

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2530

As Amended by House Committee of the Whole

Brief*

HB 2530, as amended, would add an emergency medical services (EMS) attendant to the list of mandatory reporters of abuse, neglect, exploitation, or need of protective services as it pertains to a resident or certain adults (as defined in continuing law). The bill would amend law related to mandated reporting of harm to a child as a result of physical, mental, or emotional abuse or neglect, or sexual abuse to require reports of child abuse or neglect occurring in an institution operated by the Kansas Department of Corrections (DOC) to be made to the Attorney General and the Secretary of Corrections (Secretary).

Continuing law defines “resident” and an “adult” when referencing “certain adults,” as specified below.

Definitions of “Resident” and “Adult” in Continuing Law

Current law (KSA 2017 Supp. 39-1401) defines a “resident” as any resident, as defined by KSA 2017 Supp. 39-923 (any individual kept, cared for, treated, boarded, or otherwise accommodated in an adult care home), or any individual kept, cared for, treated, boarded, or otherwise accommodated in a medical care facility, state psychiatric hospital, or state institution for people with an intellectual disability.

Additionally, current law as it pertains to the abuse, neglect, exploitation, or need for protective services of certain

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

adults (KSA 2017 Supp. 39-1430) defines an “adult” to mean an individual 18 years of age or older alleged to be unable to protect the individual’s own interest and who is harmed or threatened with harm, whether financial, mental, or physical in nature, through action or inaction by either another individual or through their own action or inaction when residing in the person’s own home, the home of a family member, or the home of a friend; residing in an adult family home; or receiving services through a provider of community services and its affiliates operated or funded by the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), or a residential facility licensed pursuant to statutes pertaining to providers of disability services.

The above definition of “adult” excludes residents as defined in KSA 39-1401 *et seq.*

Background

The House Committee on Children and Seniors introduced the bill at the request of the Kansas EMS Association (Association). In the House Committee hearing, representatives of the Association, DCF, and the Kansas Board of EMS (Board) testified in support of the bill. The proponents generally stated EMS personnel are already mandated reporters for child abuse and neglect in Kansas, and some EMS personnel report suspected adult abuse but have liability concerns due to the release of protected health information when not a mandated reporter. The proponents stated the bill brings statutes in line with best practices related to services to adults who allegedly have been abused, neglected, or exploited. Written-only proponent testimony was provided by a representative of Kansas Advocates for Better Care.

No opponent or neutral testimony was provided.

The House Committee amended the bill to add an animal control officer and a person investigating suspected cruelty to animals who is authorized to take custody of an animal to the list of mandated reporters of adult abuse, neglect, exploitation, or need of care and child abuse or neglect, and also amended the title of the bill.

The House Committee of the Whole amended the bill to remove an animal control officer and a person investigating suspected cruelty to animals who is authorized to take custody of an animal from the list of mandated reporters, and to require reports of child abuse or neglect occurring in an institution operated by the DOC to be made to both the Attorney General and the Secretary.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board, KDADS, the Kansas Department of Health and Environment, and DCF indicate enactment of the bill would have no fiscal effect. The House Committee on Children and Seniors introduced the bill at the request of the Kansas EMS Association (Association). In the House Committee hearing, representatives of the Association, DCF, and the Kansas Board of EMS (Board) testified in support of the bill. The proponents generally stated EMS personnel are already mandated reporters for child abuse and neglect in Kansas, and some EMS personnel report suspected adult abuse but have liability concerns due to the release of protected health information when not a mandated reporter. The proponents stated the bill brings statutes in line with best practices related to services to adults who allegedly have been abused, neglected, or exploited. Written-only proponent testimony was provided by a representative of Kansas Advocates for Better Care.

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