

2022

Abuse, Neglect & Exploitation Unit Annual Report

Kansas Fiscal Year 2022
July 1, 2021 – June 30, 2022

www.ag.ks.gov



**KANSAS
ATTORNEY GENERAL**

DEREK SCHMIDT

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Kansas Attorney General Derek Schmidt

December 19, 2022

Dear Fellow Kansans:

It is my pleasure to present the Fiscal Year 2022 annual report of the Abuse, Neglect and Exploitation (ANE) Unit at the Office of the Attorney General as required by K.S.A. 75-723(g).

After significant reorganization and legislative enactments in recent years, the Fraud and Abuse Litigation Division (FALD) was created July 1, 2016. It houses the ANE Unit and also handles the work of the Office of the Attorney General in investigating and prosecuting cases in partnership with the Department of Insurance, Office of the Securities Commissioner, and Department of Revenue. FALD also works closely with the Consumer Protection Division and the Medicaid Fraud and Abuse Division in the Office of the Attorney General. It has additional responsibilities related to Workers Compensation fraud and the Office of the State Bank Commissioner. Placing these various anti-fraud and anti-abuse responsibilities together in a single division has helped build more-robust capacity and strengthened the state's response to criminal abuse, neglect and exploitation of vulnerable adults.

Therefore, this report provides information about the overall work of the FALD in Fiscal Year 2022 as well as the statutorily required report of the ANE Unit. Overall, the ANE Unit tracked a total of more than 5,800 referrals to law enforcement agencies throughout the state from three designated state agencies that suspected criminal abuse, neglect or exploitation of vulnerable adults. Those three state agencies also reported to the FALD nearly 400 substantiated cases of abuse, neglect or exploitation of vulnerable adults. While most criminal cases in Kansas are prosecuted by local authorities, FALD attorneys continued to directly prosecute criminal cases referred to our office. While the statistics on convictions decreased due to the overall slowdowns in the judicial system due to COVID, the cases continue to move forward as the courts reopen.

The FALD also increased its focus on building capacity statewide to investigate and prosecute cases of abuse, neglect and exploitation of vulnerable adults. It championed new legislation to strengthen the ability to protect seniors and worked with the Kansas Law Enforcement Training Center to provide virtual trainings.

We appreciate the opportunity to report on our progress in these efforts.

Best wishes,



Derek Schmidt
Kansas Attorney General



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Executive Summary

The Abuse, Neglect, and Exploitation (ANE) Unit was established by statute in the summer of 2006, largely in response to the Kaufman case in Newton, Kansas. Arlan and Linda Kaufman operated a mental health group home for adults. Complaints of abuse had been made by residents over a period of years, but inadequacies in the State's system of reporting and investigation resulted in no sufficient response. The Disability Rights Center of Kansas eventually gained access to the home, which resulted in law enforcement investigation, arrest, prosecution, and federal conviction of the Kaufmans. During the criminal investigation and subsequent review, it became clear systemic failures led to the abuse going undetected. As a result, the Legislature created the ANE Unit, codified in K.S.A. 75-723.

A decade later, on July 1, 2016, the Legislature amended 75-723 to allow the Office of the Attorney General (OAG) to assist in the investigation, prosecution, and prevention of cases involving abuse, neglect, and exploitation. Because of the change in focus from monitoring and auditing toward law enforcement and prosecution, the attorney general relocated the ANE Unit from the Victim Services Division to a newly created Fraud and Abuse Litigation Division (FALD). The 2016 statutory amendments also focused the ANE Unit on cases involving abuse of elder and dependent adults rather than child abuse.

As part of restructuring the ANE Unit, state agencies involved in investigating allegations of abuse, neglect or exploitation of elder and dependent adults, which are required to notify law enforcement of a possible crime, are also required to forward such notifications to the ANE Unit. The ANE Unit also continues to receive all substantiated findings of abuse, neglect, and exploitation from state agencies. These findings come to the ANE Unit from the Kansas Department for Children and Families (DCF) - Adult Protective Services (APS), Kansas Department for Aging and Disability Services (KDADS), and Kansas Department of Health and Environment (KDHE).

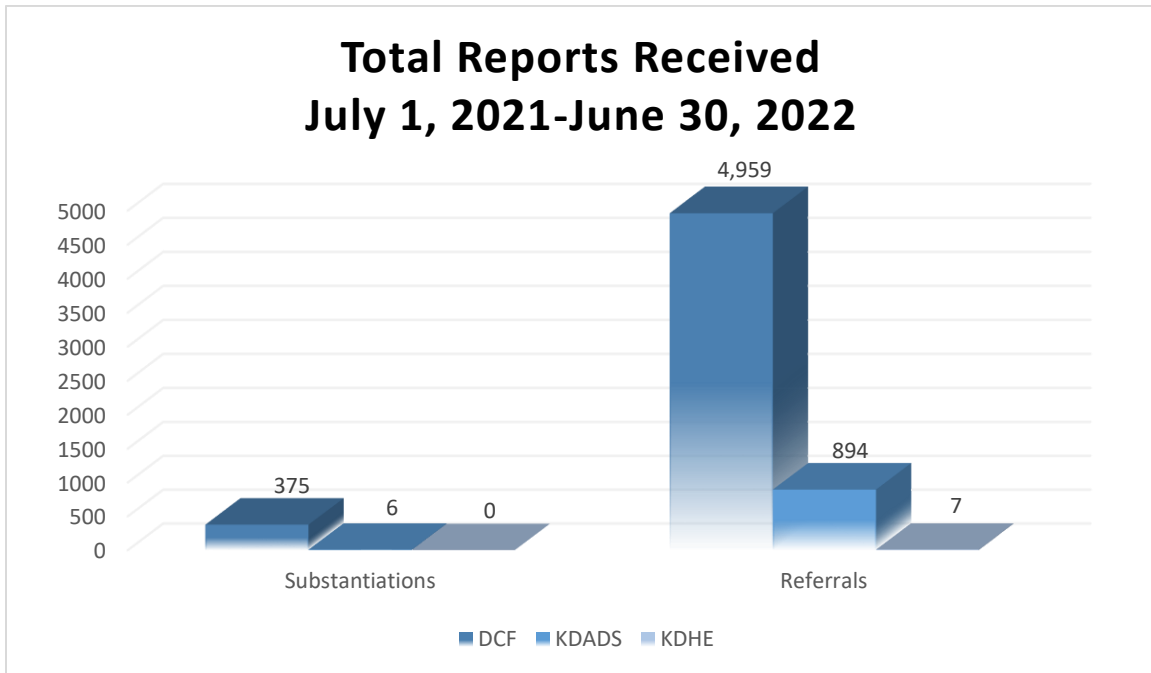
In addition to compiling and reporting statistical data, this annual report provides a broad overview of the ANE Unit's activities. The report focuses on the ways the unit's work has resulted in intervention or investigation of the abuse, neglect, and exploitation of vulnerable adults. It also looks at ways the unit has provided education and outreach to improve the protection of vulnerable adults.

In addition to housing the ANE Unit, FALD provides education, investigation, and prosecution in other subject matter areas required or authorized by law. In 2017, Attorney General Schmidt supported enactment of Senate Bill 23, which relocated existing prosecution resources from the Office of the Securities Commissioner and the Kansas Insurance Department to the OAG. The division also includes the assistant attorney general assigned by statute to direct the investigation and administrative prosecution of fraudulent or abusive acts in the Department of Labor's Workers Compensation Division. Together with the ANE Unit, these statutory duties form the foundation of FALD. In March 2018, the OAG entered into agreement, as authorized by law, with the Kansas Department of Revenue (KDOR) to assist in the enforcement and prosecution of criminal cases arising out of investigations conducted by KDOR's Office of Special Investigations. This process is coordinated case-by-case with the appropriate county or district attorney. Through co-location, cross training, and integrated case management the state is able to gain efficiencies and allow stronger enforcement of the criminal statutes that prohibit financial crimes which often involve elder adults as victims. This report focuses on the work of FALD in the above areas by giving statistics related to prosecution and gives examples of common cases prosecuted by the division.

FY 2022

The ANE Unit is required to review all cases forwarded by a state agency involving a confirmed (substantiated) finding of abuse. State agencies required to forward reports to the unit are DCF, KDADS and KDHE. The ANE Unit is also required to review all law enforcement referrals regarding allegations of abuse, neglect and or exploitation. During this reporting period, July 1, 2021 through June 30, 2022, the ANE Unit received a total of 5,860 reports of abuse, neglect or exploitation, the sum of law enforcement referrals and agency substantiations.

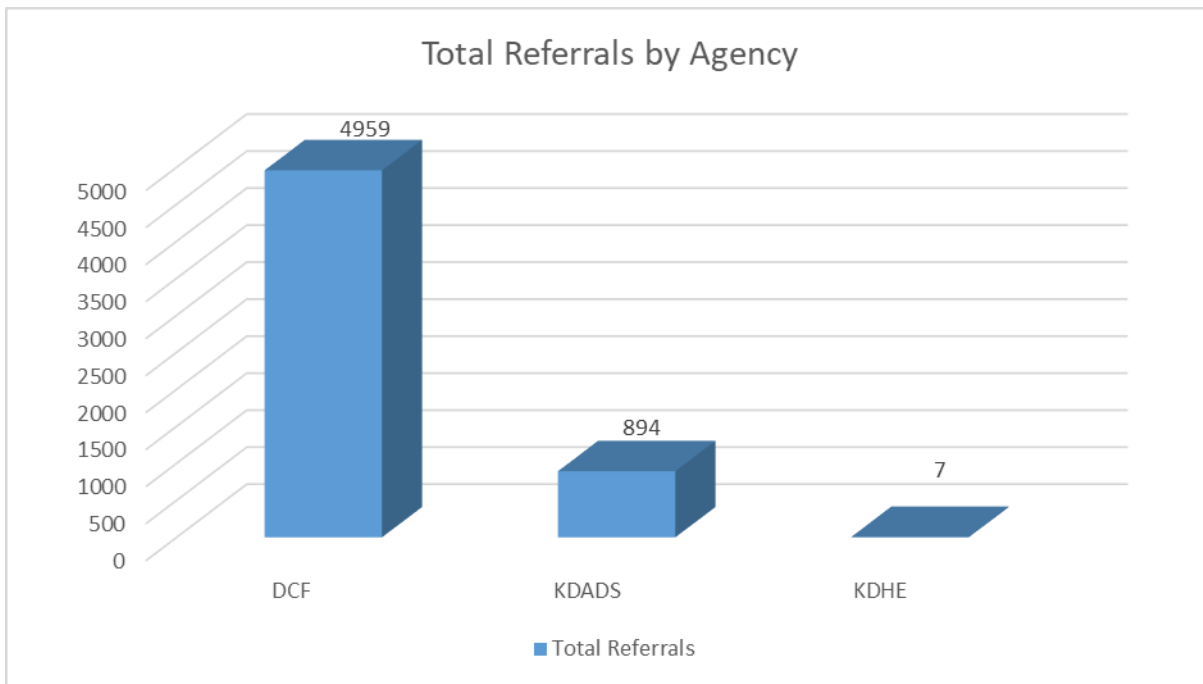
Of the 5,860 reports of abuse, neglect or exploitation from the above agencies a majority of them were initial referrals to law enforcement agencies and the remaining were substantiated findings of abuse, neglect or exploitation.



Law Enforcement Referrals

DCF, KDADS and KDHE are mandated by law to report possible criminal acts to law enforcement (K.S.A 39-1433 and K.S.A 39-1404). The reporting state agency is required to complete a written notification to law enforcement (initial referrals). These referrals can take place at any point during a state agency's investigation but are most frequently made at the onset of an investigation. The written notification may include a lengthy summary, with supporting documentation attached, or may contain only a few sentences with instructions for law enforcement to contact the worker to receive additional information.

Over the past year, the unit has worked closely with all 105 counties within the state. The Unit coordinates with law enforcement agencies statewide to ensure referrals have been received and further investigations, if appropriate, are taking place. The unit continues to work with each law enforcement agency in building closer working relationships, as well as offering investigative and prosecution assistance when needed.

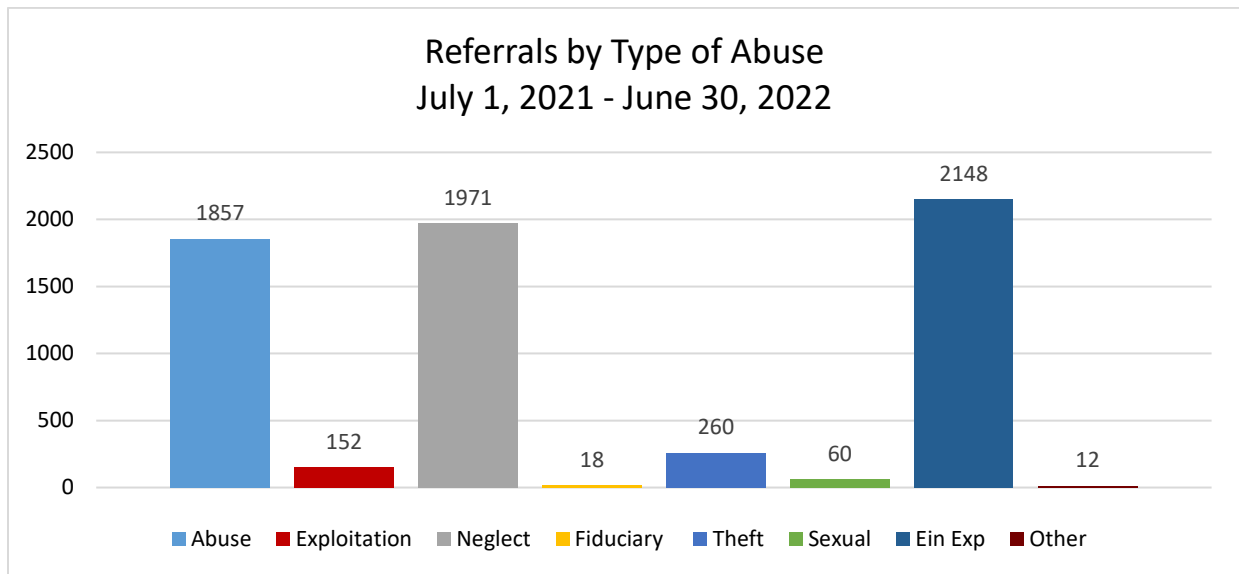


During this reporting period the unit received 5,860 law enforcement referrals. Each referral is assigned a type of allegation as designated by our unit. The unit's designation is determined using the facts provided, statutory and regulatory authority, and agency policies and procedures. There are seven types designated as follows; Abuse, neglect, exploitation, theft, fiduciary abuse, sexual abuse and "other". Some referrals contain one or more type of abuse, which the unit counted as one referral, but reported the total number of allegation types.

Financial Exploitation was the most reported allegation in all of the referrals received by the ANE Unit at 2,148. The ANE Unit received 152 exploitation referrals, 1,971 for neglect, 18 for fiduciary abuse, 260 for theft, and 60 for sexual abuse. The ANE Unit categorized 12 "other" referrals this year in cases where the allegation was not clear. The "Other" field was created as the allegations could not be categorized due to lack of detail in the complaints. The only allegations investigated by DCF that do not require notification to the unit are those for self-neglect. These investigations most times, do not contain a criminal element therefore not requiring notification to law enforcement. A majority of the exploitation referrals the ANE Unit received were related to some form of financial exploitation or abuse.

Law Enforcement Referrals

During the 2021 Legislative session K.S.A. 39-1430 was amended to combine exploitation and fiduciary abuse into the new category of financial exploitation. The legislative change only applies to DCF findings, not KDADS or KDHE findings. This allegation combines the existing allegations of fiduciary abuse and exploitation.



REFERRAL SOURCES

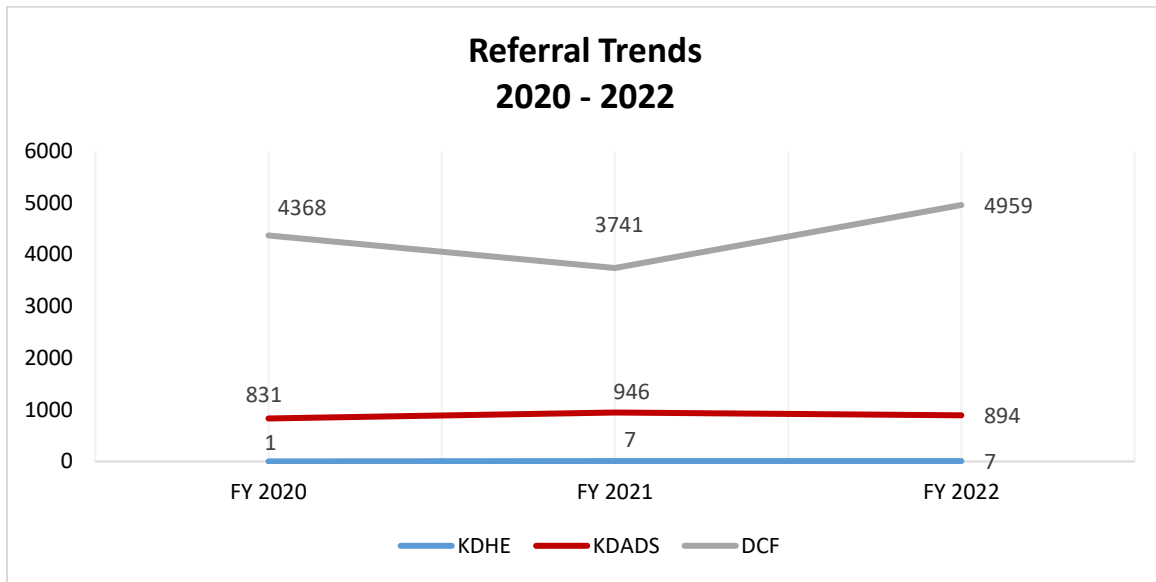
DCF Adult Protective Services (APS) - Social workers investigate reports and provide protective services to adults, with their consent, who reside in the community, adults residing in facilities licensed/certified by DCF, and to adults residing in adult care homes and other facilities licensed by KDADS when the alleged perpetrator is not a resident or employee of the facility. APS also investigates caregivers providing services to home and community based service (HCBS) clients. www.dcf.ks.gov

Kansas Department of Aging and Disability Services (KDADS) – Surveyors investigate reports of adult abuse, neglect and exploitation occurring in adult care homes (ACH). Examples: nursing home facilities, assisted living facilities, or board and care facilities. www.kdads.ks.gov

In addition, the Aging and Disability Resource Center (ADRC) is now available and is a trusted source of information where people of all ages, abilities and income levels – and their caregivers – can go to obtain assistance in planning for their future long-term service and support needs. The ADRC website is found at <http://kdads.ks.gov/commissions/commission-on-aging/aging-and-disability-resource-centers>

Kansas Department of Health and Environment (KDHE) – Investigates reports of adult abuse, neglect and exploitation occurring in medical facilities and non-long term care facilities. Examples: hospitals, ambulatory surgery centers, home health agencies, hospice, rural health clinics, outpatient physical therapy, portable X-ray units. www.kdheks.gov

With better education and training, the unit has worked with law enforcement and state agencies to expand the knowledge of identifying and reporting elder and dependent adult abuse, neglect and exploitation.



LAW ENFORCEMENT REFERRAL BREAKDOWN BY COUNTY

The below chart is a breakdown showing referrals received respectfully from each county. The population shown is individuals age 18 and over in each county. These population numbers were provided by KDHE and are an estimate for Kansas Counties based on the 2020 Census. A zero number indicates the ANE Unit did not receive a law enforcement referral but does not necessarily indicate no reports were made.

County	Population 18+	DCF	KDADS	KDHE	TOTAL	RATE PER 1,000
Allen	9,789	26	1	0	27	2.76
Anderson	5,831	11	0	0	11	1.89
Atchison	12,749	17	6	0	23	1.80
Barber	3,292	5	0	0	5	1.52
Barton	19,337	69	11	0	80	4.14
Bourbon	10,704	24	5	0	29	2.71
Brown	7,159	17	4	0	21	2.93
Butler	50,070	136	26	1	163	3.26
Chase	2,045	10	3	0	13	6.36
Chautauqua	2,641	5	0	0	5	1.89
Cherokee	14,861	34	2	0	36	2.42
Cheyenne	2,040	5	0	0	5	2.45
Clark	1,517	4	0	0	4	2.64
Clay	6,260	20	2	0	22	3.51
Cloud	6,995	19	5	0	24	3.43
Coffey	6,424	26	8	0	34	5.29
Comanche	1,293	4	1	0	5	3.87
Cowley	26,392	101	7	0	108	4.09
Crawford	30,158	73	11	0	84	2.79
Decatur	2,200	7	0	0	7	3.18
Dickinson	14,099	32	6	0	38	2.70

Law Enforcement Referrals

County	Population 18+	DCF	KDADS	KDHE	TOTAL	RATE PER 1,000
Doniphan	5,856	10	7	0	17	2.90
Douglas	96,316	146	17	0	163	1.69
Edwards	2,262	5	0	0	5	2.21
Elk	1,923	8	0	0	8	4.16
Ellis	22,952	52	5	0	57	2.48
Ellsworth	5,177	32	2	0	34	6.57
Finney	27,176	52	4	0	56	2.06
Ford	23,674	38	11	0	49	2.07
Franklin	19,927	33	7	0	40	2.01
Geary	25,963	53	1	0	54	2.08
Gove	2,018	6	2	0	8	3.96
Graham	1,908	6	1	0	7	3.67
Grant	5,156	7	2	0	9	1.75
Gray	4,050	3	0	0	3	0.74
Greeley	956	7	1	0	8	8.37
Greenwood	4,729	14	0	0	14	2.96
Hamilton	1,792	3	0	0	3	1.67
Harper	4,167	13	1	0	14	3.36
Harvey	25,911	138	9	0	147	5.67
Haskell	2,640	5	0	0	5	1.89
Hodgeman	1,295	1	0	0	1	0.77
Jackson	9,843	15	1	0	16	1.63
Jefferson	14,077	33	23	0	56	3.98
Jewell	2,307	2	0	0	2	0.87
Johnson	461,998	661	224	1	886	1.92
Kearny	2,833	8	0	0	8	2.82
Kingman	5,794	4	0	0	4	0.69
Kiowa	1,898	5	2	0	7	3.69
Labette	15,103	40	7	0	47	3.11
Lane	1,237	1	0	0	1	0.81
Leavenworth	62,172	107	19	0	126	2.03
Lincoln	2,261	5	0	0	5	2.21
Linn	7,418	13	0	0	13	1.75
Logan	2,067	3	1	0	4	1.94
Lyon	25,093	91	2	1	94	3.75
Marion	9,237	21	2	0	23	2.49
Marshall	7,639	9	1	0	10	1.31
McPherson	23,584	82	14	0	96	4.07
Meade	2,985	0	1	0	1	0.34
Miami	25,740	49	18	0	67	2.60
Mitchell	4,460	20	8	0	28	6.28
Montgomery	24,064	58	5	0	63	2.62
Morris	4,230	4	1	0	5	1.18

Law Enforcement Referrals

County	Population 18+	DCF	KDADS	KDHE	TOTAL	RATE PER 1,000
Morton	2,043	1	0	0	1	0.49
Nemaha	7,593	11	2	0	13	1.71
Neosho	11,978	23	2	0	25	2.09
Ness	2,150	1	1	0	2	0.93
Norton	4,400	5	1	0	6	1.36
Osage	12,113	41	1	0	42	3.47
Osborne	2,753	9	6	0	15	5.45
Ottawa	4,411	19	2	0	21	4.76
Pawnee	4,974	14	1	0	15	3.02
Phillips	3,870	4	0	0	4	1.03
Pottawatomie	17,895	36	4	0	40	2.24
Pratt	6,982	12	6	0	18	2.58
Rawlins	1,983	2	0	0	2	1.01
Reno	48,143	135	19	0	154	3.20
Republic	3,679	14	1	0	15	4.08
Rice	7,242	29	0	0	29	4.00
Riley	59,685	87	11	0	98	1.64
Rooks	3,833	4	0	0	4	1.04
Rush	2,371	8	0	0	8	3.37
Russell	5,178	18	0	0	18	3.48
Saline	41,737	142	27	2	171	4.10
Scott	3,802	6	1	0	7	1.84
Sedgwick	392,877	722	137	2	861	2.19
Seward	15,257	40	5	0	45	2.95
Shawnee	137,135	562	69	0	631	4.60
Sheridan	1,839	1	0	0	1	0.54
Sherman	4,482	33	0	0	33	7.36
Smith	2,860	6	0	0	6	2.10
Stafford	3,114	9	0	0	9	2.89
Stanton	1,486	0	0	0	0	0.00
Stevens	3,757	3	0	0	3	0.80
Sumner	16,920	53	9	0	62	3.66
Thomas	6,052	14	6	0	20	3.30
Trego	2,225	2	0	0	2	0.90
Wabaunsee	5,196	5	11	0	16	3.08
Wallace	1,124	1	0	0	1	0.89
Washington	4,230	17	0	0	17	4.02
Wichita	1,574	2	1	0	3	1.91
Wilson	6,605	17	12	0	29	4.39
Woodson	2,452	5	0	0	5	2.04
Wyandotte	123,572	338	62	0	400	3.24
TOTALS	2,229,316	4,959	894	7	5,860	2.63

Substantiations

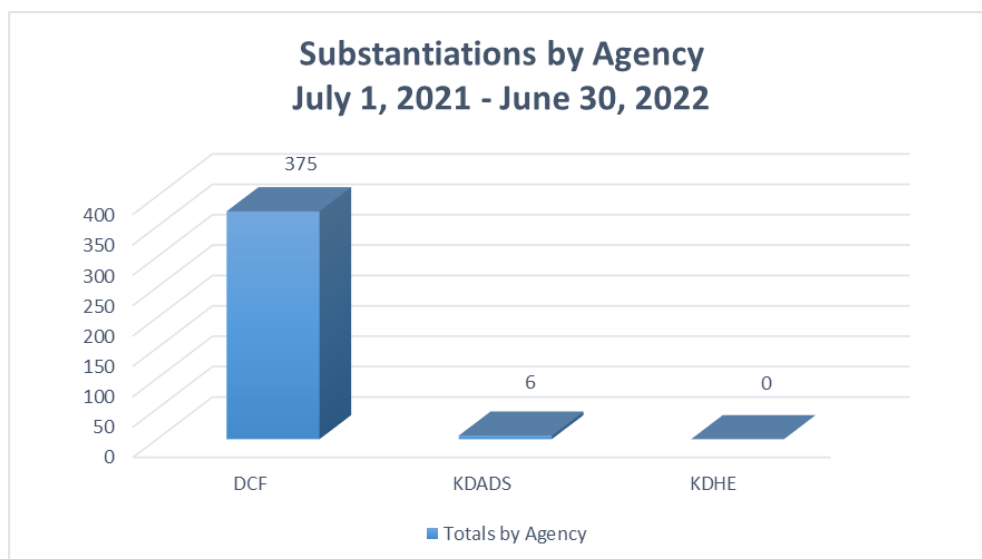
During this reporting period, the ANE Unit received a total of 381 substantiated findings of abuse, neglect or exploitation (“substantiations”) from DCF and KDADS and KDHE during FY 2022.

The purpose of a substantiation for DCF is to add the perpetrator to the statewide adult abuse registry. K.S.A. 65-6205 allows community services providers, mental health centers and independent living centers to perform employment background checks to determine whether a potential employee is listed on the registry. Any agency not included within the statute can still obtain background information from DCF with a signed release form.

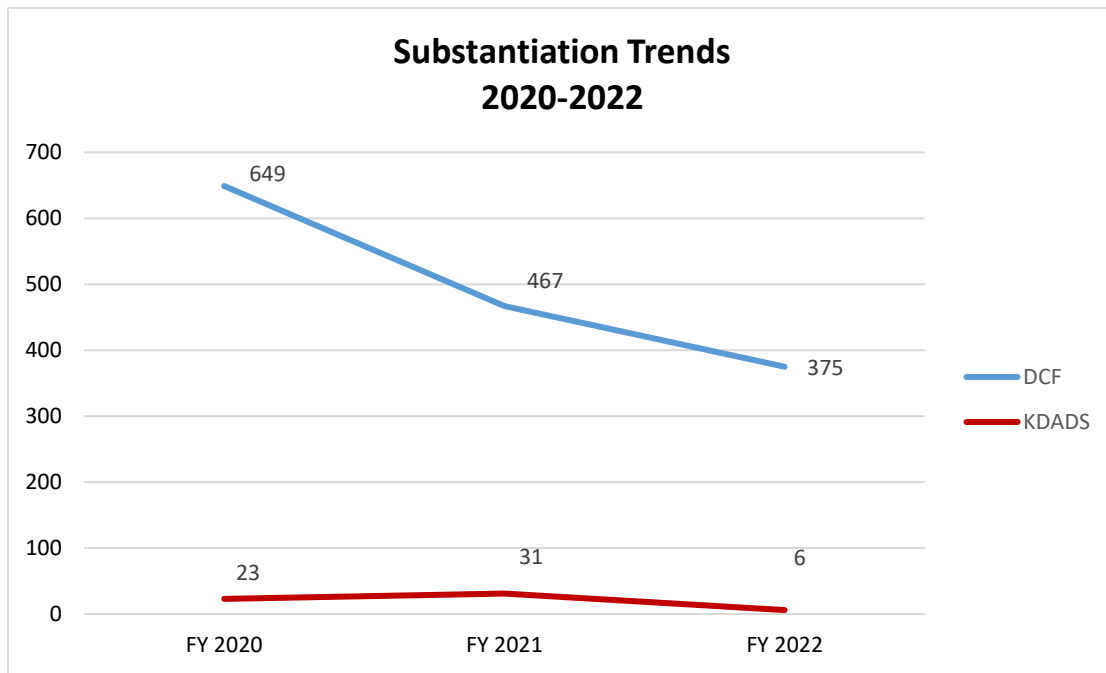
KDADS’s purpose of a substantiation is statutorily the same as DCF. In addition, KDADS has the responsibility to maintain the certified nurse aide (CNA) registry. If KDADS substantiates abuse, the substantiation is recorded in both registries. The substantiations received by the ANE Unit from KDADS this reporting period have only been related to CNAs. Substantiations involving a Certified Nurse/Medication Aide, require a prohibition to be entered onto the CNA registry after the appeal period has expired. KDADS has a survey, certification and credentialing commission division responsible for investigating the allegations of abuse, neglect or exploitation or failure to provide care or services to residents in adult care homes licensed by KDADS. These investigations are done to determine compliance with federal and state regulations regarding health, safety and welfare of any resident of those licensed adult care homes.

KDHE’s purpose of a substantiation is the same as KDADS and DCF. KDHE investigates reports of adult abuse, neglect and exploitation occurring within medical facilities and non-long term care facilities. Examples include hospitals, ambulatory surgery centers, home health agencies, hospice, rural health clinics, outpatient physical therapy and portable X-ray units. KDHE has oversight of state-licensed facilities that do not fall under KDADS. Once a substantiation is made by KDHE on a licensed perpetrator, the licensing agency is contacted to take action on the perpetrator’s license, such as the Kansas Board of Nursing, or KDADS for nurse aide registry prohibitions.

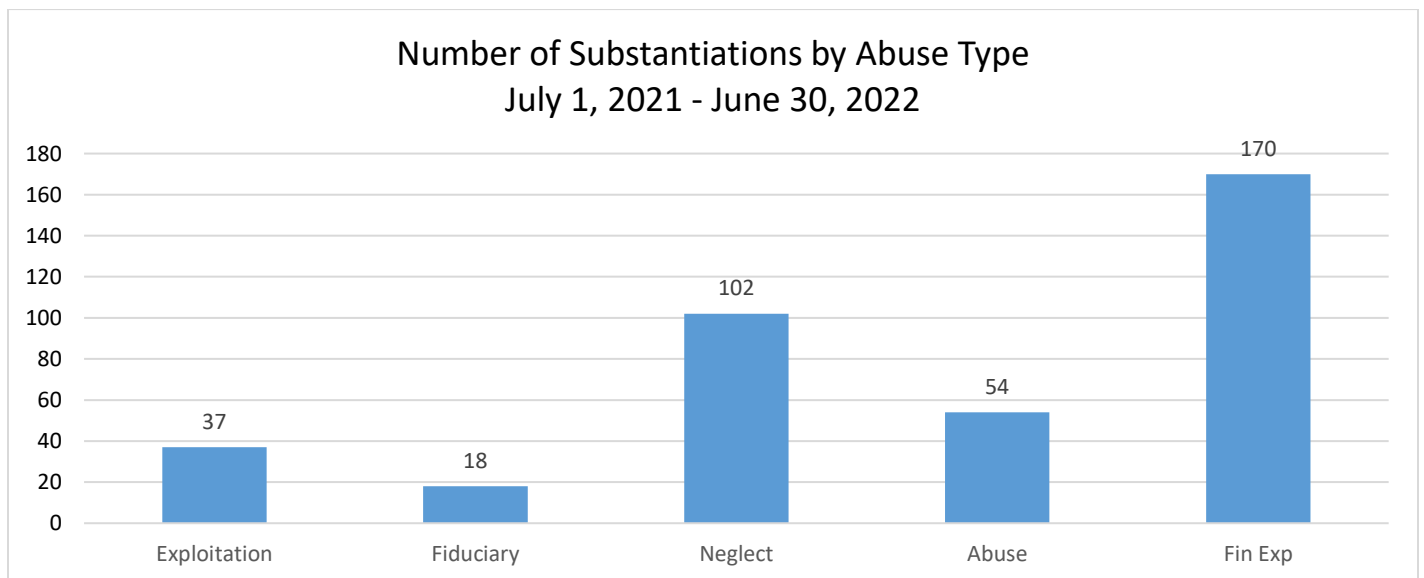
During this reporting period, the ANE Unit monitored the length of investigations from both KDADS, and DCF. The ANE Unit had concerns regarding length of time each agency was taking to conduct investigations related to abuse, neglect and exploitation. A normal investigation is calculated from the date the report is received by the agency to the date the substantiation is made. Of the substantiations received by the ANE Unit this year, DCF’s average investigation timeframe was 115 days, or 82 working days, and KDADS investigations average was 625 days, 437 working days.



The numbers reflected in the total substantiated findings are indicative of a finding with one suspect and one victim. If a finding is received containing more than one suspect, the unit opens one case respectively for each finding for the sole purpose of accurate reporting. The unit continues to work closely with each state agency to ensure finding decisions are made and forwarded to the unit in a timely manner.



There are five categories of substantiation as used by DCF, KDADS and KDHE; abuse, neglect, exploitation, fiduciary abuse, and financial exploitation. As noted in the “Referral” section, DCF is the only agency using financial exploitation as a category. These vary significantly from the seven allegations assigned by the ANE Unit in the initial referrals. For example, an initial referral may be labeled “sexual abuse”. However, if an investigation leads to a substantiated finding, it will be for “abuse” not “sexual abuse”. This is because the unit designates referral allegations, while the state agency’s legal determination is used to designate substantiated allegations.



Substantiations

SUBSTANTIATION BREAKDOWN BY COUNTY AND AGENCY

County	DCF	KDADS	KDHE	TOTAL
Allen		0	0	0
Anderson	1		0	1
Atchison		0	0	0
Barber		0	0	0
Barton		7	0	7
Bourbon		0	0	0
Brown		0	0	0
Butler		14	0	14
Chase		0	0	0
Chautauqua		0	0	0
Cherokee		1	0	1
Cheyenne		4	0	4
Clark		2	0	2
Clay		4	0	4
Cloud		3	0	3
Coffey		0	0	0
Comanche		1	0	1
Cowley		4	1	5
Crawford		3	0	3
Decatur		1	0	1
Dickinson		3	0	3
Doniphan		0	0	0
Douglas		4	0	4
Edwards		0	0	0
Elk		0	0	0
Ellis		11	0	11
Ellsworth		3	0	3
Finney		3	0	3
Ford		2	0	2
Franklin		5	0	5
Geary		6	0	6
Gove		1	0	1
Graham		0	0	0
Grant		1	0	1
Gray		0	0	0
Greeley		0	0	0
Greenwood		3	0	3
Hamilton		0	0	0
Harper		1	0	1
Harvey		17	0	17
Haskell		0	0	0

Substantiations

County	DCF	KDADS	KDHE	TOTAL
Hodgeman	0	0	0	0
Jackson	0	0	0	0
Jefferson	2	0	0	2
Jewell	0	0	0	0
Johnson	60	1	0	61
Kearny	2	0	0	2
Kingman	1	0	0	1
Kiowa	0	0	0	0
Labette	2	0	0	2
Lane	0	0	0	0
Leavenworth	3	0	0	3
Lincoln	0	0	0	0
Linn	0	0	0	0
Logan	1	0	0	1
Lyon	5	0	0	5
Marion	2	0	0	2
Marshall	0	0	0	0
McPherson	9	0	0	9
Meade	0	0	0	0
Miami	4	0	0	4
Mitchell	2	0	0	2
Montgomery	3	0	0	3
Morris	1	0	0	1
Morton	0	0	0	0
Nemaha	0	0	0	0
Neosho	1	0	0	1
Ness	0	0	0	0
Norton	0	0	0	0
Osage	0	0	0	0
Osborne	1	0	0	1
Ottawa	2	0	0	2
Pawnee	2	0	0	2
Phillips	0	0	0	0
Pottawatomie	0	0	0	0
Pratt	0	0	0	0
Rawlins	0	0	0	0
Reno	9	0	0	9
Republic	3	0	0	3
Rice	2	0	0	2
Riley	21	0	0	21
Rooks	0	0	0	0
Rush	0	0	0	0
Russell	0	0	0	0

Substantiations

County	DCF	KDADS	KDHE	TOTAL
Saline	15	0	0	15
Scott	1	1	0	2
Sedgwick	37	0	0	37
Seward	6	2	0	8
Shawnee	28	0	0	28
Sheridan	0	0	0	0
Sherman	8	0	0	8
Smith	0	0	0	0
Stafford	2	0	0	2
Stanton	0	0	0	0
Stevens	0	0	0	0
Sumner	2	0	0	2
Thomas	3	0	0	3
Trego	0	0	0	0
Wabaunsee	1	0	0	1
Wallace	0	0	0	0
Washington	3	0	0	3
Wichita	0	0	0	0
Wilson	2	0	0	2
Woodson	0	0	0	0
Wyandotte	24	1	0	25
TOTALS	375	6	0	381

Investigations and Prosecutions

ELDER AND DEPENDENT ADULT ABUSE

One of the most important changes of the July 1, 2016, legislative amendments is the Unit's ability to assist in criminal investigations and prosecutions. To accommodate these changes, the ANE Unit was made part of the newly created Fraud and Abuse Litigation Division (FALD). In addition, special agent and prosecution capacity were added within the division to process cases. Once these resources were obtained, FALD began receiving and accepting requests for assistance from law enforcement and local prosecutors.

Elder and dependent adult abuse cases are often complicated and can take considerable time and resources to investigate. This is because these cases often revolve around an in-depth review of financial documents and require a strong understanding of financial transactions as well as a thorough understanding of the various legal relationships encountered, such as trusts, guardianships and powers of attorney. This can be very time consuming and taxing on law enforcement agencies, especially small agencies.

During the current reporting period, the attorney general's Fraud and Abuse Litigation Division was involved in the litigation of 16 elder and dependent adult abuse cases. Courts have ordered \$8,000 in restitution and \$3,400 in fines and fees related to cases during the past fiscal year. Law enforcement agents located within FALD also participated in investigating 47 cases related to elder and dependent abuse as well as general white-collar fraud.

SECURITIES FRAUD

In 1911, the Kansas Legislature passed the nation's first "blue sky" statute — a state law designed to provide for state regulation over securities and to protect the public from fraudulent investment schemes. Kansas' blue sky statutes are now codified as the Kansas Uniform Securities Act (K.S.A. 17-12a101 *et seq.*). As of July 1, 2017, the OAG maintains prosecution authority for criminal violations of Kansas's securities laws while the Office of the Kansas Securities Commissioner is responsible for investigations pursuant to K.S.A. 17-12a508 and 75-767.

FALD, in cooperation with the Office of the Kansas Securities Commissioner, prosecutes a wide variety of securities- and investment-related crimes. Many of these crimes fall under the category of "investment fraud," such as intentionally failing to disclose relevant information to potential investors, setting up a Ponzi scheme, offering promissory notes in exchange for fictitious investment deals, or purposefully misleading the public about an investment's safety. FALD also prosecutes a variety of "registration crimes," such as failing to properly register a security with the Securities Commissioner or selling securities without a state license.

During the current reporting period, FALD was involved in the litigation of 10 securities fraud cases. Courts have ordered \$30,500 in restitution and \$5,000 in fines and fees related to cases during the past fiscal year.

INSURANCE FRAUD

The Fraud and Abuse Litigation Division also prosecutes cases of insurance fraud. Pursuant to K.S.A. 75-767, the Kansas Insurance Department investigates complaints of insurance fraud and forwards the results of their investigations to the attorney general's office when criminal prosecution is warranted. The Fraud and Abuse Litigation Division files and prosecutes these cases.

The types of insurance fraud commonly prosecuted include staged accident claims, false bodily injury claims, and mysterious disappearance claims. In many staged accident claims, an individual is involved in a car accident, but does not have insurance for their vehicle. To obtain coverage for the accident, the individual purchases comprehensive coverage after the accident and falsely claims the accident occurred after the insurance was purchased. In false bodily injury claims, individuals forge medical records to support false claims that they have sustained injuries in a variety of accidents. Mysterious disappearance claims involve individuals falsely claiming they have lost insured personal property in an attempt to collect insurance proceeds for the property. The partnership between the attorney general's office and the Insurance Department continues to result in increased prosecution of these common types of insurance fraud.

During the current reporting period, FALD was involved in the litigation of 29 insurance fraud cases. Courts have ordered \$72,112.24 in restitution and \$11,450 in fines related to cases during the past fiscal year.

TAX FRAUD

On March 13, 2018, the OAG and the Kansas Department of Revenue (KDOR) entered into a Memorandum of Understanding to build a partnership to prosecute cases investigated by KDOR's Office of Special Investigations. The Office of Special Investigations operates under statutory law enforcement authority granted by K.S.A. 75-5157, K.S.A. 79-3233, and K.S.A. 79-3611. The cooperative formed by the Memorandum of Understanding ensures uniform, attentive, and specialized prosecution of fraud committed against the State of Kansas by holding accountable criminals who steal sales tax paid by their customers, use Kansas driver's license offices to commit identity theft, inject unsafe and unsound vehicles into the economy through falsified title documentation, or commit other crimes within KDOR jurisdiction. Kansas district and county attorneys have supported this anti-fraud initiative by allowing the OAG to file and prosecute such cases in their jurisdictions.

During the current reporting period, FALD was involved in the litigation of 38 cases. Courts have ordered \$21,458.94 in restitution and \$2,300 in fines related to cases during the past fiscal year.

WORKERS COMPENSATION FRAUD

The attorney general is required by K.S.A. 44-5,124 to appoint an assistant attorney general (AAG), with the approval of the secretary of labor, to work within the Division of Workers Compensation at the Kansas Department of Labor. This AAG is part of FALD and reports to the deputy of the division. The AAG is responsible for directing and assisting in the investigation and administrative prosecution of alleged fraudulent or abusive acts or practices as outlined in K.S.A. 44-5,120 through K.S.A. 44-5,122 and amendments thereto.

During the current reporting period, FALD was involved in collecting, \$300 in restitution and \$234,645.36 in fines and fees related to administrative workers compensation cases.

GENERAL WHITE-COLLAR FRAUD

From its inception, FALD has been involved in the prosecution of general white-collar fraud. These crimes often involved theft from individual citizens, embezzlement of businesses, document fraud or door to door sales fraud. These cases are referred to the division from either local jurisdictions or the Consumer Protection Division. Law enforcement agents in the division often assist local agencies in the investigation of these cases as well.

During the current reporting period, FALD was involved in the litigation of nine general white-collar fraud cases. Courts have ordered \$18,000 in restitution and \$1,000 in fines related to cases during the past fiscal year.

CASE ACTIVITY JULY 1, 2021 TO JUNE 30, 2022

	ANE	Insurance	Revenue	Securities	Other
Cases Pending	16	29	38	10	9
New Cases Filed	2..	12	10	1	5
Cases Resulting in Conviction	5	7	6	3	2
Cases Resulting in Acquittal	0	1	0	0	0
Cases Dismissed	0	1	0	1	0
Convictions Resulting in Probation	2	8	5	2	1
Convictions Resulting in Incarceration	0	0	0	1	0
Convictions Pending Sentence	3	1	2	1	1
Cases Resulting in Diversion	0	4	0	0	0

Note: Conviction and sentencing numbers may not be equal due to convictions that occurred in a previous fiscal year being sentenced during the current fiscal year.

RECOVERIES

	Restitution	Fines and Fees
Elder and Dependent Adult Abuse	\$8,000	\$3,400
Securities Fraud	\$30,500	\$5,000
Insurance Fraud	\$72,112.24	\$11,450
Revenue	\$21,458.94	\$2,300
Workers Compensation	\$300	\$234,645.36
Other	\$18,000	\$1,000
Subtotals	\$150,371.18	\$257,795.36
Total Restitution, Penalties and Fees	\$408,166.54	

Education and Outreach

FALD provided instruction for 18 trainings. The division continues to develop trainings internally and to work with external partners to provide the most updated and accurate training regarding elder and dependent adult abuse. Trainings continue to be targeted to professionals in a wide range of disciplines including banking, medical, insurance, law enforcement, social work and prosecution. These sessions focus on educating individuals on the ANE Unit and FALD activities, changes in the law, and successful strategies in investigating and prosecuting abuse, neglect and exploitation cases.

The ANE Unit also interacts directly on a daily basis with law enforcement and social service agencies in the state. Often individuals in these disciplines reach out to the ANE Unit seeking advice or information regarding an individual case or on a particular type of case. The continued contact also helps ensure the proper sharing of information between agencies as well as a collaborative understanding of the roles of each agency. The ANE Unit continues to educate on recent legislative changes and the effects they have on each agency. This has helped to increase accurate reporting of law enforcement referrals, agency substantiations, and proper recording of findings to licensing agencies.

In July 2020, Attorney General Schmidt announced a partnership with the University of Kansas' Kansas Law Enforcement Training Center to offer live, online trainings for law enforcement who investigate elder abuse. Schmidt has prioritized combating elder abuse during his tenure as attorney general, in particular during his term as 2017-2018 president of the National Association of Attorneys General. Schmidt's presidential initiative, titled "Protecting America's Seniors: Attorneys General United Against Elder Abuse," resulted in numerous conversations and trainings about how to build capacity to fight elder abuse, neglect and exploitation, including his office's 2018 collaboration with KLETC for in-person trainings in Wichita, Topeka and Johnson County.

The ANE Unit continued to provide these trainings live on-line during the current FY. This venue allows for greater access for law enforcement – particularly in smaller, rural communities – who may not have the resources or the time to travel to in-person sessions. This venue is also extremely valuable and desired in light of the COVID-19 pandemic. The trainings are available to law enforcement statewide, and are eligible for fulfilling continuing education requirements. The trainings cover financial, physical, and sexual abuse of elder and dependent.

In October of 2019, the Elder and Dependent Adult Abuse Prevention Council began meeting. The council replaced a less formal advisory group that had met for several years. The council was created through the attorney general's regulatory authority under Kansas law to advise and make recommendations to the ANE Unit. The members of the council appointed by Attorney General Schmidt, as of June 30, 2022, were:

- Steven Karrer, Deputy Attorney General, Fraud and Abuse Litigation Division
- Jackie Williams, Deputy Attorney General, Medicaid Fraud and Abuse Division
- Fran Oleen, Deputy Attorney General, Consumer Protection and Antitrust Division
- Dawne Stevenson, Director of Survey and Certification, KDADS
- Chrisy Khatib, Deputy Director of Adult Protection Services, DCF
- Kendra Baldridge, Director of the Bureau of Community Health Systems, KDHE
- Kathy Greenlee, Former Assistant Secretary for Aging, U.S. Department of Health and Human Services
- Robert Short, Chief Assistant District Attorney, Sedgwick County District Attorney's Office
- Jacklyn Zickel, Detective, Overland Park Police Department
- Dr. Stephen Benson, Licensed Clinical Psychologist
- Kathy Taylor, Executive Vice President and General Counsel, Kansas Bankers Association

- Mary Tritsch, Associate State Director, AARP
- Barbara Conant, Public Policy Coordinator, Kansas Advocates for Better Care

The council worked for most of the year on creating a way to get information to the public on elder and dependent adult abuse. This culminated in creating both a magnet and a bookmark. The magnets and bookmarks provide valuable phone numbers for people to call if they suspect abuse, neglect, exploitation, or fraud regarding elder and dependent adults. It also provides numbers for resources regarding mental health and aging.

The project was funded by the Kansas Department of Children and Families and the Johnson County District Attorney's Office. Design was provided by the Johnson County District Attorney's Office in coordination with the Office of the Attorney General. The council is extremely grateful to all of these entities in helping us to fulfill our education and outreach obligations.

Significant Cases

State v. Lace Morford - Thomas County

Morford, a hospital nurse, used her access to legitimate patient records to file 15 invalid medical claims with her own insurance company over the course of three years. After accessing patients' medical records, Morford altered the original records to support her false claims for payments under her own insurance policies, including falsified claims pursuant to a cancer care policy. Morford pleaded guilty and was convicted of insurance fraud, unlawful use of a computer, forgery, and theft. The court ordered her to spend 15 days in the county jail as a condition of her probation, pay a \$500 fine, and pay \$17,942.50 in restitution to the insurance carrier.

State v. Ronald Morley - Shawnee County

Morley sold "preferred stock" shares in a trust company to four Kansas investors and described the stock as a safe investment with a guaranteed quarterly dividend, and he further advised the victims the stock was a good fit for their investment goals and low risk tolerances. However, the preferred stock investment was in fact high risk, low liquidity, and open only to "accredited investors"—a category for which Morley knew none of the Kansas investors qualified. Additionally, Morley was not registered to sell securities in Kansas and he failed to notify the Kansas victims he had been permanently barred from the securities and investment advisory business in Maryland, following a 2006 consent order from Maryland's securities authority. Morley was convicted of one count securities fraud and one count of acting as an unregistered issuer/agent; the district court originally granted Morley's request for probation and ordered him to repay the Kansas investors a total of \$845,900 in restitution. The State of Kansas successfully appealed the probation sentence and the Kansas Supreme Court ruled the district court erred by not imposing the presumptive sentence of imprisonment. On remand, Morley was resentenced to 38 months in a Kansas Department of Corrections facility, as well as ordered to pay full restitution.

State v. Shawn Parcels – Wabaunsee County

Parcels contracted with Wabaunsee County to conduct coroner-ordered autopsies. Parcels performed autopsies in three instances without a pathologist performing the autopsies, a violation of state law. He also obtained money from Wabaunsee county to perform the autopsies but had indicated to county officials a pathologist would be present during the autopsies. No pathologist was present. Parcels was convicted by a Wabaunsee County jury of three counts of felony theft and three misdemeanor counts of criminal desecration. Parcels sentencing was still pending at the end of the fiscal year.

State v. Bryan Scott Hurt - McPherson County

Hurt's company, Energy Exploration, Inc., cold-called a Kansas man and solicited his investment in an Oklahoma-based oil venture. The Kansas investor expected his \$25,000 to be used for oil production, but instead Hurt used the investor's money for personal expenses and to pay so-called investment "returns" to other, unrelated investors. Hurt pleaded guilty to one count of securities fraud and was ordered to serve 36 months of probation, pay \$25,000 in restitution, and pay a \$5,000 fine.

State v. Deanna Ice - Harvey County

Ice became attorney-in-fact for her elderly mother, who required memory-care services in a nursing facility. Facility staff, in assisting the elder to apply for Medicaid, noticed numerous transactions on the elder's bank accounts that did not appear to be directed toward the elder's care or benefit. Investigation revealed Ice made multiple jewelry purchases with her elder mother's money and also transferred money from the mother's bank account into her own, totaling approximately \$35,000, all while leaving the nursing facility bill unpaid. Ice was convicted of mistreatment of an elder person in May 2022. Sentencing for Ice was still pending at the end of the fiscal year.

Statutory Authority

K.S.A. 75-723

Chapter 75.—STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

Article 7.—ATTORNEY GENERAL

75-723. Abuse, neglect and exploitation unit; confidentiality of investigations; reports forwarded to unit; report to legislature; rules and regulations; prohibition on use of funds; contracting. (a) There is hereby created in the office of the attorney general an abuse, neglect and exploitation of persons unit.

(b) Except as provided by subsection (h), the information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law. Upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to confirmed cases of abuse, neglect or exploitation of persons or cases in which there is reasonable suspicion to believe abuse, neglect or exploitation of persons has occurred which are received or generated by the Kansas department for children and families, Kansas department for aging and disability services or department of health and environment.

(c) Except for reports alleging only self-neglect, such state agency receiving reports of abuse, neglect or exploitation of persons shall forward to the unit:

(1) Within 10 days of confirmation, reports of findings concerning the confirmed abuse, neglect or exploitation of persons; and

(2) within 10 days of such denial, each report of an investigation in which such state agency was denied the opportunity or ability to conduct or complete a full investigation of abuse, neglect or exploitation of persons.

(d) On or before the first day of the regular legislative session each year, the unit shall submit to the legislature a written report of the unit's activities, investigations and findings for the preceding fiscal year.

(e) The attorney general shall adopt rules and regulations as deemed appropriate for the administration of this section.

(f) No state funds appropriated to support the provisions of the abuse, neglect or exploitation of persons unit and expended to contract with any third party shall be used by a third party to file any civil action against the state of Kansas or any agency of the state of Kansas. Nothing in this section shall prohibit the attorney general from initiating or participating in any civil action against any party.

(g) The attorney general may contract with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation of persons.

(h) Notwithstanding any other provision of law, nothing shall prohibit the attorney general or the unit from distributing or utilizing only that information obtained pursuant to a confirmed case of abuse, neglect or exploitation or cases in which there is reasonable suspicion to believe abuse, neglect or exploitation has occurred pursuant to this section with any third party contracted with by the attorney general to carry out the provisions of this section.

History: L. 2006, ch. 181, § 1; L. 2014, ch. 115, § 313; July 1.

Chapter 39. Mentally Ill, Incapacitated and Dependent Persons, Social Welfare**Article 14. Reporting Abuse, Neglect or Exploitation of Certain Persons**

39-1433. Same; duties of Kansas department for children and families; face-to-face visit; investigation and evaluation; findings referred to appropriate regulating authority, when; information provided to certain persons.

(a) The Kansas department for children and families, upon receiving a report that an adult is being or has been harmed as a result of abuse, neglect or financial exploitation, shall:

(1) Immediately notify, in writing, the appropriate law enforcement agency when a criminal act has occurred or appears to have occurred;

(2) make a face-to-face visit with the involved adult:

(A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved adult;

(B) within three working days for all reports of suspected abuse, when the information from the reporter indicates no imminent danger; and

(C) within five working days for all reports of neglect or financial exploitation when the information from the reporter indicates no imminent danger;

(3) complete, within 30 working days of receiving a report of abuse or neglect and 60 working days of receiving a report of financial exploitation, a thorough investigation and evaluation to determine the situation relative to the condition of the involved adult and what action and services, if any, are required. The evaluation shall include, but not be limited to, consultation with those individuals having knowledge of the facts of the particular case. If conducting the investigation within the corresponding 30 or 60 working days would interfere with an ongoing criminal investigation, the time period for the investigation shall be extended, but the investigation and evaluation shall be completed within 90 working days. If a finding is made prior to the conclusion of the criminal investigation, the investigation and evaluation may be reopened and a new finding made based on any additional evidence provided as a result of the criminal investigation. If the alleged perpetrator is licensed, registered or otherwise regulated by a state agency, such state agency shall be notified upon completion of the investigation or sooner if such notification does not compromise the investigation; and

(4) prepare, upon completion of the investigation of each case, a written assessment that shall include an analysis of whether there is or has been abuse, neglect or financial exploitation, recommended action, a determination of whether protective services are needed and any follow-up.

(b) The secretary for children and families shall forward any finding of abuse, neglect or financial exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state regulatory authority that regulates such provider.

(c) The secretary for children and families shall forward any substantiated finding of abuse, neglect or financial exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state regulatory authority, and such authority may consider the finding in any disciplinary action taken with respect to such provider under the jurisdiction of such authority.

(d) The Kansas department for children and families shall inform the complainant, upon request of the complainant, that an investigation has been initiated.

(e) The Kansas department for children and families shall inform the chief administrative officers of community facilities licensed pursuant to K.S.A. [39-2001](#) et seq., and amendments thereto, and nursing facilities, nursing facilities for mental health, intermediate care facilities for people with intellectual disability, assisted living facilities, residential healthcare facilities and home plus as defined in K.S.A. [39-923](#), and amendments thereto, of substantiated findings of resident abuse, neglect or financial exploitation.

History: L. 1989, ch. 129, § 4; L. 1998, ch. 200, § 10; L. 2003, ch. 91, § 14; L. 2005, ch. 30, § 1; L. 2014, ch. 115, § 170; L. 2018, ch. 71, § 9; L. 2021, ch. 81, § 5; July 1.

39-1404. Same; duties of Kansas department for aging and disability services and department of health and environment; personal visit; investigation and evaluation; information provided to certain persons.

(a) The department of health and environment or the Kansas department for aging and disability services upon receiving a report that a resident is being, or has been, abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services shall:

(1) When a criminal act has occurred or has appeared to have occurred, immediately notify, in writing, the appropriate law enforcement agency;

(2) make a personal visit with the involved resident:

(A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved resident;

(B) within three working days for all reports of suspected abuse, when the information from the reporter indicates no imminent danger; or

(C) within five working days for all reports of neglect or exploitation when the information from the reporter indicates no imminent danger.

(3) Complete, within 30 working days of receiving a report, a thorough investigation and evaluation to determine the situation relative to the condition of the involved resident and what action and services, if any, are required. The investigation shall include, but not be limited to, consultation with those individuals having knowledge of the facts of the particular case; and

(4) prepare, upon a completion of the evaluation of each case, a written assessment which shall include an analysis of whether there is or has been abuse, neglect or exploitation; recommended action; a determination of whether protective services are needed; and any follow up.

(b) The department which investigates the report shall inform the complainant, upon request of the complainant, that an investigation has been made and, if the allegations of abuse, neglect or exploitation have been substantiated, that corrective measures will be taken if required upon completion of the investigation or sooner if such measures do not jeopardize the investigation.

(c) The Kansas department for aging and disability services may inform the chief administrative officer of a facility as defined by K.S.A. [39-923](#), and amendments thereto, within 30 days of confirmed findings of resident abuse, neglect or exploitation.

History: L. 1980, ch. 124, § 4; L. 1983, ch. 149, § 4; L. 1990, ch. 153, § 4; L. 1997, ch. 161, § 5; L. 1998, ch. 200, § 6; L. 2003, ch. 91, § 5; L. 2003, ch. 149, § 27; L. 2014, ch. 115, § 159; July 1.

39-1431. Same; reporting abuse, neglect or financial exploitation or need of protective services; persons required to report; penalty for failure to report; posting notice of requirements of act.

(a) (1) When any of the following persons has reasonable cause to suspect or believe that an adult is in need of protective services or being harmed as a result of abuse, neglect or financial exploitation, such person shall promptly report the matter as provided by the provisions of this section:

(A) Persons licensed to practice the healing arts;

(B) persons engaged in postgraduate training programs approved by the state board of healing arts;

(C) persons licensed by the Kansas dental board to engage in the practice of dentistry;

(D) persons licensed by the board of examiners in optometry to engage in the practice of optometry;

(E) persons licensed by the board of nursing to engage in the practice of nursing;

(F) chief administrative officers of medical care facilities;

(G) persons licensed by the behavioral sciences regulatory board to provide mental health services, including psychologists, masters level psychologists, bachelors level social workers, masters level social workers, clinical social workers, marriage and family therapists, clinical marriage and family therapists, professional counselors, clinical professional counselors, behavior analysts, addiction counselors and clinical addiction counselors;

(H) teachers, school administrators or other employees of any Kansas educational institution, as defined in K.S.A. [75-53,112](#), and amendments thereto, that the adult is attending;

(I) firefighters, law enforcement officers and emergency medical services personnel;

(J) court services officers, community corrections officers, case managers appointed under K.S.A. [23-3508](#), and amendments thereto, and mediators appointed under K.S.A. [23-3502](#), and amendments thereto;

(K) bank trust officers or any other officers of financial institutions;

(L) rehabilitation counselors;

(M) legal representatives;

(N) governmental assistance providers;

(O) independent living counselors;

(P) owners or operators of residential care facilities, as defined in K.S.A. [39-2002](#), and amendments thereto;

(Q) the chief administrative officer of a licensed home health agency, as defined in K.S.A. [65-5101](#), and amendments thereto;

(R) the chief administrative officer of an adult family home, as defined in K.S.A. [39-1501](#), and amendments thereto; and

(S) the chief administrative officer of any provider of community services and affiliates thereof operated or funded by the Kansas department for children and families or licensed under K.S.A. [39-2001](#) et seq., and amendments thereto.

(2) An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection.

(b) Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(c) The report made pursuant to this section shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or financial exploitation, the name of the next of kin of the involved adult, if known, and any other information that the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(d) Any other person, not listed in subsection (a) who has reasonable cause to suspect or believe that an adult is being or has been harmed as a result of abuse, neglect or financial exploitation may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(e) A person making a report under subsection (a) shall not be required to make a report under K.S.A. [39-1401](#) through [39-1410](#), and amendments thereto.

(f) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or knowingly causes such report not to be made shall be guilty of a class B misdemeanor.

(g) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. [39-1501](#), and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas

department for aging and disability services or other facility licensed under K.S.A. [39-2001](#) et seq., and amendments thereto, and other institutions included in subsection (a).

History: L. 1989, ch. 129, § 2; L. 1998, ch. 200, § 9; L. 2001, ch. 154, § 4; L. 2003, ch. 91, § 12; L. 2014, ch. 115, § 168; L. 2018, ch. 33, § 2; L. 2019, ch. 64, § 5; L. 2021, ch. 81, § 4; July 1

39-1402. Abuse, neglect or exploitation of residents; reporting abuse, neglect or exploitation or need of protective services; persons required to report; contents of report; posting notice of requirements of act; penalty for failure to report.

(a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, a chief administrative officer of a medical care facility, an adult care home administrator or operator, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a teacher, a bank trust officer and any other officers of financial institutions, a legal representative, a governmental assistance provider or an emergency medical service provider who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition that is the result of such abuse, neglect or exploitation or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the Kansas department for aging and disability services with respect to residents defined under K.S.A. [39-1401](#)(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under K.S.A. [39-1401](#)(a)(2), and amendments thereto, and to the Kansas department for children and families and appropriate law enforcement agencies with respect to all other residents. Reports made to one department that are required by this subsection to be made to the other department shall be referred by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working week days and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the appropriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. [65-4923](#) or [65-4924](#), and amendments thereto, shall be deemed a report under this section.

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

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited or is in a condition that is the result of such abuse, neglect or exploitation or is in need of protective services may report such information to the Kansas department for aging and disability services with respect to residents defined under K.S.A. [39-1401](#)(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under K.S.A. [39-1401](#)(a)(2), and amendments thereto, and to the Kansas department for children and families with respect to all other residents. Reports made to the incorrect department under this section shall be referred by such department to the appropriate department for that report.

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

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

History: L. 1980, ch. 124, § 2; L. 1983, ch. 149, § 2; L. 1985, ch. 152, § 1; L. 1986, ch. 299, § 6; L. 1990, ch. 153, § 2; L. 1998, ch. 200, § 5; L. 2001, ch. 154, § 3; L. 2003, ch. 91, § 3; L. 2003, ch. 149, § 26; L. 2014, ch. 115, § 158; L. 2018, ch. 33, § 1; L. 2019, ch. 64, § 4; June 6.

DCF Glossary Terms of Abuse

Abuse: Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult including:

1. infliction of physical or mental injury;
2. any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;
3. unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;
4. unreasonable use of physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult;
5. a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult; K.S.A. 39-1430(c)

Financial Exploitation: the unlawful or improper use, control or withholding of an adult's property, income, resources or trust funds by any other person or entity in a manner that is not for the profit of or to the advantage of the adult. "Financial exploitation" includes, but is not limited to:

1. The use of deception, intimidation, coercion, extortion or undue influence by a person or entity to obtain or use an adult's property, income, resources or trust funds in a manner for the profit of or to the advantage of such person or entity;
2. The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust or a guardianship or conservatorship appointment, as it relates to the property, income, resources or trust funds of the adult; or
3. The obtainment or use of an adult's property, income, resources or trust funds, without lawful authority, by a person or entity who knows or clearly should know that the adult lacks the capacity to consent to the release or use of such adult's property, income, resources or trust funds. K.S.A. 39-1430(e).

Neglect: The failure or omission by one's self, caretaker or another person with a duty to supply or to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness K.S.A. 39-1430 (d).

KDADS Glossary Terms of Abuse

Abuse: Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a resident, including:

1. Infliction of physical or mental injury;
2. Any sexual act with a resident when the resident does not consent or when the other person knows or should know that the resident is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;
3. Unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm a resident;
4. Unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is furtherance of the health and safety of the resident or another resident;
5. A threat or menacing conduct directed toward a resident that results or might reasonably be expected to result in fear or emotional or mental distress to a resident;
6. Fiduciary abuse; or
7. Omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.

Neglect: The failure or omission by one's self, caretaker or another person with a duty to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

Exploitation: Misappropriation of resident property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.

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