

SENATE BILL No. 12

By Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight

1-11

1 AN ACT concerning public assistance; relating to administration by the
2 Kansas department for children and families; eligibility requirements
3 and limitations; amending K.S.A. 2018 Supp. 39-702, 39-709 and 39-
4 719b and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2018 Supp. 39-702 is hereby amended to read as
8 follows: 39-702. The following words and phrases when used in this act
9 shall, for the purposes of this act, have the meanings respectively ascribed
10 to them in this section:

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

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

15 (c) "Social welfare service" may include such functions as giving
16 assistance, the prevention of public dependency, and promoting the
17 rehabilitation of dependent persons or those who are approaching public
18 dependency.

19 (d) "Assistance" includes such items or functions as the giving or
20 providing of money, food assistance, food, clothing, shelter, medicine or
21 other materials, the giving of any service, including instructive or
22 scientific. The definitions of social welfare service and assistance in this
23 section shall be deemed as partially descriptive and not limiting.

24 (e) "Temporary assistance to needy families" means financial
25 assistance with respect to or on behalf of a dependent child or dependent
26 children and includes financial assistance for any month to meet the needs
27 of the relative or qualifying caretaker with whom any dependent child is
28 living.

29 (f) "Medical assistance" means the payment of all or part of the cost
30 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
31 services that are within the scope of services to be provided under a
32 medical care plan developed by the secretary pursuant to this act and
33 furnished by health care providers who have a current approved provider
34 agreement with the secretary; and (2) transportation to obtain care and
35 services that are within the scope of services to be provided under a

1 medical care plan developed by the secretary pursuant to this act.

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

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

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

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

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

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

23 (m) "TANF diversion assistance" means a one-time voluntary
24 payment option in lieu of ongoing TANF assistance. The diversion
25 payment is available to applicants who have not received TANF assistance
26 as an adult, and is designed to meet a crisis or emergency hardship that
27 would endanger such applicants' ability to remain employed or to accept
28 an offer of employment. Any household that includes such recipient
29 accepting the diversion payment is ineligible to receive on-going TANF
30 assistance for 12 months after receipt of the diversion payment. Any
31 recipient who receives a diversion payment is limited to ~~18~~ 48 months of
32 TANF cash assistance in a lifetime, unless such recipient shall meet a
33 hardship criteria as defined by the secretary.

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

37 Sec. 2. K.S.A. 2018 Supp. 39-709 is hereby amended to read as
38 follows: 39-709. (a) *General eligibility requirements for assistance for*
39 *which federal moneys are expended.* Subject to the additional requirements
40 below, assistance in accordance with plans under which federal moneys
41 are expended may be granted to any needy person who:

42 (1) Has insufficient income or resources to provide a reasonable
43 subsistence compatible with decency and health. Where a husband and

1 wife or cohabiting partners are living together, the combined income or
2 resources of both shall be considered in determining the eligibility of
3 either or both for such assistance unless otherwise prohibited by law. The
4 secretary, in determining need of any applicant for or recipient of
5 assistance shall not take into account the financial responsibility of any
6 individual for any applicant or recipient of assistance unless such applicant
7 or recipient is such individual's spouse, cohabiting partner or such
8 individual's minor child or minor stepchild if the stepchild is living with
9 such individual. The secretary in determining need of an individual may
10 provide such income and resource exemptions as may be permitted by
11 federal law. For purposes of eligibility for temporary assistance for needy
12 families, for food assistance and for any other assistance provided through
13 the Kansas department for children and families under which federal
14 moneys are expended, the secretary for children and families shall
15 consider one motor vehicle owned by the applicant for assistance,
16 regardless of the value of such vehicle, as exempt personal property and
17 shall consider any equity in any ~~boat, personal water craft, recreational~~
18 ~~vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined~~
19 ~~by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle~~
20 ~~owned by the applicant for assistance to be a nonexempt resource of the~~
21 ~~applicant for assistance except that any additional motor vehicle used by~~
22 ~~the applicant, the applicant's spouse or the applicant's cohabiting partner~~
23 ~~for the primary purpose of earning income may be considered as exempt~~
24 ~~personal property in the secretary's discretion.~~

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

27 (b) *Temporary assistance for needy families.* Assistance may be
28 granted under this act to any dependent child, or relative, subject to the
29 general eligibility requirements as set out in subsection (a), who resides in
30 the state of Kansas or whose parent or other relative with whom the child
31 is living resides in the state of Kansas. Such assistance shall be known as
32 temporary assistance for needy families. Where the husband and wife or
33 cohabiting partners are living together, both shall register for work under
34 the program requirements for temporary assistance for needy families in
35 accordance with criteria and guidelines prescribed by rules and regulations
36 of the secretary.

37 (1) ~~As used in this subsection, "family group" or "household" means~~
38 ~~the applicant or recipient for TANF, child care subsidy or employment~~
39 ~~services and all individuals living together in which there is a relationship~~
40 ~~of legal responsibility or a qualifying caretaker relationship. This will~~
41 ~~include a cohabiting boyfriend or girlfriend living with the person legally~~
42 ~~responsible for the child. The family group shall not be eligible for TANF~~
43 ~~if the family group contains at least one adult member who has received~~

1 TANF, including the federal TANF assistance received in any other state,
2 for 24 calendar months beginning on and after October 1, 1996, unless the
3 secretary determines a hardship exists and grants an extension allowing
4 receipt of TANF until the 36-month limit is reached. No extension beyond
5 36 months shall be granted. Hardship provisions for a recipient include:

6 (A) ~~Is a caretaker of a disabled family member living in the~~
7 ~~household;~~

8 (B) ~~has a disability which precludes employment on a long-term basis~~
9 ~~or requires substantial rehabilitation;~~

10 (C) ~~needs a time limit extension to overcome the effects of domestic~~
11 ~~violence/sexual assault;~~

12 (D) ~~is involved with prevention and protection services (PPS) and has~~
13 ~~an open social service plan; or~~

14 (E) ~~is determined by the 24th month to have an extreme hardship other~~
15 ~~than what is designated in criteria listed in subparagraphs (A) through (D).~~
16 ~~This determination will be made by the executive review team.~~

17 (2) ~~All adults applying for TANF shall be required to complete a~~
18 ~~work program assessment as specified by the Kansas department for~~
19 ~~children and families, including those who have been disqualified for or~~
20 ~~denied TANF due to non-cooperation, drug testing requirements or fraud.~~
21 ~~Adults who are not otherwise eligible for TANF, such as ineligible aliens,~~
22 ~~relative/non-relative caretakers and adults receiving supplemental security~~
23 ~~income are not required to complete the assessment process. During the~~
24 ~~application processing period, applicants must complete at least one~~
25 ~~module or its equivalent of the work program assessment to be considered~~
26 ~~eligible for TANF benefits, unless good cause is found to be exempt from~~
27 ~~the requirements. Good cause exemptions shall only include:~~

28 (A) ~~The applicant can document an existing certification verifying~~
29 ~~completion of the work program assessment;~~

30 (B) ~~the applicant has a valid offer of employment or is employed a~~
31 ~~minimum of 20 hours a week;~~

32 (C) ~~the applicant is a parenting teen without a GED or high school~~
33 ~~diploma;~~

34 (D) ~~the applicant is enrolled in job corps;~~

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

36 (F) ~~the applicant has completed the work program assessment within~~
37 ~~the last 12 months.~~

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

42 (4) ~~TANF mandatory work program applicants and recipients shall~~
43 ~~participate in work components that lead to competitive, integrated~~

1 employment. Components are defined by the federal government as being
2 either primary or secondary. In order to meet federal work participation
3 requirements, households need to meet at least 30 hours of participation
4 per week, at least 20 hours of which need to be primary and at least 10
5 hours may be secondary components in one parent households where the
6 youngest child is six years of age or older. Participation hours shall be 55
7 hours in two parent households (35 hours per week if child care is not
8 used). The maximum assignment is 40 hours per week per individual. For
9 two parent families to meet the federal work participation rate both parents
10 must participate in a combined total of 55 hours per week, 50 hours of
11 which must be in primary components, or one or both parents could be
12 assigned a combined total of 35 hours per week (30 hours of which must
13 be primary components) if department for children and families paid child
14 care is not received by the family. Single parent families with a child under
15 age six meet the federal participation requirement if the parent is engaged
16 in work or work activities for at least 20 hours per week in a primary work
17 component. The following components meet federal definitions of primary
18 hours of participation: Full or part-time employment, apprenticeship, work
19 study, self-employment, job corps, subsidized employment, work
20 experience sites, on-the-job training, supervised community service,
21 vocational education, job search and job readiness. Secondary components
22 include: Job skills training, education directly related to employment such
23 as adult basic education and English as a second language, and completion
24 of a high school diploma or GED.

25 ~~(5) A parent or other adult caretaker personally providing care for a~~
26 ~~child under the age of three months in their TANF household is exempt~~
27 ~~from work participation activities until the month the child turns three~~
28 ~~months of age. Such three-month limitation shall not apply to a parent or~~
29 ~~other adult caretaker who is personally providing care for a child born~~
30 ~~significantly premature, with serious medical conditions or with a~~
31 ~~disability as defined by the secretary, in consultation with the secretary of~~
32 ~~health and environment, and adopted in the rules and regulations. The~~
33 ~~three-month period is defined as two consecutive months starting with the~~
34 ~~month after childbirth. The exemption for caring for a child under three~~
35 ~~months cannot be claimed:~~

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

38 ~~(B) by one parent or caretaker when the other parent or caretaker is in~~
39 ~~the home, and available, capable and suitable to provide care and the~~
40 ~~household does not meet the two-parent definition for federal reporting~~
41 ~~purposes;~~

42 ~~(C) by a person age 19 or younger when such person is pregnant or a~~
43 ~~parent of a child in the home and the person does not possess a high school~~

1 diploma or its equivalent. Such person shall become exempt the month
2 such person turns age 20; or

3 ~~(D) by any person assigned to a work participation activity for~~
4 ~~substance use disorders.~~

5 ~~(6) TANF work experience placements shall be reviewed after 90~~
6 ~~days and are limited to six months per 24-month lifetime limit. A client's~~
7 ~~progress shall be reviewed prior to each new placement regardless of the~~
8 ~~length of time they are at the work experience site.~~

9 ~~(7) TANF participants with disabilities shall engage in required~~
10 ~~employment activities to the maximum extent consistent with their~~
11 ~~abilities. TANF participants shall provide current documentation by a~~
12 ~~qualified medical practitioner that details the abilities to engage in~~
13 ~~employment and any limitations in work activities along with the expected~~
14 ~~duration of such limitations. Disability is defined as a physical or mental~~
15 ~~impairment constituting or resulting in a substantial impediment to~~
16 ~~employment for such individual.~~

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

22 ~~(A) For a first penalty, three months and full cooperation with work~~
23 ~~program activities;~~

24 ~~(B) for a second penalty, six months and full cooperation with work~~
25 ~~program activities;~~

26 ~~(C) for a third penalty, one year and full cooperation with work~~
27 ~~program activities; and~~

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

29 ~~(9) Individuals that have not cooperated with TANF work programs~~
30 ~~shall be ineligible to participate in the food assistance program. The~~
31 ~~comparable penalty shall be applied to only the individual in the food~~
32 ~~assistance program who failed to comply with the TANF work~~
33 ~~requirement. The agency shall impose the same penalty to the member of~~
34 ~~the household who failed to comply with TANF requirements. The penalty~~
35 ~~periods are three months, six months, one year, or 10 years.~~

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

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

43 ~~(B) for a second penalty, six months and cooperation with child~~

1 support services prior to regaining eligibility;

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

4 (D) ~~for a fourth penalty, 10 years.~~

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

9 (12) (A) ~~Any individual who is found to have committed fraud or is~~
10 ~~found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.~~
11 ~~2018 Supp. 21-5801, and amendments thereto, in either the TANF or child~~
12 ~~care program shall render all adults in the family unit ineligible for TANF~~
13 ~~assistance. Adults in the household who were determined to have~~
14 ~~committed fraud or were convicted of the crime of theft pursuant to K.S.A.~~
15 ~~39-720 and K.S.A. 2018 Supp. 21-5801, and amendments thereto, shall~~
16 ~~render themselves and all adult household members ineligible for their~~
17 ~~lifetime for TANF, even if fraud was committed in only one program.~~
18 ~~Households who have been determined to have committed fraud or were~~
19 ~~convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2018~~
20 ~~Supp. 21-5801, and amendments thereto, shall be required to name a~~
21 ~~protective payee as approved by the secretary or the secretary's designee to~~
22 ~~administer TANF benefits or food assistance on behalf of the children. No~~
23 ~~adult in a household may have access to the TANF cash assistance benefit.~~

24 (B) ~~Any individual that has failed to cooperate with a fraud~~
25 ~~investigation shall be ineligible to participate in the TANF cash assistance~~
26 ~~program and the child care subsidy program until the department for~~
27 ~~children and families determines that such individual is cooperating with~~
28 ~~the fraud investigation. The department for children and families shall~~
29 ~~maintain a sufficient level of fraud investigative staff to enable the~~
30 ~~department to conduct fraud investigations in a timely manner and in full~~
31 ~~accordance with state law and department rules and regulations or policies.~~

32 (13) (A) ~~Food assistance shall not be provided to any person~~
33 ~~convicted of a felony offense occurring on or after July 1, 2015, which~~
34 ~~includes as an element of such offense the manufacture, cultivation,~~
35 ~~distribution, possession or use of a controlled substance or controlled~~
36 ~~substance analog. For food assistance, the individual shall be permanently~~
37 ~~disqualified if they have been convicted of a state or federal felony offense~~
38 ~~occurring on or after July 1, 2015, involving possession or use of a~~
39 ~~controlled substance or controlled substance analog.~~

40 (B) ~~Notwithstanding the provisions of subparagraph (A), an~~
41 ~~individual shall be eligible for food assistance if the individual enrolls in~~
42 ~~and participates in a drug treatment program approved by the secretary,~~
43 ~~submits to and passes a drug test and agrees to submit to drug testing if~~

1 requested by the department pursuant to a drug testing plan.

2 An individual's failure to submit to testing or failure to successfully
3 pass a drug test shall result in ineligibility for food assistance until a drug
4 test is successfully passed. Failure to successfully complete a drug
5 treatment program shall result in ineligibility for food assistance until a
6 drug treatment plan approved by the secretary is successfully completed,
7 the individual passes a drug test and agrees to submit to drug testing if
8 requested by the department pursuant to a drug testing plan.

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

12 (14) No TANF cash assistance shall be used to purchase alcohol,
13 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
14 collegiate sporting event tickets or tickets for other entertainment events
15 intended for the general public or sexually oriented adult materials. No
16 TANF cash assistance shall be used in any retail liquor store, casino,
17 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
18 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
19 vapor cigarette store, psychic or fortune telling business, bail bond
20 company, video arcade, movie theater, swimming pool, cruise ship, theme
21 park, dog or horse racing facility, parimutuel facility, or sexually oriented
22 business or any retail establishment which provides adult-oriented
23 entertainment in which performers disrobe or perform in an unclothed
24 state for entertainment, or in any business or retail establishment where
25 minors under age 18 are not permitted. No TANF cash assistance shall be
26 used for purchases at points of sale outside the state of Kansas.

27 (15) (A) The secretary for children and families shall place a
28 photograph of the recipient, if agreed to by such recipient of public
29 assistance, on any Kansas benefits card issued by the Kansas department
30 for children and families that the recipient uses in obtaining food, cash or
31 any other services. When a recipient of public assistance is a minor or
32 otherwise incapacitated individual, a parent or legal guardian of such
33 recipient may have a photograph of such parent or legal guardian placed
34 on the card.

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

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

43 (D) The Kansas department for children and families shall monitor all

1 recipient requests for a Kansas benefits card replacement and, upon the
2 fourth such request in a 12-month period, send a notice alerting the
3 recipient that the recipient's account is being monitored for potential
4 suspicious activity. If a recipient makes an additional request for
5 replacement subsequent to such notice, the department shall refer the
6 investigation to the department's fraud investigation unit.

7 (16) ~~The secretary for children and families shall adopt rules and~~
8 ~~regulations:~~

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

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

15 (i) ~~Adults who are not capable of meeting the requirement due to a~~
16 ~~documented physical or mental condition;~~

17 (ii) ~~adults who are former TANF recipients who need child care for~~
18 ~~employment after their TANF case has closed and earned income is a~~
19 ~~factor in the closure in the two months immediately following TANF~~
20 ~~closure;~~

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

24 (iv) ~~adults who are participants in a food assistance employment and~~
25 ~~training program; or~~

26 (v) ~~adults who are participants in an early head start child care~~
27 ~~partnership program and are working or in school or training.~~

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

1 ~~(17) (A) The secretary for children and families is prohibited from~~
2 ~~requesting or implementing a waiver or program from the U.S. department~~
3 ~~of agriculture for the time limited assistance provisions for able-bodied~~
4 ~~adults aged 18 through 49 without dependents in a household under the~~
5 ~~food assistance program. The time on food assistance for able-bodied~~
6 ~~adults aged 18 through 49 without dependents in the household shall be~~
7 ~~limited to three months in a 36-month period if such adults are not meeting~~
8 ~~the requirements imposed by the U.S. department of agriculture that they~~
9 ~~must work for at least 20 hours per week or participate in a federally~~
10 ~~approved work program or its equivalent.~~

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

16 ~~(C) Any recipient who has not complied with the work requirements~~
17 ~~under subparagraph (B) shall be ineligible to participate in the food~~
18 ~~assistance program for the following time period and until the recipient~~
19 ~~complies with such work requirements:~~

20 ~~(i) For a first penalty, three months;~~

21 ~~(ii) for a second penalty, six months; and~~

22 ~~(iii) for a third penalty and any subsequent penalty, one year.~~

23 ~~(18) Eligibility for the food assistance program shall be limited to~~
24 ~~those individuals who are citizens or who meet qualified non-citizen status~~
25 ~~as determined by U.S. department of agriculture. Non-citizen individuals~~
26 ~~who are unable or unwilling to provide qualifying immigrant~~
27 ~~documentation, as defined by the U.S. department of agriculture, residing~~
28 ~~within a household shall not be included when determining the household's~~
29 ~~size for the purposes of assigning a benefit level to the household for food~~
30 ~~assistance or comparing the household's monthly income with the income~~
31 ~~eligibility standards. The gross non-exempt earned and unearned income~~
32 ~~and resources of disqualified individuals shall be counted in its entirety as~~
33 ~~available to the remaining household members.~~

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

38 ~~(20) No federal or state funds shall be used for television, radio or~~
39 ~~billboard advertisements that are designed to promote food assistance~~
40 ~~benefits and enrollment. No federal or state funding shall be used for any~~
41 ~~agreements with foreign governments designed to promote food~~
42 ~~assistance.~~

43 ~~(21) (A) The secretary for children and families shall not apply gross~~

1 income standards for food assistance higher than the standards specified in
2 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
3 eligibility exempting households from such gross income standards
4 requirements shall not be granted for any non-cash, in-kind or other
5 benefit unless expressly required by federal law.

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

12 (c) (1) ~~On and after January 1, 2017, the department for children and~~
13 ~~families shall conduct an electronic check for any false information~~
14 ~~provided on an application for TANF and other benefits programs~~
15 ~~administered by the department. For TANF cash assistance, food~~
16 ~~assistance and the child care subsidy program, the department shall verify~~
17 ~~the identity of all adults in the assistance household.~~

18 (2) ~~The department of administration shall provide monthly to the~~
19 ~~Kansas department for children and families the social security numbers or~~
20 ~~alternate taxpayer identification numbers of all persons who claim a~~
21 ~~Kansas lottery prize in excess of \$5,000 during the reported month. The~~
22 ~~Kansas department for children and families shall verify if individuals~~
23 ~~with such winnings are receiving TANF cash assistance, food assistance or~~
24 ~~assistance under the child care subsidy program and take appropriate~~
25 ~~action. The Kansas department for children and families shall use data~~
26 ~~received under this subsection solely, and for no other purpose, to~~
27 ~~determine if any recipient's eligibility for benefits has been affected by~~
28 ~~lottery prize winnings. The Kansas department for children and families~~
29 ~~shall not publicly disclose the identity of any lottery prize winner,~~
30 ~~including recipients who are determined to have illegally received~~
31 ~~benefits.~~

32 (d)(c) *Temporary assistance for needy families; assignment of*
33 *support rights and limited power of attorney.* By applying for or receiving
34 temporary assistance for needy families such applicant or recipient shall be
35 deemed to have assigned to the secretary on behalf of the state any
36 accrued, present or future rights to support from any other person such
37 applicant may have in such person's own behalf or in behalf of any other
38 family member for whom the applicant is applying for or receiving aid. In
39 any case in which an order for child support has been established and the
40 legal custodian and obligee under the order surrenders physical custody of
41 the child to a caretaker relative without obtaining a modification of legal
42 custody and support rights on behalf of the child are assigned pursuant to
43 this section, the surrender of physical custody and the assignment shall

1 transfer, by operation of law, the child's support rights under the order to
2 the secretary on behalf of the state. Such assignment shall be of all
3 accrued, present or future rights to support of the child surrendered to the
4 caretaker relative. The assignment of support rights shall automatically
5 become effective upon the date of approval for or receipt of such aid
6 without the requirement that any document be signed by the applicant,
7 recipient or obligee. By applying for or receiving temporary assistance for
8 needy families, or by surrendering physical custody of a child to a
9 caretaker relative who is an applicant or recipient of such assistance on the
10 child's behalf, the applicant, recipient or obligee is also deemed to have
11 appointed the secretary, or the secretary's designee, as an attorney-in-fact
12 to perform the specific act of negotiating and endorsing all drafts, checks,
13 money orders or other negotiable instruments representing support
14 payments received by the secretary in behalf of any person applying for,
15 receiving or having received such assistance. This limited power of
16 attorney shall be effective from the date the secretary approves the
17 application for aid and shall remain in effect until the assignment of
18 support rights has been terminated in full.

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

35 (2) For the purposes of medical assistance eligibility determinations
36 on or after July 1, 2004, if an applicant or recipient owns property in joint
37 tenancy with some other party and the applicant or recipient of medical
38 assistance has restricted or conditioned their interest in such property to a
39 specific and discrete property interest less than 100%, then such
40 designation will cause the full value of the property to be considered an
41 available resource to the applicant or recipient. Medical assistance
42 eligibility for receipt of benefits under the title XIX of the social security
43 act, commonly known as medicaid, shall not be expanded, as provided for

1 in the patient protection and affordable care act, public law 111-148, 124
2 stat. 119, and the health care and education reconciliation act of 2010,
3 public law 111-152, 124 stat. 1029, unless the legislature expressly
4 consents to, and approves of, the expansion of medicaid services by an act
5 of the legislature.

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

10 (B) If a trust has discretionary language, the trust shall be considered
11 to be an available resource to the extent, using the full extent of discretion,
12 the trustee may make any of the income or principal available to the
13 applicant or recipient of medical assistance. Any such discretionary trust
14 shall be considered an available resource unless: (i) At the time of creation
15 or amendment of the trust, the trust states a clear intent that the trust is
16 supplemental to public assistance; and (ii) the trust: (a) Is funded from
17 resources of a person who, at the time of such funding, owed no duty of
18 support to the applicant or recipient of medical assistance; or (b) is funded
19 not more than nominally from resources of a person while that person
20 owed a duty of support to the applicant or recipient of medical assistance.

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

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

1 or recipient, the contract, agreement or accord ceases.

2 (B) When an applicant or recipient of medical assistance is a party to
3 a written contract for personal services being provided by a licensed health
4 professional or facility and such contract involves health and welfare
5 monitoring, pharmacy assistance, case management, communication with
6 medical, health or other professionals, or other activities related to home
7 health care, long term care, medical assistance benefits or other related
8 issues, any moneys paid in advance of receipt of services for such
9 contracts shall be considered to be an available resource.

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

12 ~~(f)~~(e) *Eligibility for medical assistance of resident receiving medical*
13 *care outside state.* A person who is receiving medical care including long-
14 term care outside of Kansas whose health would be endangered by the
15 postponement of medical care until return to the state or by travel to return
16 to Kansas, may be determined eligible for medical assistance if such
17 individual is a resident of Kansas and all other eligibility factors are met.
18 Persons who are receiving medical care on an ongoing basis in a long-term
19 medical care facility in a state other than Kansas and who do not return to
20 a care facility in Kansas when they are able to do so, shall no longer be
21 eligible to receive assistance in Kansas unless such medical care is not
22 available in a comparable facility or program providing such medical care
23 in Kansas. For persons who are minors or who are under guardianship, the
24 actions of the parent or guardian shall be deemed to be the actions of the
25 child or ward in determining whether or not the person is remaining
26 outside the state voluntarily.

27 ~~(g)~~(f) *Medical assistance; assignment of rights to medical support*
28 *and limited power of attorney; recovery from estates of deceased*
29 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-
30 787, and amendments thereto, or as otherwise authorized on and after
31 September 30, 1989, under section 303 of the federal medicare
32 catastrophic coverage act of 1988, whichever is applicable, by applying for
33 or receiving medical assistance under a medical care plan in which federal
34 funds are expended, any accrued, present or future rights to support and
35 any rights to payment for medical care from a third party of an applicant or
36 recipient and any other family member for whom the applicant is applying
37 shall be deemed to have been assigned to the secretary on behalf of the
38 state. The assignment shall automatically become effective upon the date
39 of approval for such assistance without the requirement that any document
40 be signed by the applicant or recipient. By applying for or receiving
41 medical assistance the applicant or recipient is also deemed to have
42 appointed the secretary, or the secretary's designee, as an attorney in fact to
43 perform the specific act of negotiating and endorsing all drafts, checks,

1 money orders or other negotiable instruments, representing payments
2 received by the secretary in on behalf of any person applying for, receiving
3 or having received such assistance. This limited power of attorney shall be
4 effective from the date the secretary approves the application for assistance
5 and shall remain in effect until the assignment has been terminated in full.
6 The assignment of any rights to payment for medical care from a third
7 party under this subsection shall not prohibit a health care provider from
8 directly billing an insurance carrier for services rendered if the provider
9 has not submitted a claim covering such services to the secretary for
10 payment. Support amounts collected on behalf of persons whose rights to
11 support are assigned to the secretary only under this subsection and no
12 other shall be distributed pursuant to K.S.A. 39-756(d), and amendments
13 thereto, except that any amounts designated as medical support shall be
14 retained by the secretary for repayment of the unreimbursed portion of
15 assistance. Amounts collected pursuant to the assignment of rights to
16 payment for medical care from a third party shall also be retained by the
17 secretary for repayment of the unreimbursed portion of assistance.

18 (B) Notwithstanding the provisions of subparagraph (A), the
19 secretary of health and environment, or the secretary's designee, is hereby
20 authorized to and shall exercise any of the powers specified in
21 subparagraph (A) in relation to performance of such secretary's duties
22 pertaining to medical subrogation, estate recovery or any other duties
23 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
24 Annotated, and amendments thereto.

25 (2) The amount of any medical assistance paid after June 30, 1992,
26 under the provisions of subsection~~(e)~~ (d) is: (A) A claim against the
27 property or any interest therein belonging to and a part of the estate of any
28 deceased recipient or, if there is no estate, the estate of the surviving
29 spouse, if any, shall be charged for such medical assistance paid to either
30 or both; and (B) a claim against any funds of such recipient or spouse in
31 any account under K.S.A. 9-1215, 17-2263 or 17-2264, and amendments
32 thereto. There shall be no recovery of medical assistance correctly paid to
33 or on behalf of an individual under subsection~~(e)~~ (d) except after the death
34 of the surviving spouse of the individual, if any, and only at a time when
35 the individual has no surviving child who is under 21 years of age or is
36 blind or permanently and totally disabled. Transfers of real or personal
37 property by recipients of medical assistance without adequate
38 consideration are voidable and may be set aside. Except where there is a
39 surviving spouse, or a surviving child who is under 21 years of age or is
40 blind or permanently and totally disabled, the amount of any medical
41 assistance paid under subsection~~(e)~~ (d) is a claim against the estate in any
42 guardianship or conservatorship proceeding. The monetary value of any
43 benefits received by the recipient of such medical assistance under long-

1 term care insurance, as defined by K.S.A. 40-2227, and amendments
2 thereto, shall be a credit against the amount of the claim provided for such
3 medical assistance under this subsection. The secretary of health and
4 environment is authorized to enforce each claim provided for under this
5 subsection. The secretary of health and environment shall not be required
6 to pursue every claim, but is granted discretion to determine which claims
7 to pursue. All moneys received by the secretary of health and environment
8 from claims under this subsection shall be deposited in the social welfare
9 fund. The secretary of health and environment may adopt rules and
10 regulations for the implementation and administration of the medical
11 assistance recovery program under this subsection.

12 (3) By applying for or receiving medical assistance under the
13 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and
14 amendments thereto, such individual or such individual's agent, fiduciary,
15 guardian, conservator, representative payee or other person acting on
16 behalf of the individual consents to the following definitions of estate and
17 the results therefrom:

18 (A) If an individual receives any medical assistance before July 1,
19 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
20 and amendments thereto, which forms the basis for a claim under
21 paragraph (2), such claim is limited to the individual's probatable estate as
22 defined by applicable law; and

23 (B) if an individual receives any medical assistance on or after July 1,
24 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
25 and amendments thereto, which forms the basis for a claim under
26 paragraph (2), such claim shall apply to the individual's medical assistance
27 estate. The medical assistance estate is defined as including all real and
28 personal property and other assets in which the deceased individual had
29 any legal title or interest immediately before or at the time of death to the
30 extent of that interest or title. The medical assistance estate includes,
31 without limitation assets conveyed to a survivor, heir or assign of the
32 deceased recipient through joint tenancy, tenancy in common,
33 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
34 trust, annuities or similar arrangement.

35 (4) The secretary of health and environment or the secretary's
36 designee is authorized to file and enforce a lien against the real property of
37 a recipient of medical assistance in certain situations, subject to all prior
38 liens of record and transfers for value to a bona fide purchaser of record.
39 The lien must be filed in the office of the register of deeds of the county
40 where the real property is located within one year from the date of death of
41 the recipient and must contain the legal description of all real property in
42 the county subject to the lien.

43 (A) After the death of a recipient of medical assistance, the secretary

1 of health and environment or the secretary's designee may place a lien on
2 any interest in real property owned by such recipient.

3 (B) The secretary of health and environment or the secretary's
4 designee may place a lien on any interest in real property owned by a
5 recipient of medical assistance during the lifetime of such recipient. Such
6 lien may be filed only after notice and an opportunity for a hearing has
7 been given. Such lien may be enforced only upon competent medical
8 testimony that the recipient cannot reasonably be expected to be
9 discharged and returned home. A six-month period of compensated
10 inpatient care at a nursing home or other medical institution shall
11 constitute a determination by the department of health and environment
12 that the recipient cannot reasonably be expected to be discharged and
13 returned home. To return home means the recipient leaves the nursing or
14 medical facility and resides in the home on which the lien has been placed
15 for a continuous period of at least 90 days without being readmitted as an
16 inpatient to a nursing or medical facility. The amount of the lien shall be
17 for the amount of assistance paid by the department of health and
18 environment until the time of the filing of the lien and for any amount paid
19 thereafter for such medical assistance to the recipient. After the lien is filed
20 against any real property owned by the recipient, such lien will be
21 dissolved if the recipient is discharged, returns home and resides upon the
22 real property to which the lien is attached for a continuous period of at
23 least 90 days without being readmitted as an inpatient to a nursing or
24 medical facility. If the recipient is readmitted as an inpatient to a nursing or
25 medical facility for a continuous period of less than 90 days, another
26 continuous period of at least 90 days shall be completed prior to
27 dissolution of the lien.

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

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

35 (B) when there is no child of the recipient, natural or adopted, who is
36 20 years of age or less residing in the home;

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

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

43 (6) The lien remains on the property even after a transfer of the title

1 by conveyance, sale, succession, inheritance or will unless one of the
2 following events occur:

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

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

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

12 (7) If the secretary for aging and disability services or the secretary of
13 health and environment, or both, or such secretary's designee has not filed
14 an action to foreclose the lien in the Kansas district court in the county
15 where the real property is located within 10 years from the date of the
16 filing of the lien, then the lien shall become dormant, and shall cease to
17 operate as a lien on the real estate of the recipient. Such dormant lien may
18 be revived in the same manner as a dormant judgment lien is revived under
19 K.S.A. 60-2403 et seq., and amendments thereto.

20 (8) Within seven days of receipt of notice by the secretary for
21 children and families or the secretary's designee of the death of a recipient
22 of medical assistance under this subsection, the secretary for children and
23 families or the secretary's designee shall give notice of such recipient's
24 death to the secretary of health and environment or the secretary's
25 designee.

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

31 ~~(h)~~(g) *Placement under the revised Kansas code for care of children*
32 *or revised Kansas juvenile justice code; assignment of support rights and*
33 *limited power of attorney.* In any case in which the secretary for children
34 and families pays for the expenses of care and custody of a child pursuant
35 to K.S.A. 2018 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
36 thereto, including the expenses of any foster care placement, an
37 assignment of all past, present and future support rights of the child in
38 custody possessed by either parent or other person entitled to receive
39 support payments for the child is, by operation of law, conveyed to the
40 secretary. Such assignment shall become effective upon placement of a
41 child in the custody of the secretary or upon payment of the expenses of
42 care and custody of a child by the secretary without the requirement that
43 any document be signed by the parent or other person entitled to receive

1 support payments for the child. When the secretary pays for the expenses
2 of care and custody of a child or a child is placed in the custody of the
3 secretary, the parent or other person entitled to receive support payments
4 for the child is also deemed to have appointed the secretary, or the
5 secretary's designee, as attorney in fact to perform the specific act of
6 negotiating and endorsing all drafts, checks, money orders or other
7 negotiable instruments representing support payments received by the
8 secretary on behalf of the child. This limited power of attorney shall be
9 effective from the date the assignment to support rights becomes effective
10 and shall remain in effect until the assignment of support rights has been
11 terminated in full.

12 ~~(h)~~(h) No person who voluntarily quits employment or who is fired
13 from employment due to gross misconduct as defined by rules and
14 regulations of the secretary or who is a fugitive from justice by reason of a
15 felony conviction or charge ~~or violation of a condition of probation or~~
16 ~~parole~~ imposed under federal or state law shall be eligible to receive public
17 assistance benefits in this state. Any recipient of public assistance who
18 fails to timely comply with monthly reporting requirements under criteria
19 and guidelines prescribed by rules and regulations of the secretary shall be
20 subject to a penalty established by the secretary by rules and regulations.

21 ~~(i)~~(i) If the applicant or recipient of temporary assistance for needy
22 families is a mother of the dependent child, as a condition of the mother's
23 eligibility for temporary assistance for needy families the mother shall
24 identify by name and, if known, by current address the father of the
25 dependent child except that the secretary may adopt by rules and
26 regulations exceptions to this requirement in cases of undue hardship. ~~Any~~
27 ~~recipient of temporary assistance for needy families who fails to cooperate~~
28 ~~with requirements relating to child support services under criteria and~~
29 ~~guidelines prescribed by rules and regulations of the secretary shall be~~
30 ~~subject to a penalty established by the secretary.~~

31 ~~(j)~~(j) By applying for or receiving child care benefits or food
32 assistance, the applicant or recipient shall be deemed to have assigned,
33 pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on
34 behalf of the state only accrued, present or future rights to support from
35 any other person such applicant may have in such person's own behalf or
36 in behalf of any other family member for whom the applicant is applying
37 for or receiving aid. The assignment of support rights shall automatically
38 become effective upon the date of approval for or receipt of such aid
39 without the requirement that any document be signed by the applicant or
40 recipient. By applying for or receiving child care benefits or food
41 assistance, the applicant or recipient is also deemed to have appointed the
42 secretary, or the secretary's designee, as an attorney in fact to perform the
43 specific act of negotiating and endorsing all drafts, checks, money orders

1 or other negotiable instruments representing support payments received by
2 the secretary in behalf of any person applying for, receiving or having
3 received such assistance. This limited power of attorney shall be effective
4 from the date the secretary approves the application for aid and shall
5 remain in effect until the assignment of support rights has been terminated
6 in full. An applicant or recipient who has assigned support rights to the
7 secretary pursuant to this subsection shall cooperate in establishing and
8 enforcing support obligations to the same extent required of applicants for
9 or recipients of temporary assistance for needy families.

10 ~~(h)~~(k) (1) A program of drug screening for applicants for cash
11 assistance as a condition of eligibility for cash assistance and persons
12 receiving cash assistance as a condition of continued receipt of cash
13 assistance shall be established, subject to applicable federal law, by the
14 secretary for children and families on and before January 1, 2014. Under
15 such program of drug screening, the secretary for children and families
16 shall order a drug screening of an applicant for or a recipient of cash
17 assistance at any time when reasonable suspicion exists that such applicant
18 for or recipient of cash assistance is unlawfully using a controlled
19 substance or controlled substance analog. The secretary for children and
20 families may use any information obtained by the secretary for children
21 and families to determine whether such reasonable suspicion exists,
22 including, but not limited to, an applicant's or recipient's demeanor, missed
23 appointments and arrest or other police records, previous employment or
24 application for employment in an occupation or industry that regularly
25 conducts drug screening, termination from previous employment due to
26 unlawful use of a controlled substance or controlled substance analog or
27 prior drug screening records of the applicant or recipient indicating
28 unlawful use of a controlled substance or controlled substance analog.

29 (2) Any applicant for or recipient of cash assistance whose drug
30 screening results in a positive test may request that the drug screening
31 specimen be sent to a different drug testing facility for an additional drug
32 screening. Any applicant for or recipient of cash assistance who requests
33 an additional drug screening at a different drug testing facility shall be
34 required to pay the cost of drug screening. Such applicant or recipient who
35 took the additional drug screening and who tested negative for unlawful
36 use of a controlled substance and controlled substance analog shall be
37 reimbursed for the cost of such additional drug screening.

38 (3) Any applicant for or recipient of cash assistance who tests
39 positive for unlawful use of a controlled substance or controlled substance
40 analog shall be required to complete a substance abuse treatment program
41 approved by the secretary for children and families, secretary of labor or
42 secretary of commerce, and a job skills program approved by the secretary
43 for children and families, secretary of labor or secretary of commerce.

1 Subject to applicable federal laws, any applicant for or recipient of cash
2 assistance who fails to complete or refuses to participate in the substance
3 abuse treatment program or job skills program as required under this
4 subsection shall be ineligible to receive cash assistance until completion of
5 such substance abuse treatment and job skills programs. Upon completion
6 of both substance abuse treatment and job skills programs, such applicant
7 for or recipient of cash assistance may be subject to periodic drug
8 screening, as determined by the secretary for children and families. Upon a
9 second positive test for unlawful use of a controlled substance or
10 controlled substance analog, a recipient of cash assistance shall be ordered
11 to complete again a substance abuse treatment program and job skills
12 program, and shall be terminated from cash assistance for a period of 12
13 months, or until such recipient of cash assistance completes both substance
14 abuse treatment and job skills programs, whichever is later. Upon a third
15 positive test for unlawful use of a controlled substance or controlled
16 substance analog, a recipient of cash assistance shall be terminated from
17 cash assistance, subject to applicable federal law.

18 (4) If an applicant for or recipient of cash assistance is ineligible for
19 or terminated from cash assistance as a result of a positive test for
20 unlawful use of a controlled substance or controlled substance analog, and
21 such applicant for or recipient of cash assistance is the parent or legal
22 guardian of a minor child, an appropriate protective payee shall be
23 designated to receive cash assistance on behalf of such child. Such parent
24 or legal guardian of the minor child may choose to designate an individual
25 to receive cash assistance for such parent's or legal guardian's minor child,
26 as approved by the secretary for children and families. Prior to the
27 designated individual receiving any cash assistance, the secretary for
28 children and families shall review whether reasonable suspicion exists that
29 such designated individual is unlawfully using a controlled substance or
30 controlled substance analog.

31 (A) In addition, any individual designated to receive cash assistance
32 on behalf of an eligible minor child shall be subject to drug screening at
33 any time when reasonable suspicion exists that such designated individual
34 is unlawfully using a controlled substance or controlled substance analog.
35 The secretary for children and families may use any information obtained
36 by the secretary for children and families to determine whether such
37 reasonable suspicion exists, including, but not limited to, the designated
38 individual's demeanor, missed appointments and arrest or other police
39 records, previous employment or application for employment in an
40 occupation or industry that regularly conducts drug screening, termination
41 from previous employment due to unlawful use of a controlled substance
42 or controlled substance analog or prior drug screening records of the
43 designated individual indicating unlawful use of a controlled substance or

1 controlled substance analog.

2 (B) Any designated individual whose drug screening results in a
3 positive test may request that the drug screening specimen be sent to a
4 different drug testing facility for an additional drug screening. Any
5 designated individual who requests an additional drug screening at a
6 different drug testing facility shall be required to pay the cost of drug
7 screening. Such designated individual who took the additional drug
8 screening and who tested negative for unlawful use of a controlled
9 substance and controlled substance analog shall be reimbursed for the cost
10 of such additional drug screening.

11 (C) Upon any positive test for unlawful use of a controlled substance
12 or controlled substance analog, the designated individual shall not receive
13 cash assistance on behalf of the parent's or legal guardian's minor child,
14 and another designated individual shall be selected by the secretary for
15 children and families to receive cash assistance on behalf of such parent's
16 or legal guardian's minor child.

17 (5) If a person has been convicted under federal or state law of any
18 offense which is classified as a felony by the law of the jurisdiction and
19 which has as an element of such offense the manufacture, cultivation,
20 distribution, possession or use of a controlled substance or controlled
21 substance analog, and the date of conviction is on or after July 1, 2013,
22 such person shall thereby become forever ineligible to receive any cash
23 assistance under this subsection unless such conviction is the person's first
24 conviction. First-time offenders convicted under federal or state law of any
25 offense which is classified as a felony by the law of the jurisdiction and
26 which has as an element of such offense the manufacture, cultivation,
27 distribution, possession or use of a controlled substance or controlled
28 substance analog, and the date of conviction is on or after July 1, 2013,
29 such person shall become ineligible to receive cash assistance for five
30 years from the date of conviction.

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

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

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

40 (9) As used in this subsection:

41 (A) "Cash assistance" means cash assistance provided to individuals
42 under the provisions of article 7 of chapter 39 of the Kansas Statutes
43 Annotated, and amendments thereto, and any rules and regulations adopted

1 pursuant to such statutes.

2 (B) "Controlled substance" means the same as in K.S.A. 2018 Supp.
3 21-5701, and amendments thereto, and 21 U.S.C. § 802.

4 (C) "Controlled substance analog" means the same as in K.S.A. 2018
5 Supp. 21-5701, and amendments thereto.

6 Sec. 3. K.S.A. 2018 Supp. 39-719b is hereby amended to read as
7 follows: 39-719b. (a) If at any time during the continuance of assistance to
8 any person, the recipient thereof becomes possessed of any property or
9 income in excess of the amount ascertained at the time of granting
10 assistance, or if any of the recipient's circumstances which affect eligibility
11 to receive assistance change from the time of determination of eligibility, it
12 shall be the duty of the recipient to notify the secretary immediately of the
13 receipt or possession of such property, income, or of such change in
14 circumstances affecting eligibility and the secretary may, after
15 investigation, cancel or modify the assistance payment in accordance with
16 the circumstances.

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

25 ~~(e) The total amount of any assistance that is sold, transferred or~~
26 ~~otherwise disposed of to others by a recipient or any other person, or the~~
27 ~~total amount of any assistance that is knowingly purchased, acquired or~~
28 ~~possessed by any person, except as authorized in state and federal law,~~
29 ~~rules and regulations and agency policy of the department for children and~~
30 ~~families or the department of health and environment is a debt due to the~~
31 ~~state and the total amount of such assistance that was improperly sold,~~
32 ~~transferred, disposed, purchased, acquired or possessed shall be~~
33 ~~recoverable by the secretary for children and families or the secretary of~~
34 ~~health and environment. Such debt may be recovered during the life or~~
35 ~~upon the death of any recipient or person who sold, transferred, disposed,~~
36 ~~purchased, acquired or possessed such assistance and may be recovered as~~
37 ~~a fourth class claim from the estate of the person or in an action brought~~
38 ~~against the recipient or person while living.~~

39 Sec. 4. K.S.A. 2018 Supp. 39-702, 39-709 and 39-719b are hereby
40 repealed.

41 Sec. 5. This act shall take effect and be in force from and after its
42 publication in the statute book.