

HOUSE BILL No. 2686

By Representatives Kelley, Arpke, Goodman, Gregory, Hildabrand, Mast, O'Brien
and Scapa

2-8

1 AN ACT establishing a program of drug screening for cash assistance
2 recipients; amending K.S.A. 2011 Supp. 39-709 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2011 Supp. 39-709 is hereby amended to read as
7 follows: 39-709. (a) *General eligibility requirements for assistance for*
8 *which federal moneys are expended.* Subject to the additional requirements
9 below, assistance in accordance with plans under which federal moneys
10 are expended may be granted to any needy person who:

11 (1) Has insufficient income or resources to provide a reasonable
12 subsistence compatible with decency and health. Where a husband and
13 wife are living together, the combined income or resources of both shall be
14 considered in determining the eligibility of either or both for such
15 assistance unless otherwise prohibited by law. The secretary, in
16 determining need of any applicant for or recipient of assistance shall not
17 take into account the financial responsibility of any individual for any
18 applicant or recipient of assistance unless such applicant or recipient is
19 such individual's spouse or such individual's minor child or minor
20 stepchild if the stepchild is living with such individual. The secretary in
21 determining need of an individual may provide such income and resource
22 exemptions as may be permitted by federal law. For purposes of eligibility
23 for aid for families with dependent children, for food stamp assistance and
24 for any other assistance provided through the department of social and
25 rehabilitation services under which federal moneys are expended, the
26 secretary of social and rehabilitation services shall consider one motor
27 vehicle owned by the applicant for assistance, regardless of the value of
28 such vehicle, as exempt personal property and shall consider any equity in
29 any additional motor vehicle owned by the applicant for assistance to be a
30 nonexempt resource of the applicant for assistance.

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

33 (b) *Assistance to families with dependent children.* Assistance may be
34 granted under this act to any dependent child, or relative, subject to the
35 general eligibility requirements as set out in subsection (a), who resides in

1 the state of Kansas or whose parent or other relative with whom the child
2 is living resides in the state of Kansas. Such assistance shall be known as
3 aid to families with dependent children. Where husband and wife are
4 living together both shall register for work under the program
5 requirements for aid to families with dependent children in accordance
6 with criteria and guidelines prescribed by rules and regulations of the
7 secretary.

8 (c) *Aid to families with dependent children; assignment of support*
9 *rights and limited power of attorney.* By applying for or receiving aid to
10 families with dependent children such applicant or recipient shall be
11 deemed to have assigned to the secretary on behalf of the state any
12 accrued, present or future rights to support from any other person such
13 applicant may have in such person's own behalf or in behalf of any other
14 family member for whom the applicant is applying for or receiving aid. In
15 any case in which an order for child support has been established and the
16 legal custodian and obligee under the order surrenders physical custody of
17 the child to a caretaker relative without obtaining a modification of legal
18 custody and support rights on behalf of the child are assigned pursuant to
19 this section, the surrender of physical custody and the assignment shall
20 transfer, by operation of law, the child's support rights under the order to
21 the secretary on behalf of the state. Such assignment shall be of all
22 accrued, present or future rights to support of the child surrendered to the
23 caretaker relative. The assignment of support rights shall automatically
24 become effective upon the date of approval for or receipt of such aid
25 without the requirement that any document be signed by the applicant,
26 recipient or obligee. By applying for or receiving aid to families with
27 dependent children, or by surrendering physical custody of a child to a
28 caretaker relative who is an applicant or recipient of such assistance on the
29 child's behalf, the applicant, recipient or obligee is also deemed to have
30 appointed the secretary, or the secretary's designee, as an attorney in fact to
31 perform the specific act of negotiating and endorsing all drafts, checks,
32 money orders or other negotiable instruments representing support
33 payments received by the secretary in behalf of any person applying for,
34 receiving or having received such assistance. This limited power of
35 attorney shall be effective from the date the secretary approves the
36 application for aid and shall remain in effect until the assignment of
37 support rights has been terminated in full.

38 (d) *Eligibility requirements for general assistance, the cost of which*
39 *is not shared by the federal government.* (1) General assistance may be
40 granted to eligible persons who do not qualify for financial assistance in a
41 program in which the federal government participates and who satisfy the
42 additional requirements prescribed by or under this subsection (d).

43 (A) To qualify for general assistance in any form a needy person must

1 have insufficient income or resources to provide a reasonable subsistence
2 compatible with decency and health and, except as provided for
3 transitional assistance, be a member of a family in which a minor child or
4 a pregnant woman resides or be unable to engage in employment. The
5 secretary shall adopt rules and regulations prescribing criteria for
6 establishing when a minor child may be considered to be living with a
7 family and whether a person is able to engage in employment, including
8 such factors as age or physical or mental condition. Eligibility for general
9 assistance, other than transitional assistance, is limited to families in which
10 a minor child or a pregnant woman resides or to an adult or family in
11 which all legally responsible family members are unable to engage in
12 employment. Where a husband and wife are living together the combined
13 income or resources of both shall be considered in determining the
14 eligibility of either or both for such assistance unless otherwise prohibited
15 by law. The secretary in determining need of any applicant for or recipient
16 of general assistance shall not take into account the financial responsibility
17 of any individual for any applicant or recipient of general assistance unless
18 such applicant or recipient is such individual's spouse or such individual's
19 minor child or a minor stepchild if the stepchild is living with such
20 individual. In determining the need of an individual, the secretary may
21 provide for income and resource exemptions.

22 (B) To qualify for general assistance in any form a needy person must
23 be a citizen of the United States or an alien lawfully admitted to the United
24 States and must be residing in the state of Kansas.

25 (2) General assistance in the form of transitional assistance may be
26 granted to eligible persons who do not qualify for financial assistance in a
27 program in which the federal government participates and who satisfy the
28 additional requirements prescribed by or under this subsection (d), but who
29 do not meet the criteria prescribed by rules and regulations of the secretary
30 relating to inability to engage in employment or are not a member of a
31 family in which a minor or a pregnant woman resides.

32 (3) In addition to the other requirements prescribed under this
33 subsection (d), the secretary shall adopt rules and regulations which
34 establish community work experience program requirements for eligibility
35 for the receipt of general assistance in any form and which establish
36 penalties to be imposed when a work assignment under a community work
37 experience program requirement is not completed without good cause. The
38 secretary may adopt rules and regulations establishing exemptions from
39 any such community work experience program requirements. A first time
40 failure to complete such a work assignment requirement shall result in
41 ineligibility to receive general assistance for a period fixed by such rules
42 and regulations of not more than three calendar months. A subsequent
43 failure to complete such a work assignment requirement shall result in a

1 period fixed by such rules and regulations of ineligibility of not more than
2 six calendar months.

3 (4) If any person is found guilty of the crime of theft under the
4 provisions of K.S.A. 39-720, and amendments thereto, such person shall
5 thereby become forever ineligible to receive any form of general
6 assistance under the provisions of this subsection (d) unless the conviction
7 is the person's first conviction under the provisions of K.S.A. 39-720, and
8 amendments thereto, or the law of any other state concerning welfare
9 fraud. First time offenders convicted of a misdemeanor under the
10 provisions of such statute shall become ineligible to receive any form of
11 general assistance for a period of 12 calendar months from the date of
12 conviction. First time offenders convicted of a felony under the provisions
13 of such statute shall become ineligible to receive any form of general
14 assistance for a period of 60 calendar months from the date of conviction.
15 If any person is found guilty by a court of competent jurisdiction of any
16 state other than the state of Kansas of a crime involving welfare fraud,
17 such person shall thereby become forever ineligible to receive any form of
18 general assistance under the provisions of this subsection (d) unless the
19 conviction is the person's first conviction under the law of any other state
20 concerning welfare fraud. First time offenders convicted of a misdemeanor
21 under the law of any other state concerning welfare fraud shall become
22 ineligible to receive any form of general assistance for a period of 12
23 calendar months from the date of conviction. First time offenders
24 convicted of a felony under the law of any other state concerning welfare
25 fraud shall become ineligible to receive any form of general assistance for
26 a period of 60 calendar months from the date of conviction.

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

43 (2) For the purposes of medical assistance eligibility determinations

1 on or after July 1, 2004, if an applicant or recipient owns property in joint
2 tenancy with some other party and the applicant or recipient of medical
3 assistance has restricted or conditioned their interest in such property to a
4 specific and discrete property interest less than 100%, then such
5 designation will cause the full value of the property to be considered an
6 available resource to the applicant or recipient.

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

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

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

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

1 the contract, agreement or accord; and (vii) upon the death of the applicant
2 or recipient, the contract, agreement or accord ceases.

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

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

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

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

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

20 (2) The amount of any medical assistance paid after June 30, 1992,
21 under the provisions of subsection (e) is (A) a claim against the property or
22 any interest therein belonging to and a part of the estate of any deceased
23 recipient or, if there is no estate, the estate of the surviving spouse, if any,
24 shall be charged for such medical assistance paid to either or both, and (B)
25 a claim against any funds of such recipient or spouse in any account under
26 K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and
27 amendments thereto. There shall be no recovery of medical assistance
28 correctly paid to or on behalf of an individual under subsection (e) except
29 after the death of the surviving spouse of the individual, if any, and only at
30 a time when the individual has no surviving child who is under 21 years of
31 age or is blind or permanently and totally disabled. Transfers of real or
32 personal property by recipients of medical assistance without adequate
33 consideration are voidable and may be set aside. Except where there is a
34 surviving spouse, or a surviving child who is under 21 years of age or is
35 blind or permanently and totally disabled, the amount of any medical
36 assistance paid under subsection (e) is a claim against the estate in any
37 guardianship or conservatorship proceeding. The monetary value of any
38 benefits received by the recipient of such medical assistance under long-
39 term care insurance, as defined by K.S.A. 40-2227, and amendments
40 thereto, shall be a credit against the amount of the claim provided for such
41 medical assistance under this subsection (g). The secretary is authorized to
42 enforce each claim provided for under this subsection (g). The secretary
43 shall not be required to pursue every claim, but is granted discretion to

1 determine which claims to pursue. All moneys received by the secretary
2 from claims under this subsection (g) shall be deposited in the social
3 welfare fund. The secretary may adopt rules and regulations for the
4 implementation and administration of the medical assistance recovery
5 program under this subsection (g).

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

12 (A) If an individual receives any medical assistance before July 1,
13 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
14 *and amendments thereto*, which forms the basis for a claim under
15 subsection (g)(2), such claim is limited to the individual's probatable estate
16 as defined by applicable law; and

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

29 (4) The secretary of social and rehabilitation services or the
30 secretary's designee is authorized to file and enforce a lien against the real
31 property of a recipient of medical assistance in certain situations, subject
32 to all prior liens of record. The lien must be filed in the office of the
33 register of deeds of the county where the real property is located and must
34 contain the legal description of all real property in the county subject to the
35 lien. This lien is for payments of medical assistance made by the
36 department of social and rehabilitation services to the recipient who is an
37 inpatient in a nursing home or other medical institution. Such lien may be
38 filed only after notice and an opportunity for a hearing has been given.
39 Such lien may be enforced only upon competent medical testimony that
40 the recipient cannot reasonably be expected to be discharged and returned
41 home. A six-month period of compensated inpatient care at a nursing
42 home, nursing homes or other medical institution shall constitute a
43 determination by the department of social and rehabilitation services that

1 the recipient cannot reasonably be expected to be discharged and returned
2 home. To return home means the recipient leaves the nursing or medical
3 facility and resides in the home on which the lien has been placed for a
4 period of at least 90 days without being readmitted as an inpatient to a
5 nursing or medical facility. The amount of the lien shall be for the amount
6 of assistance paid by the department of social and rehabilitation services
7 after the expiration of six months from the date the recipient became
8 eligible for compensated inpatient care at a nursing home, nursing homes
9 or other medical institution until the time of the filing of the lien and for
10 any amount paid thereafter for such medical assistance to the recipient.

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

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

18 (B) when there is no child of the recipient, natural or adopted, who is
19 20 years of age or less residing in the home;

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

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

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

29 (A) The lien is satisfied. The recipient, the heirs, personal
30 representative or assigns of the recipient may discharge such lien at any
31 time by paying the amount of the lien to the secretary or the secretary's
32 designee;

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

35 (C) the value of the real property is consumed by the lien, at which
36 time the secretary or the secretary's designee may force the sale for the real
37 property to satisfy the lien; or

38 (D) after a lien is filed against the real property, it will be dissolved if
39 the recipient leaves the nursing or medical facility and resides in the
40 property to which the lien is attached for a period of more than 90 days
41 without being readmitted as an inpatient to a nursing or medical facility,
42 even though there may have been no reasonable expectation that this
43 would occur. If the recipient is readmitted to a nursing or medical facility

1 during this period, and does return home after being released, another 90
2 days must be completed before the lien can be dissolved.

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

11 (h) *Placement under the revised Kansas code for care of children or*
12 *revised Kansas juvenile justice code; assignment of support rights and*
13 *limited power of attorney.* In any case in which the secretary of social and
14 rehabilitation services pays for the expenses of care and custody of a child
15 pursuant to K.S.A. 2011 Supp. 38-2201 *et seq.* or 38-2301 *et seq.*, and
16 amendments thereto, including the expenses of any foster care placement,
17 an assignment of all past, present and future support rights of the child in
18 custody possessed by either parent or other person entitled to receive
19 support payments for the child is, by operation of law, conveyed to the
20 secretary. Such assignment shall become effective upon placement of a
21 child in the custody of the secretary or upon payment of the expenses of
22 care and custody of a child by the secretary without the requirement that
23 any document be signed by the parent or other person entitled to receive
24 support payments for the child. When the secretary pays for the expenses
25 of care and custody of a child or a child is placed in the custody of the
26 secretary, the parent or other person entitled to receive support payments
27 for the child is also deemed to have appointed the secretary, or the
28 secretary's designee, as attorney in fact to perform the specific act of
29 negotiating and endorsing all drafts, checks, money orders or other
30 negotiable instruments representing support payments received by the
31 secretary on behalf of the child. This limited power of attorney shall be
32 effective from the date the assignment to support rights becomes effective
33 and shall remain in effect until the assignment of support rights has been
34 terminated in full.

35 (i) No person who voluntarily quits employment or who is fired from
36 employment due to gross misconduct as defined by rules and regulations
37 of the secretary or who is a fugitive from justice by reason of a felony
38 conviction or charge shall be eligible to receive public assistance benefits
39 in this state. Any recipient of public assistance who fails to timely comply
40 with monthly reporting requirements under criteria and guidelines
41 prescribed by rules and regulations of the secretary shall be subject to a
42 penalty established by the secretary by rules and regulations.

43 (j) If the applicant or recipient of aid to families with dependent

1 children is a mother of the dependent child, as a condition of the mother's
2 eligibility for aid to families with dependent children the mother shall
3 identify by name and, if known, by current address the father of the
4 dependent child except that the secretary may adopt by rules and
5 regulations exceptions to this requirement in cases of undue hardship. Any
6 recipient of aid to families with dependent children who fails to cooperate
7 with requirements relating to child support enforcement under criteria and
8 guidelines prescribed by rules and regulations of the secretary shall be
9 subject to a penalty established by the secretary by rules and regulations
10 which penalty shall progress to ineligibility for the family after three
11 months of noncooperation.

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

34 (l) (1) *Applicants for cash assistance as a condition of eligibility for*
35 *cash assistance and persons receiving cash assistance as a condition of*
36 *continued receipt of cash assistance shall agree to participate in a*
37 *program of drug screening. Within the limits of appropriations therefor,*
38 *the program of drug screening for cash assistance recipients shall be*
39 *established, subject to applicable federal law, by the secretary of social*
40 *and rehabilitation services on or before January 1, 2013. Subject to*
41 *appropriations therefor, such program shall provide for random drug*
42 *screening of approximately 1/3 of cash assistance recipients each year. If*
43 *any recipient opts out from such drug screening, the secretary of social*

1 *and rehabilitation services may order a drug screening of such recipient at*
2 *any time when reasonable suspicion arises from the information obtained*
3 *by the secretary of social and rehabilitation services indicating possible*
4 *drug use by the recipient, including, but not limited to, an individual's*
5 *demeanor, missed appointments and arrest or other police records. A cash*
6 *assistance recipient who tests positive for use of an illegal substance shall*
7 *undergo a drug evaluation and if indicated by the evaluation be required*
8 *to complete an educational or treatment program recommended as a result*
9 *of the evaluation.*

10 (2) *Subject to applicable federal laws, any cash assistance recipient*
11 *who fails to complete or refuses to participate in the educational or*
12 *treatment program required under this subsection for the first time shall be*
13 *terminated from cash assistance for 12 months. After completion of such*
14 *educational or treatment program, the cash assistance recipient shall be*
15 *subject to periodic drug screening. Upon a second positive test for use of*
16 *an illegal substance, the cash assistance recipient shall be ordered to*
17 *complete again an educational or treatment program for substance abuse*
18 *and shall be terminated from cash assistance for 12 months. Upon a third*
19 *positive test for use of an illegal substance, the cash assistance recipient,*
20 *subject to applicable federal law, if any, shall be terminated from cash*
21 *assistance.*

22 (3) *Applicants and recipients of cash assistance shall be required to*
23 *pay the cost of drug screening. Such applicants and recipients who took*
24 *the drug screening test and who test negative for use of an illegal*
25 *substance shall be reimbursed in timely manners for the cost of the drug*
26 *screening.*

27 (4) *A household which includes a recipient who has been terminated*
28 *from cash assistance shall be required to receive cash assistance as*
29 *protective or vendor payments to a third-party payee designated or*
30 *approved by the secretary of social and rehabilitation services for the*
31 *benefit of the other eligible members of the household.*

32 (5) *If a person is found guilty of a crime that has as an element of the*
33 *offense the possession, use or distribution of a controlled substance, and*
34 *the date of the crime is on or after July 1, 2000, such person shall thereby*
35 *become forever ineligible to receive any cash assistance under this*
36 *subsection unless the conviction is the person's first conviction. First time*
37 *offenders convicted of a misdemeanor drug offense shall become ineligible*
38 *to receive benefits for 24 months from the date of conviction. First time*
39 *offenders convicted of a felony drug offense shall become ineligible to*
40 *receive benefits for five years from the date of conviction.*

41 (6) *Except for hearings before the department of social and*
42 *rehabilitation services or criminal prosecutions, the results of any test*
43 *administered as part of the drug screening program authorized by this*

1 *subsection shall be confidential and shall not be disclosed publicly.*

2 *(7) The secretary of social and rehabilitation services may adopt*
3 *such rules and regulations as necessary to carry out the provisions of this*
4 *subsection.*

5 *(8) The secretary of social and rehabilitation services shall report on*
6 *or before January 31, 2015, and annually thereafter on or before January*
7 *31 to the chairperson of the house committee on appropriations, the*
8 *chairperson of the house committee on health and human services, the*
9 *chairperson of the senate committee on ways and means and the*
10 *chairperson of the senate committee on public health and welfare*
11 *concerning the operation and administration of the drug screening*
12 *program established under the subsection.*

13 *(9) As used in this subsection, "cash assistance" means cash*
14 *assistance provided to individuals under the provisions of article 7 of*
15 *chapter 39 of the Kansas Statutes Annotated, and amendments thereto,*
16 *and any rules and regulations adopted pursuant to such statutes.*

17 *Sec. 2. K.S.A. 2011 Supp. 39-709 is hereby repealed.*

18 *Sec. 3. This act shall take effect and be in force from and after its*
19 *publication in the statute book.*

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