

SENATE BILL No. 311

By Committee on Public Health and Welfare

1-23

1 AN ACT concerning reports of abuse; relating to abuse, neglect or
2 exploitation of certain adults; emergency medical services personnel;
3 amending K.S.A. 2017 Supp. 39-1402 and 39-1431 and repealing the
4 existing sections.
5

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

7 Section 1. K.S.A. 2017 Supp. 39-1402 is hereby amended to read as
8 follows: 39-1402. (a) Any person who is licensed to practice any branch of
9 the healing arts, a licensed psychologist, a licensed master level
10 psychologist, a licensed clinical psychotherapist, a chief administrative
11 officer of a medical care facility, an adult care home administrator or
12 operator, a licensed social worker, a licensed professional nurse, a licensed
13 practical nurse, a licensed marriage and family therapist, a licensed clinical
14 marriage and family therapist, licensed professional counselor, licensed
15 clinical professional counselor, registered alcohol and drug abuse
16 counselor, a teacher, a bank trust officer and any other officers of financial
17 institutions, a legal representative ~~or~~, a governmental assistance provider
18 *or an emergency medical services attendant* who has reasonable cause to
19 believe that a resident is being or has been abused, neglected or exploited,
20 or is in a condition which is the result of such abuse, neglect or
21 exploitation or is in need of protective services, shall report immediately
22 such information or cause a report of such information to be made in any
23 reasonable manner to the Kansas department for aging and disability
24 services with respect to residents defined under ~~subsection (a)(1) of~~ K.S.A.
25 39-1401(a)(1), and amendments thereto, to the department of health and
26 environment with respect to residents defined under ~~subsection (a)(2) of~~
27 K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas
28 department for children and families and appropriate law enforcement
29 agencies with respect to all other residents. Reports made to one
30 department which are required by this subsection to be made to the other
31 department shall be referred by the department to which the report is made
32 to the appropriate department for that report, and any such report shall
33 constitute compliance with this subsection. Reports shall be made during
34 the normal working week days and hours of operation of such
35 departments. Reports shall be made to law enforcement agencies during
36 the time the departments are not open for business. Law enforcement

1 agencies shall submit the report and appropriate information to the
2 appropriate department on the first working day that such department is
3 open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924,
4 and amendments thereto, shall be deemed a report under this section.

5 (b) The report made pursuant to subsection (a) shall contain the name
6 and address of the person making the report and of the caretaker caring for
7 the resident, the name and address of the involved resident, information
8 regarding the nature and extent of the abuse, neglect or exploitation, the
9 name of the next of kin of the resident, if known, and any other
10 information which the person making the report believes might be helpful
11 in an investigation of the case and the protection of the resident.

12 (c) Any other person, not listed in subsection (a), having reasonable
13 cause to suspect or believe that a resident is being or has been abused,
14 neglected or exploited, or is in a condition which is the result of such
15 abuse, neglect or exploitation or is in need of protective services may
16 report such information to the Kansas department for aging and disability
17 services with respect to residents defined under ~~subsection (a)(1)~~ of K.S.A.
18 39-1401(a)(1), and amendments thereto, to the department of health and
19 environment with respect to residents defined under subsection ~~(a)(2)~~ of
20 K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas
21 department for children and families with respect to all other residents.
22 Reports made to one department which are to be made to the other
23 department under this section shall be referred by the department to which
24 the report is made to the appropriate department for that report.

25 (d) Notice of the requirements of this act and the department to which
26 a report is to be made under this act shall be posted in a conspicuous
27 public place in every adult care home and medical care facility in this
28 state.

29 (e) Any person required to report information or cause a report of
30 information to be made under subsection (a) who knowingly fails to make
31 such report or cause such report to be made shall be guilty of a class B
32 misdemeanor.

33 Sec. 2. K.S.A. 2017 Supp. 39-1431 is hereby amended to read as
34 follows: 39-1431. (a) Any person who is licensed to practice any branch of
35 the healing arts, a licensed psychologist, a licensed master level
36 psychologist, a licensed clinical psychotherapist, the chief administrative
37 officer of a medical care facility, a teacher, a licensed social worker, a
38 licensed professional nurse, a licensed practical nurse, a licensed dentist, a
39 licensed marriage and family therapist, a licensed clinical marriage and
40 family therapist, licensed professional counselor, licensed clinical
41 professional counselor, registered alcohol and drug abuse counselor, a law
42 enforcement officer, *an emergency medical services attendant*, a case
43 manager, a rehabilitation counselor, a bank trust officer or any other

1 officers of financial institutions, a legal representative, a governmental
2 assistance provider, an owner or operator of a residential care facility, an
3 independent living counselor and the chief administrative officer of a
4 licensed home health agency, the chief administrative officer of an adult
5 family home and the chief administrative officer of a provider of
6 community services and affiliates thereof operated or funded by the
7 Kansas department for aging and disability services or licensed under
8 K.S.A. ~~75-3307b~~ 2017 *Supp.* 39-2001 *et seq.*, and amendments thereto,
9 who has reasonable cause to believe that an adult is being or has been
10 abused, neglected or exploited or is in need of protective services shall
11 report, immediately from receipt of the information, such information or
12 cause a report of such information to be made in any reasonable manner.
13 An employee of a domestic violence center shall not be required to report
14 information or cause a report of information to be made under this
15 subsection. Other state agencies receiving reports that are to be referred to
16 the Kansas department for children and families and the appropriate law
17 enforcement agency, shall submit the report to the department and agency
18 within six hours, during normal work days, of receiving the information.
19 Reports shall be made to the Kansas department for children and families
20 during the normal working week days and hours of operation. Reports
21 shall be made to law enforcement agencies during the time the Kansas
22 department for children and families is not in operation. Law enforcement
23 shall submit the report and appropriate information to the Kansas
24 department for children and families on the first working day that the
25 Kansas department for children and families is in operation after receipt of
26 such information.

27 (b) The report made pursuant to subsection (a) shall contain the name
28 and address of the person making the report and of the caretaker caring for
29 the involved adult, the name and address of the involved adult, information
30 regarding the nature and extent of the abuse, neglect or exploitation, the
31 name of the next of kin of the involved adult, if known, and any other
32 information which the person making the report believes might be helpful
33 in the investigation of the case and the protection of the involved adult.

34 (c) Any other person, not listed in subsection (a), having reasonable
35 cause to suspect or believe that an adult is being or has been abused,
36 neglected or exploited or is in need of protective services may report such
37 information to the Kansas department for children and families. Reports
38 shall be made to law enforcement agencies during the time the Kansas
39 department for children and families is not in operation.

40 (d) A person making a report under subsection (a) shall not be
41 required to make a report under K.S.A. 39-1401 ~~to~~ *through* 39-1410,
42 ~~inclusive~~, and amendments thereto.

43 (e) Any person required to report information or cause a report of

1 information to be made under subsection (a) who knowingly fails to make
2 such report or cause such report not to be made shall be guilty of a class B
3 misdemeanor.

4 (f) Notice of the requirements of this act and the department to which
5 a report is to be made under this act shall be posted in a conspicuous
6 public place in every adult family home as defined in K.S.A. 39-1501, and
7 amendments thereto, and every provider of community services and
8 affiliates thereof operated or funded by the Kansas department for aging
9 and disability services or other facility licensed under K.S.A. ~~75-3307b~~
10 *2017 Supp. 39-2001 et seq.*, and amendments thereto, and other
11 institutions included in subsection (a).

12 Sec. 3. K.S.A. 2017 Supp. 39-1402 and 39-1431 are hereby repealed.

13 Sec. 4. This act shall take effect and be in force from and after its
14 publication in the statute book.