
14 paragraph (2), such claim shall apply to the individual's medical assistance
15 estate. The medical assistance estate is defined as including all real and
16 personal property and other assets in which the deceased individual had
17 any legal title or interest immediately before or at the time of death to the
18 extent of that interest or title. The medical assistance estate includes,
19 without limitation assets conveyed to a survivor, heir or assign of the
20 deceased recipient through joint tenancy, tenancy in common,
21 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
22 trust, annuities or similar arrangement.

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

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

34 (B) The secretary of health and environment or the secretary's
35 designee may place a lien on any interest in real property owned by a
36 recipient of medical assistance during the lifetime of such recipient. Such
37 lien may be filed only after notice and an opportunity for a hearing has
38 been given. Such lien may be enforced only upon competent medical
39 testimony that the recipient cannot reasonably be expected to be
40 discharged and returned home. A six-month period of compensated
41 inpatient care at a nursing home or other medical institution shall
42 constitute a determination by the department of health and environment
43 that the recipient cannot reasonably be expected to be discharged and

1 returned home. To return home means the recipient leaves the nursing or
2 medical facility and resides in the home on which the lien has been placed
3 for a continuous period of at least 90 days without being readmitted as an
4 inpatient to a nursing or medical facility. The amount of the lien shall be
5 for the amount of assistance paid by the department of health and
6 environment until the time of the filing of the lien and for any amount paid
7 thereafter for such medical assistance to the recipient. After the lien is filed
8 against any real property owned by the recipient, such lien will be
9 dissolved if the recipient is discharged, returns home and resides upon the
10 real property to which the lien is attached for a continuous period of at
11 least 90 days without being readmitted as an inpatient to a nursing or
12 medical facility. If the recipient is readmitted as an inpatient to a nursing or
13 medical facility for a continuous period of less than 90 days, another
14 continuous period of at least 90 days shall be completed prior to
15 dissolution of the lien.

16 (5) The lien filed by the secretary of health and environment or the
17 secretary's designee for medical assistance correctly received may be
18 enforced before or after the death of the recipient by the filing of an action
19 to foreclose such lien in the Kansas district court or through an estate
20 probate court action in the county where the real property of the recipient
21 is located. However, it may be enforced only:

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

23 (B) when there is no child of the recipient, natural or adopted, who is
24 20 years of age or less residing in the home;

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

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

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

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

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

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

43 (7) If the secretary for aging and disability services or the secretary of

1 health and environment, or both, or such secretary's designee has not filed
2 an action to foreclose the lien in the Kansas district court in the county
3 where the real property is located within 10 years from the date of the
4 filing of the lien, then the lien shall become dormant, and shall cease to
5 operate as a lien on the real estate of the recipient. Such dormant lien may
6 be revived in the same manner as a dormant judgment lien is revived under
7 K.S.A. 60-2403 et seq., and amendments thereto.

8 (8) Within seven days of receipt of notice by the secretary for
9 children and families or the secretary's designee of the death of a recipient
10 of medical assistance under this subsection, the secretary for children and
11 families or the secretary's designee shall give notice of such recipient's
12 death to the secretary of health and environment or the secretary's
13 designee.

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

19 ~~(g)~~ (h) *Placement under the revised Kansas code for care of children*
20 *or revised Kansas juvenile justice code; assignment of support rights and*
21 *limited power of attorney.* In any case in which the secretary for children
22 and families pays for the expenses of care and custody of a child pursuant
23 to K.S.A. 2015 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
24 thereto, including the expenses of any foster care placement, an
25 assignment of all past, present and future support rights of the child in
26 custody possessed by either parent or other person entitled to receive
27 support payments for the child is, by operation of law, conveyed to the
28 secretary. Such assignment shall become effective upon placement of a
29 child in the custody of the secretary or upon payment of the expenses of
30 care and custody of a child by the secretary without the requirement that
31 any document be signed by the parent or other person entitled to receive
32 support payments for the child. When the secretary pays for the expenses
33 of care and custody of a child or a child is placed in the custody of the
34 secretary, the parent or other person entitled to receive support payments
35 for the child is also deemed to have appointed the secretary, or the
36 secretary's designee, as attorney in fact to perform the specific act of
37 negotiating and endorsing all drafts, checks, money orders or other
38 negotiable instruments representing support payments received by the
39 secretary on behalf of the child. This limited power of attorney shall be
40 effective from the date the assignment to support rights becomes effective
41 and shall remain in effect until the assignment of support rights has been
42 terminated in full.

43 ~~(h)~~ (i) No person who voluntarily quits employment or who is fired

1 from employment due to gross misconduct as defined by rules and
2 regulations of the secretary or who is a fugitive from justice by reason of a
3 felony conviction or charge or violation of a condition of probation or
4 parole imposed under federal or state law shall be eligible to receive public
5 assistance benefits in this state. Any recipient of public assistance who
6 fails to timely comply with monthly reporting requirements under criteria
7 and guidelines prescribed by rules and regulations of the secretary shall be
8 subject to a penalty established by the secretary by rules and regulations.

9 ~~(j)~~ (j) If the applicant or recipient of temporary assistance for needy
10 families is a mother of the dependent child, as a condition of the mother's
11 eligibility for temporary assistance for needy families the mother shall
12 identify by name and, if known, by current address the father of the
13 dependent child except that the secretary may adopt by rules and
14 regulations exceptions to this requirement in cases of undue hardship. Any
15 recipient of temporary assistance for needy families who fails to cooperate
16 with requirements relating to child support services under criteria and
17 guidelines prescribed by rules and regulations of the secretary shall be
18 subject to a penalty established by the secretary.

19 ~~(k)~~ (k) By applying for or receiving child care benefits or food
20 assistance, the applicant or recipient shall be deemed to have assigned,
21 pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on
22 behalf of the state only accrued, present or future rights to support from
23 any other person such applicant may have in such person's own behalf or
24 in behalf of any other family member for whom the applicant is applying
25 for or receiving aid. The assignment of support rights shall automatically
26 become effective upon the date of approval for or receipt of such aid
27 without the requirement that any document be signed by the applicant or
28 recipient. By applying for or receiving child care benefits or food
29 assistance, the applicant or recipient is also deemed to have appointed the
30 secretary, or the secretary's designee, as an attorney in fact to perform the
31 specific act of negotiating and endorsing all drafts, checks, money orders
32 or other negotiable instruments representing support payments received by
33 the secretary in behalf of any person applying for, receiving or having
34 received such assistance. This limited power of attorney shall be effective
35 from the date the secretary approves the application for aid and shall
36 remain in effect until the assignment of support rights has been terminated
37 in full. An applicant or recipient who has assigned support rights to the
38 secretary pursuant to this subsection shall cooperate in establishing and
39 enforcing support obligations to the same extent required of applicants for
40 or recipients of temporary assistance for needy families.

41 ~~(l)~~ (l) (1) A program of drug screening for applicants for cash
42 assistance as a condition of eligibility for cash assistance and persons
43 receiving cash assistance as a condition of continued receipt of cash

1 assistance shall be established, subject to applicable federal law, by the
2 secretary for children and families on and before January 1, 2014. Under
3 such program of drug screening, the secretary for children and families
4 shall order a drug screening of an applicant for or a recipient of cash
5 assistance at any time when reasonable suspicion exists that such applicant
6 for or recipient of cash assistance is unlawfully using a controlled
7 substance or controlled substance analog. The secretary for children and
8 families may use any information obtained by the secretary for children
9 and families to determine whether such reasonable suspicion exists,
10 including, but not limited to, an applicant's or recipient's demeanor, missed
11 appointments and arrest or other police records, previous employment or
12 application for employment in an occupation or industry that regularly
13 conducts drug screening, termination from previous employment due to
14 unlawful use of a controlled substance or controlled substance analog or
15 prior drug screening records of the applicant or recipient indicating
16 unlawful use of a controlled substance or controlled substance analog.

17 (2) Any applicant for or recipient of cash assistance whose drug
18 screening results in a positive test may request that the drug screening
19 specimen be sent to a different drug testing facility for an additional drug
20 screening. Any applicant for or recipient of cash assistance who requests
21 an additional drug screening at a different drug testing facility shall be
22 required to pay the cost of drug screening. Such applicant or recipient who
23 took the additional drug screening and who tested negative for unlawful
24 use of a controlled substance and controlled substance analog shall be
25 reimbursed for the cost of such additional drug screening.

26 (3) Any applicant for or recipient of cash assistance who tests
27 positive for unlawful use of a controlled substance or controlled substance
28 analog shall be required to complete a substance abuse treatment program
29 approved by the secretary for children and families, secretary of labor or
30 secretary of commerce, and a job skills program approved by the secretary
31 for children and families, secretary of labor or secretary of commerce.
32 Subject to applicable federal laws, any applicant for or recipient of cash
33 assistance who fails to complete or refuses to participate in the substance
34 abuse treatment program or job skills program as required under this
35 subsection shall be ineligible to receive cash assistance until completion of
36 such substance abuse treatment and job skills programs. Upon completion
37 of both substance abuse treatment and job skills programs, such applicant
38 for or recipient of cash assistance may be subject to periodic drug
39 screening, as determined by the secretary for children and families. Upon a
40 second positive test for unlawful use of a controlled substance or
41 controlled substance analog, a recipient of cash assistance shall be ordered
42 to complete again a substance abuse treatment program and job skills
43 program, and shall be terminated from cash assistance for a period of 12

1 months, or until such recipient of cash assistance completes both substance
2 abuse treatment and job skills programs, whichever is later. Upon a third
3 positive test for unlawful use of a controlled substance or controlled
4 substance analog, a recipient of cash assistance shall be terminated from
5 cash assistance, subject to applicable federal law.

6 (4) If an applicant for or recipient of cash assistance is ineligible for
7 or terminated from cash assistance as a result of a positive test for
8 unlawful use of a controlled substance or controlled substance analog, and
9 such applicant for or recipient of cash assistance is the parent or legal
10 guardian of a minor child, an appropriate protective payee shall be
11 designated to receive cash assistance on behalf of such child. Such parent
12 or legal guardian of the minor child may choose to designate an individual
13 to receive cash assistance for such parent's or legal guardian's minor child,
14 as approved by the secretary for children and families. Prior to the
15 designated individual receiving any cash assistance, the secretary for
16 children and families shall review whether reasonable suspicion exists that
17 such designated individual is unlawfully using a controlled substance or
18 controlled substance analog.

19 (A) In addition, any individual designated to receive cash assistance
20 on behalf of an eligible minor child shall be subject to drug screening at
21 any time when reasonable suspicion exists that such designated individual
22 is unlawfully using a controlled substance or controlled substance analog.
23 The secretary for children and families may use any information obtained
24 by the secretary for children and families to determine whether such
25 reasonable suspicion exists, including, but not limited to, the designated
26 individual's demeanor, missed appointments and arrest or other police
27 records, previous employment or application for employment in an
28 occupation or industry that regularly conducts drug screening, termination
29 from previous employment due to unlawful use of a controlled substance
30 or controlled substance analog or prior drug screening records of the
31 designated individual indicating unlawful use of a controlled substance or
32 controlled substance analog.

33 (B) Any designated individual whose drug screening results in a
34 positive test may request that the drug screening specimen be sent to a
35 different drug testing facility for an additional drug screening. Any
36 designated individual who requests an additional drug screening at a
37 different drug testing facility shall be required to pay the cost of drug
38 screening. Such designated individual who took the additional drug
39 screening and who tested negative for unlawful use of a controlled
40 substance and controlled substance analog shall be reimbursed for the cost
41 of such additional drug screening.

42 (C) Upon any positive test for unlawful use of a controlled substance
43 or controlled substance analog, the designated individual shall not receive

1 cash assistance on behalf of the parent's or legal guardian's minor child,
2 and another designated individual shall be selected by the secretary for
3 children and families to receive cash assistance on behalf of such parent's
4 or legal guardian's minor child.

5 (5) If a person has been convicted under federal or state law of any
6 offense which is classified as a felony by the law of the jurisdiction and
7 which has as an element of such offense the manufacture, cultivation,
8 distribution, possession or use of a controlled substance or controlled
9 substance analog, and the date of conviction is on or after July 1, 2013,
10 such person shall thereby become forever ineligible to receive any cash
11 assistance under this subsection unless such conviction is the person's first
12 conviction. First-time offenders convicted under federal or state law of any
13 offense which is classified as a felony by the law of the jurisdiction and
14 which has as an element of such offense the manufacture, cultivation,
15 distribution, possession or use of a controlled substance or controlled
16 substance analog, and the date of conviction is on or after July 1, 2013,
17 such person shall become ineligible to receive cash assistance for five
18 years from the date of conviction.

19 (6) Except for hearings before the Kansas department for children
20 and families or, the results of any drug screening administered as part of
21 the drug screening program authorized by this subsection shall be
22 confidential and shall not be disclosed publicly.

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

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

28 (9) As used in this subsection:

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

33 (B) "Controlled substance" means the same as in K.S.A. 2015 Supp.
34 21-5701, and amendments thereto, and 21 U.S.C. § 802.

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

37 ~~Sec. 37.4.~~ K.S.A. 39-719b is hereby amended to read as follows: 39-
38 719b. (a) If at any time during the continuance of assistance to any person,
39 the recipient thereof becomes possessed of any property or income in
40 excess of the amount ascertained at the time of granting assistance, or if
41 any of the recipient's circumstances which affect eligibility to receive
42 assistance change from the time of determination of eligibility, it shall be
43 the duty of the recipient to notify the secretary immediately of the receipt

1 or possession of such property, income, or of such change in circumstances
2 affecting eligibility and ~~said~~ the secretary may, after investigation, cancel
3 or modify the assistance payment in accordance with the circumstances.

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

12 (c) *The total amount of any assistance that is sold, transferred or*
13 *otherwise disposed of to others by a recipient or any other person, or the*
14 *total amount of any assistance that is knowingly purchased, acquired or*
15 *possessed by any person, except as authorized in state and federal law,*
16 *rules and regulations and agency policy of the department for children*
17 *and families or the department of health and environment, is a debt due to*
18 *the state and the total amount of such assistance that was improperly sold,*
19 *transferred, disposed, purchased, acquired or possessed shall be*
20 *recoverable by the secretary for children and families or the secretary of*
21 *health and environment. Such debt may be recovered during the life or*
22 *upon the death of any recipient or person who sold, transferred, disposed,*
23 *purchased, acquired or possessed such assistance and may be recovered*
24 *as a fourth class claim from the estate of the person or in an action*
25 *brought against the recipient or person while living.*

26 ~~Sec.-4: {5.}~~ K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-
27 709 are hereby repealed.

28 ~~Sec.-5: {6.}~~ This act shall take effect and be in force from and after its
29 publication in the statute book.