

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 460

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

SB 460 would create in the Revised Kansas Code for Care of Children (Code) a program within the Kansas Department of Health and Environment (KDHE) for the training of and payment for Child Abuse Review and Evaluation (CARE) providers who conduct CARE exams. The bill would establish definitions, requirements, and procedures related to CARE examinations and CARE providers and create the CARE fund.

The bill also would make technical amendments.

Definitions

The bill would add the following definitions to the Code:

- “Child abuse medical resource center” would mean a medical institution affiliated with an accredited children’s hospital or a recognized institution of higher education that has an accredited medical school program with board-certified child abuse pediatricians who provide training, support, mentoring, and peer review to CARE providers on CARE exams;
- “Child abuse review and evaluation exam” or “CARE exam” would mean a forensic medical evaluation of a child alleged to be a victim of abuse

*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>

or neglect, an examination required by the Code or Section 1 of the bill, conducted by a CARE provider;

- “Child abuse review and evaluation network” or “CARE network” would mean a network of CARE providers and child abuse medical resource centers that collaborate to improve services provided to a child alleged to be a victim of abuse or neglect;
- “Child abuse review and evaluation provider” or “CARE provider” would mean a person licensed to practice medicine and surgery, advanced practice registered nurse, or licensed physician assistant who performs CARE exams of and provides medical diagnosis and treatment to a child alleged to be a victim of abuse or neglect and who receives:
 - Kansas-based initial intensive training regarding child maltreatment from the CARE network;
 - Continuous trainings on child maltreatment from the CARE network; and
 - Peer review and new provider mentoring regarding medical evaluations from a child abuse medical resource center; and
- “Child abuse review and evaluation referral” or “CARE referral” would mean a brief written review of allegations of physical abuse, emotional abuse, medical neglect, or physical neglect submitted by the Secretary for Children and Families or law enforcement agency to a child abuse medical resource center for a recommendation of such child’s need for medical care that may include a CARE exam.

CARE Referrals

Continuing law in the Code requires, as part of any investigation of reports of child abuse or neglect, the Secretary for Children and Families or the investigating law enforcement agency to visually observe the child who is the alleged victim of abuse or neglect.

The bill would amend the Code to require the Secretary for Children and Families or a law enforcement agency, upon assignment by the Secretary of any investigation of physical abuse or physical neglect, pursuant to this provision, that concerns a child five years of age or younger, to make a CARE referral for such child. The bill would allow, in any other investigation of physical abuse, emotional abuse, medical neglect, or physical neglect conducted pursuant to the section, the Secretary or the law enforcement agency to make a CARE referral for such child.

CARE Exams

The bill would require a CARE provider, when a CARE referral by a child abuse medical resource center recommends a CARE exam be conducted by such CARE provider during an investigation of child abuse or neglect, to report a determination in a completed review that a child has been subject to physical abuse, emotional abuse, medical neglect, or physical neglect to the Secretary for Children and Families, the local law enforcement agency, and the Attorney General's office, if such a determination is made. The bill would require the Secretary, upon receipt of such review, to consider and include the review in making recommendations regarding the care, safety, and placement of the child and maintain the review in the case record. The bill would allow the Attorney General's office, upon receipt of such review, to refer the case to the appropriate county or district attorney for the purpose of filing a petition alleging that a child is a child in need of care or to fulfill duties in current child in need of care proceedings.

The bill would provide such review be confidential and not be disclosed, with certain exceptions outlined in the bill and in continuing law.

The bill would specify that in order to provide forensic evaluation services to a child alleged to be a victim of physical abuse, emotional abuse, medical neglect, or physical neglect in investigations that include a CARE exam by a CARE provider:

- Child abuse medical resource centers be allowed to collaborate directly or through technology with CARE providers to provide forensic medical evaluations, medical training, support, mentoring, and peer review to enhance the skill and role of child abuse medical resource centers and the CARE providers;
- CARE providers and centers be required to provide and receive specialized training for medical evaluations conducted in a hospital or child advocacy center, or by a private health care professional without the need for an agreement between such center and provider; and
- The CARE network be required to develop recommendations concerning the medical-based screening process and forensic evidence collection for a child and provide such recommendations to CARE providers, child advocacy centers, hospitals, and licensed practitioners.

CARE Fund

The bill would require the Secretary of Health and Environment to implement and administer training for CARE providers to establish and maintain compliance with the requirements of the Code and assist in the implementation of the bill's provisions.

The bill would require the Secretary for Health and Environment, or the Secretary's designee, to pay all charges that are submitted to them by a CARE provider within 90 days of a CARE exam, directly to a CARE provider. The bill would specify such payment amount be only for the exam at the rate of a reasonable cost for providing such exam, excluding treatment that may be required due to the diagnosis, or any facility fees, supplies, or laboratory or radiology testing.

The bill would establish in the State Treasury the Child Abuse Review and Evaluation Fund (Fund), to be administered by the Secretary of Health and Environment. The bill would require all expenditures from the Fund to be for payments of CARE exams, training of CARE providers, and the implementation and administration of the CARE program, as described above. The bill would require all expenditures from the Fund to be made in accordance with appropriation acts upon warrants of the Director of Accounts and reports issued pursuant to vouchers approved by the Secretary of Health and Environment. The bill would require all moneys received for CARE exams and CARE provider training to be remitted to the State Treasurer and require the State Treasurer to deposit the entire amount in the State Treasury to the credit of the Fund.

The bill would require the Secretary of Health and Environment to adopt rules and regulations as necessary to implement and administer the provisions related to the Fund, subject to available appropriations.

Background

The bill was introduced by the Senate Committee on Assessment and Taxation at the request of Senator Baumgardner.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing on March 1, 2022, Senator Baumgardner, a representative of the Kansas Chapter of the American Academy of Pediatrics and Kansas Academy of Family Physicians, additional representatives of the Kansas Chapter of American Academy of Pediatrics, and a representative of KDHE provided **proponent** testimony. Proponents stated the bill would provide the workforce to allow appropriate and timely medical follow-up for reports of child physical abuse and neglect. Proponents also stated training and mentorship for physicians to become CARE providers would increase access to a system of trained professionals that does not currently exist in rural areas of the state. Proponents noted the bill was a recommendation by the 2021 Joint Committee on Child Welfare System Oversight and would amend the provision of the Code, known as Adrian's Law, requiring visual observations of child abuse.

Written-only proponent testimony was provided by representatives of the Children's Alliance of Kansas, Department for Children and Families, and the State Child Death Review Board.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepare by the Division of the Budget on the bill, KDHE reports enactment of the bill would result in expenditures of \$819,100 in FY 2023, all from the State General Fund. The agency states a total of 3.0 full-time equivalent (FTE) positions would be needed and would include a reimbursement coordinator position to ensure proper reimbursement to CARE providers, a training and certification coordinator position to ensure the certification and training of CARE providers, and a position to track data on reimbursements and certification of providers. In addition to the new positions, KDHE estimates expenditures related to

CARE training will be approximately \$51,500, referral fees will be \$140,000, and reimbursements for CARE examinations will be \$450,000. KDHE notes the bill does not specify the funding source for the CARE Fund and the total revenues could not be estimated.

The Attorney General's Office states enactment of the bill would require an additional 1.0 FTE position to handle CARE exam reviews and referrals. The Office estimates related costs to exceed \$100,000, though an exact fiscal effect could not be estimated. The Office of Judicial Administration, the Department for Children and Families, the Kansas Association of Counties, and the League of Kansas Municipalities state enactment of the bill would not have a fiscal effect on the Judicial Branch, DCF, or Kansas cities and counties. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Child abuse and neglect; child abuse investigation; revised Kansas Code for Care of Children; child abuse review and evaluation