

**Abuse, Neglect & Exploitation Unit
Annual Report**

**Kansas Fiscal Year 2023
July 1, 2022 – June 30, 2023**

**Office of Kansas Attorney General
Kris W. Kobach**



Kansas Attorney General Kris Kobach

January 5, 2023

Dear Fellow Kansans,

I am pleased to present the annual report for Fiscal Year 2023 from the Abuse, Neglect, and Exploitation (ANE) Unit in the Office of the Kansas Attorney General, as provided by K.S.A. 75-723(g).

The ANE Unit, created through legislative enactments in 2016, was previously housed within the Fraud, Abuse, and Litigation Division (FALD) of the Attorney General's office. Upon my taking office, FALD was restructured as the Economic Crimes Section of a broader Criminal Division. This change aims to fortify the state's response to and increase criminal accountability for economic crimes, which disproportionately affect older and dependent adults. Integrating the ANE Unit under the Attorney General's criminal umbrella strengthens our ability to protect the most vulnerable Kansans.



In addition to the ANE Unit's initiatives, this report encapsulates the overall activities of the Economic Crimes Section in Fiscal Year 2023. Over this period, Economic Crimes worked on 97 active prosecutions and has obtained court orders for over \$2.3 million in fines and restitution for victims. Additionally, the ANE unit tracked a total of 6,802 referrals of suspected abuse, neglect, or exploitation of an elder or dependent adult to law enforcement from three designated state agencies. Subsequently, the ANE Unit tracked 544 substantiated cases from these agencies' investigations that were referred for prosecution by local authorities or, occasionally, my office. This report comprehensively outlines the various characteristics and trends of these referrals and substantiations and highlights the remarkable prosecutorial achievements of the Economic Crimes Section.

The ANE Unit remains committed to proactively addressing elder and dependent-adult abuse through prevention, detection, and vigorous prosecution. My administration has intensified efforts to enhance statewide capacity for investigating and prosecuting cases of abuse, neglect, and exploitation of vulnerable adults. We continue to actively collaborate and provide resources, prosecutorial assistance, and education to local law enforcement agencies. In short, I remain dedicated to fostering a robust statewide response to the issues facing elder Kansans as well as Kansas's most vulnerable communities.

We look forward to building on these efforts in the coming year, and I appreciate the opportunity to update you on our ongoing work.

Respectfully,

A handwritten signature in black ink that reads "Kris W. Kobach". The signature is written in a cursive, flowing style.

Kris W. Kobach
Attorney General

Table of Contents

Introduction	3
FY 2023 Overview: Referrals and Substantiations	5
Law Enforcement Referrals	5
Substantiations	11
Investigations and Prosecutions	17
Education and Outreach	21
Significant Cases Prosecuted by Economic Crimes Section	22
Statutory Authority	24
DCF Glossary: Terms of Abuse	31
KDADS and KDHE Glossary: Terms of Abuse	32

Introduction

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 undetected abuse. As a result, the Legislature created the ANE Unit, codified in K.S.A. 75-723. The initial duty of this unit was simply to monitor and audit law enforcement response to abuse, neglect, and exploitation allegations.

A decade later, on July 1, 2016, the Legislature amended K.S.A. 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. 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 expanding the ANE Unit, state agencies involved in investigating allegations of abuse, neglect, or exploitation of elder and dependent adults are required not only to notify law enforcement of possible crimes, but to also forward such notifications to the ANE Unit. The ANE Unit additionally receives all substantiated findings of abuse, neglect, and exploitation from state agencies. These findings come to the ANE Unit from three agencies: the Department for Children and Families (DCF)—Adult Protective Services (APS), the Department for Aging and Disability Services (KDADS), and the Department of Health and Environment (KDHE).

This annual report compiles and reports statistical data and 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. Finally, the report looks at goals the ANE Unit hopes to accomplish in the next fiscal year.

Please note that in March 2023, as part of OAG restructuring, the Fraud and Abuse Litigation Division, which formerly housed the ANE unit, was renamed as the “Economic Crimes Section” (ECO) and moved within the OAG’s Criminal Division. Some FALD responsibilities were also redistributed among other OAG divisions, most notably oversight of the Assistant Attorney General working under the Kansas Department of Labor. ECO also expanded into new areas and now houses the Livestock & Brand Investigation Unit (LIU). LIU activities will be included in the FY 2023-2024 report.

In addition to housing the ANE Unit, ECO provides education, investigation, and prosecution in other subject matter areas required or authorized by law. In 2017, for example, the enactment of SB 23 relocated existing prosecution resources from the Office of the Securities Commissioner and the Kansas Insurance Department to the OAG. These prosecution responsibilities are currently carried out by ECO. In March 2018,

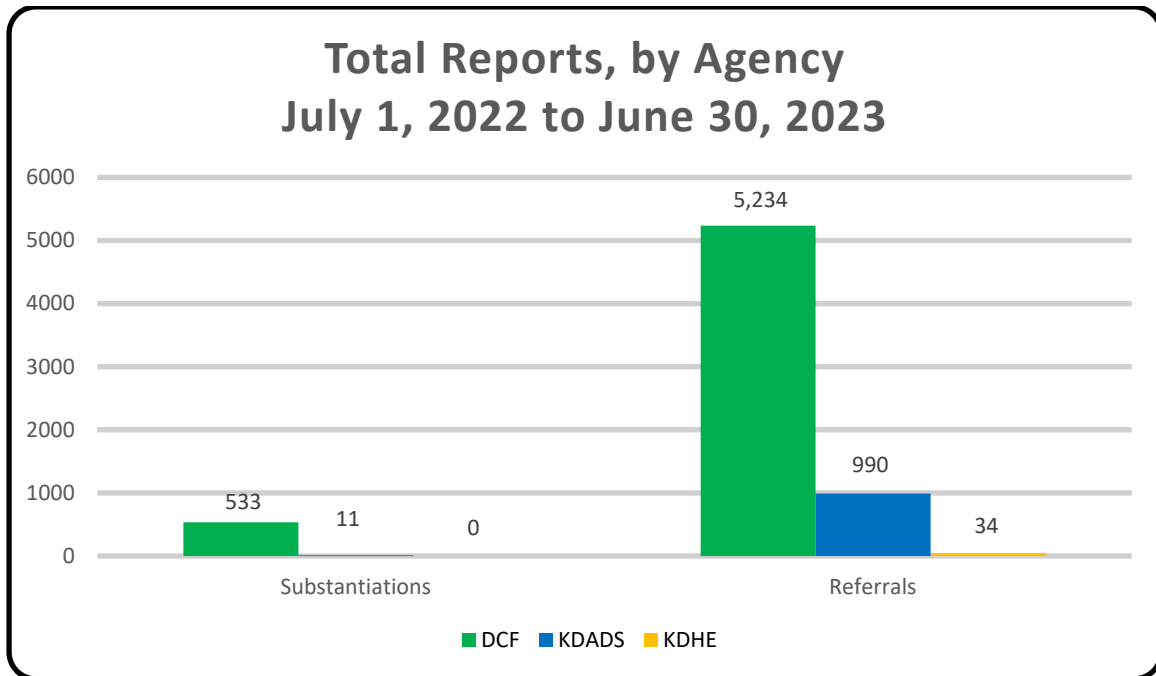
the OAG entered into agreement with the Kansas Department of Revenue (KDOR) to assist in the enforcement and prosecution of criminal cases arising out of investigations conducted by KDOR's Office of Special Investigations. This process is coordinated case-by-case with the appropriate county or district attorney.

Through co-location, cross training, and integrated case management, the State is able to gain efficiencies and allow stronger enforcement of criminal statutes prohibiting financial crimes, which often involve elder adults as victims. This report focuses on the work of ECO in the above areas by giving statistics related to prosecution and gives examples of common cases prosecuted.

FY 2023 Overview: Referrals and Substantiations

The ANE Unit is required to review all DCF, KDADS, and KDHE law enforcement referrals regarding allegations of abuse, neglect and or exploitation. The ANE Unit is also required to review all cases forwarded by DCF, KDADS, and KDHE involving a confirmed (substantiated) finding of abuse.

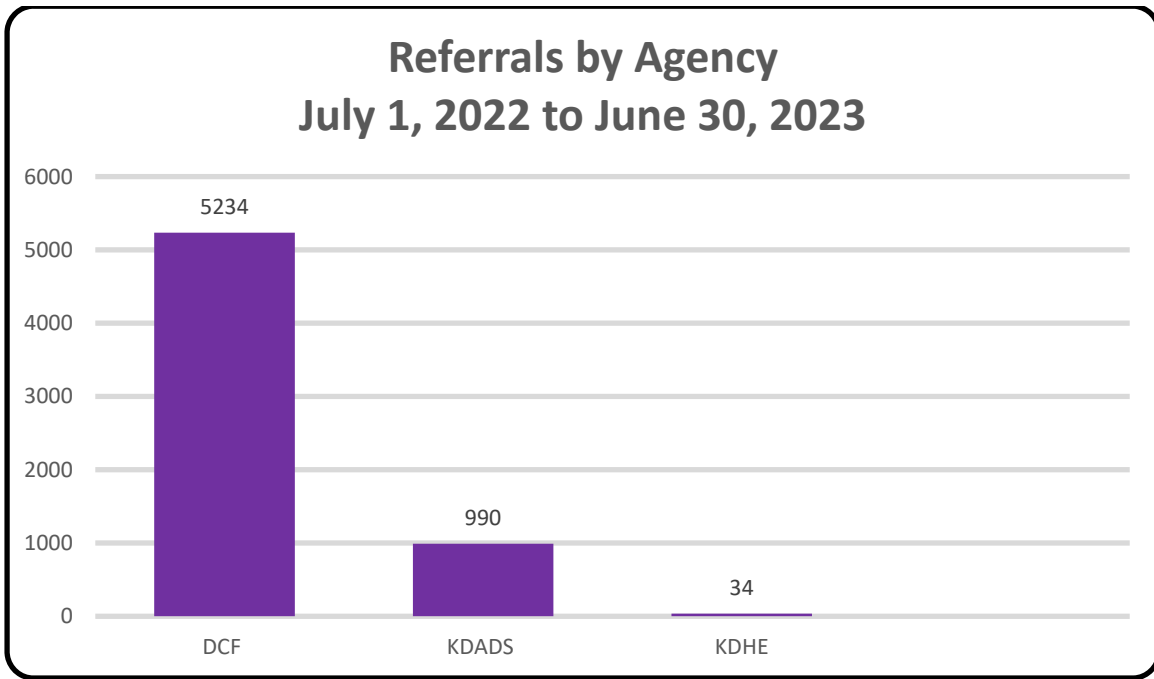
During this reporting period, July 1, 2022 through June 30, 2023, the ANE Unit received a total of 6,802 reports of abuse, neglect or exploitation (including both law enforcement referrals and agency substantiations). As demonstrated by the following graph, the majority of these reports were “referrals,” meaning initial reports made by DCF, KDADS, or KDHE to local law enforcement agencies.



Law Enforcement Referrals

DCF, KDADS and KDHE are required to report possible criminal acts to law enforcement (K.S.A 39-1433 and K.S.A 39-1404). These agencies do so via written notification to the appropriate local law enforcement agency—an “initial referral.” These referrals can be made 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.

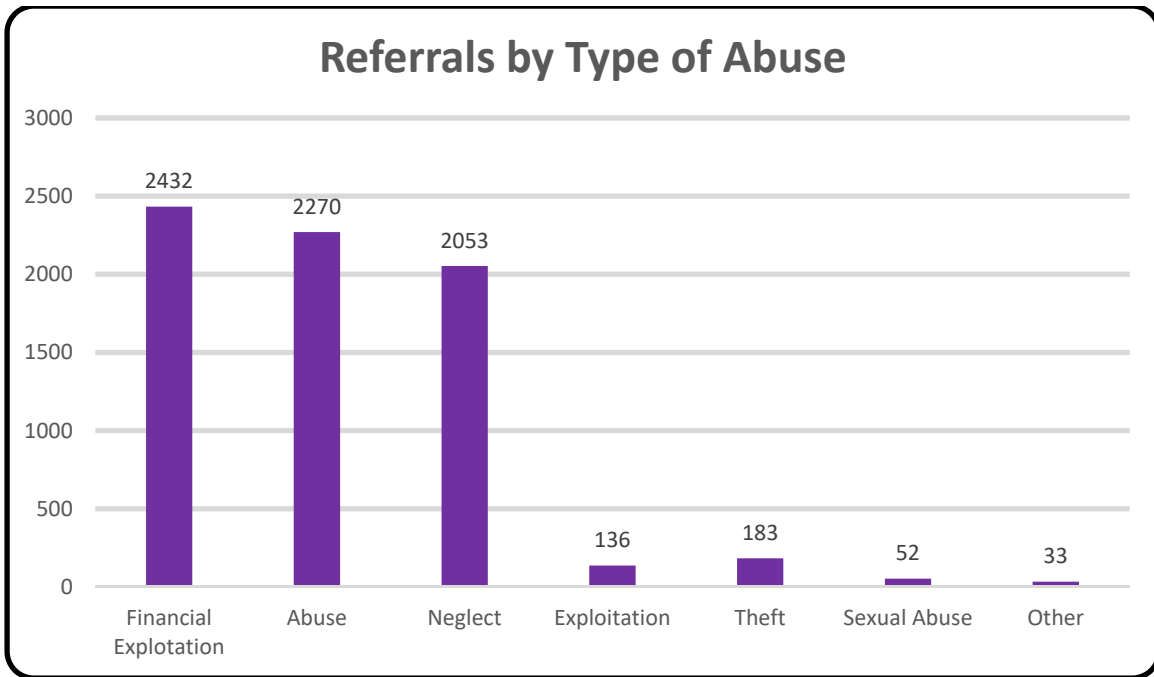
Over the past year, the ANE Unit has worked with all 105 Kansas counties. The Unit coordinates with law enforcement agencies statewide to ensure referrals have been received and further investigations, if appropriate, are taking place. The Unit continues to work with each law enforcement agency in building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



During this reporting period the unit received 6,258 law enforcement referrals. Each referral is reviewed and assigned an allegation type, depending on the facts provided by the agency, statutory and regulatory authority, and agency policies and procedures. The ANE Unit uses the following allegation types: abuse, neglect, exploitation, theft, fiduciary abuse, sexual abuse and “other”. If a referral contains more than one allegation type, the Unit counts a single referral but would record all types of alleged abuse, neglect, or exploitation.

“Financial Exploitation” was the most-reported allegation in all of the referrals received by the ANE Unit: 2,432 in FY 2023. As demonstrated by the below graph, the majority of the exploitation referrals received by the ANE Unit were related to some form of financial exploitation or abuse. Specifically, the ANE Unit received 136 “exploitation” referrals, 2,053 for “neglect,” 183 for “theft,” and 52 for “sexual abuse.” The ANE Unit categorized 33 “other” referrals this year, indicating cases where the allegation was not clear or the allegations could not be categorized due to lack of detail in the referrals. The only allegations investigated by DCF that do not require notification to the ANE Unit are those for self-neglect, per K.S.A. 75-723(f). Most self-neglect investigations by DCF, KDADS, and KDHE do not appear to contain a criminal element and therefore do not require notification to law enforcement.

During the 2021 legislative session, K.S.A. 39-1430 (“Abuse, neglect or financial exploitation of certain adults”) was amended to combine DCF’s previously separate exploitation and fiduciary abuse categories into one new category, “Financial Exploitation.”

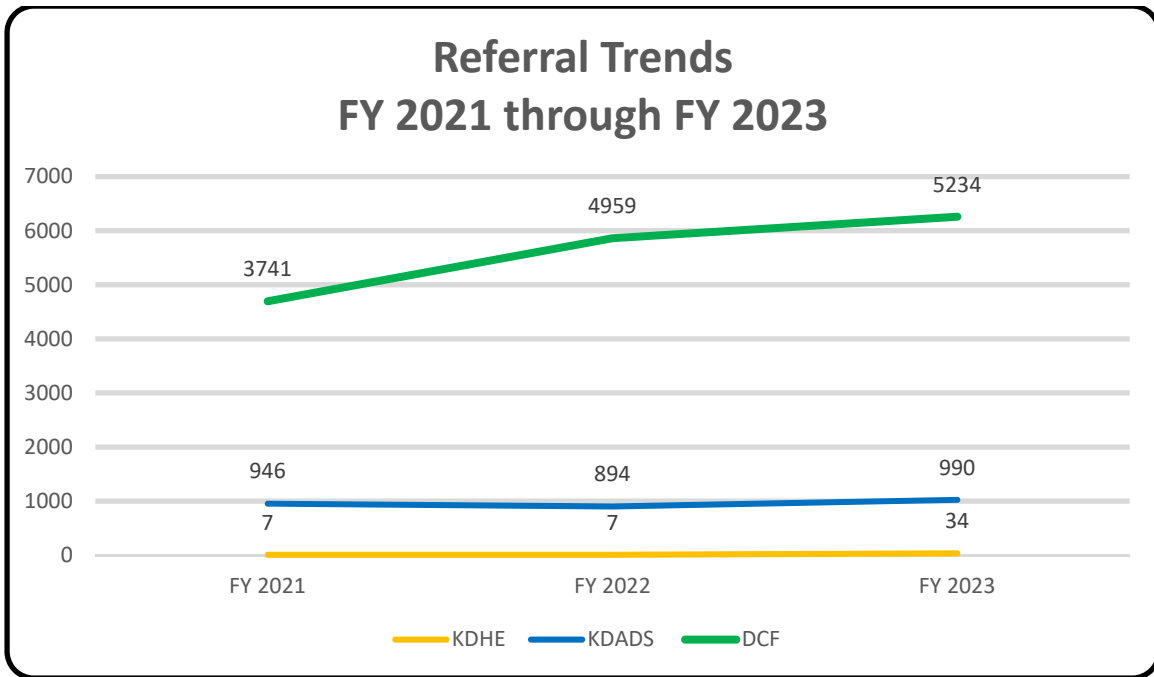


REFERRAL SOURCES AND TRENDS

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.

Department of Aging and Disability Services (KDADS) – Surveyors investigate reports of adult abuse, neglect and exploitation occurring in adult care homes (ACH). Examples of ACH include nursing home facilities, assisted living facilities, or board and care facilities. In addition, the Aging and Disability Resource Center (ADRC) is a source of information where people 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>.

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 of such facilities include: hospitals, ambulatory surgery centers, home health agencies, hospice, rural health clinics, outpatient physical therapy, and portable x-ray units.



LAW ENFORCEMENT REFERRAL BREAKDOWN BY COUNTY

The below chart shows referrals received by each county’s law enforcement agencies during the previous fiscal year. The chart also includes information about each county’s adult population (18 years or older), based on the 2020 Census information available on www.census.gov. A “0” indicates the ANE Unit did not receive notice of a KDADS, DCF, or KDHE referral to that county’s law enforcement, but it does not necessarily indicate no such reports were made.

County	Population 18+	DCF	KDADS	KDHE	TOTAL	RATE PER 1,000
Allen	9,789	27	4		31	3.167
Anderson	5,831	5	1		6	1.029
Atchison	12,749	40	4		44	3.451
Barber	3,292	15	1		16	4.860
Barton	19,337	49	12		61	3.155
Bourbon	10,704	23	2		25	2.336
Brown	7,159	19	3		22	3.073
Butler	50,070	145	23		168	3.355
Chase	2,045	4	2		6	2.934
Chautauqua	2,641	5			5	1.893
Cherokee	14,861	36			36	2.422
Cheyenne	2,040	3			3	1.471
Clark	1,517	5	2		7	4.614
Clay	6,260	23	6		29	4.633

County	Population 18+	DCF	KDADS	KDHE	TOTAL	RATE PER 1,000
Cloud	6,995	28	6		34	4.861
Coffey	6,424	15	4		19	2.958
Comanche	1,293	1			1	0.773
Cowley	26,392	107	16		123	4.661
Crawford	30,158	52	17	1	70	2.321
Decatur	2,200	5	1		6	2.727
Dickinson	14,099	48	7		55	3.901
Doniphan	5,856	11	5		16	2.732
Douglas	96,316	171	14		185	1.921
Edwards	2,262	9	2		11	4.863
Elk	1,923	7			7	3.640
Ellis	22,952	47	8		55	2.396
Ellsworth	5,177	19	9		28	5.409
Finney	27,176	58	1		59	2.171
Ford	23,674	34	12	1	47	1.985
Franklin	19,927	34	7		41	2.058
Geary	25,963	58	5		63	2.427
Gove	2,018	1	1		2	0.991
Graham	1,908	13			13	6.813
Grant	5,156	2	1		3	0.582
Gray	4,050	1	2		3	0.741
Greeley	956	3			3	3.138
Greenwood	4,729	20			20	4.229
Hamilton	1,792	2			2	1.116
Harper	4,167	8			8	1.920
Harvey	25,911	127	15		142	5.480
Haskell	2,640	3			3	1.136
Hodgeman	1,295	2			2	1.544
Jackson	9,843	19	2		21	2.133
Jefferson	14,077	18	11	3	32	2.273
Jewell	2,307	7	1		8	3.468
Johnson	461,998	717	248	9	974	2.108
Kearny	2,833	5			5	1.765
Kingman	5,794	12			12	2.071
Kiowa	1,898	4	1		5	2.634
Labette	15,103	81	15	1	97	6.423
Lane	1,237	4			4	3.234
Leavenworth	62,172	119	34	3	156	2.509
Lincoln	2,261	4	2		6	2.654
Linn	7,418	6			6	0.809

County	Population 18+	DCF	KDADS	KDHE	TOTAL	RATE PER 1,000
Logan	2,067	4	1		5	2.419
Lyon	25,093	78	3		81	3.228
Marion	23,584	14	4		18	0.763
Marshall	9,237	11	2		13	1.407
McPherson	7,639	43	14		57	7.462
Meade	2,985	5			5	1.675
Miami	25,740	25	10		35	1.360
Mitchell	4,460	6	6	1	13	2.915
Montgomery	24,064	63	12		75	3.117
Morris	4,230	5			5	1.182
Morton	2,043	6			6	2.937
Nemaha	7,593	8	4		12	1.580
Neosho	11,978	38	8		46	3.840
Ness	2,150	5	1		6	2.791
Norton	4,400	7	2		9	2.045
Osage	12,113	20	2		22	1.816
Osborne	2,753	4	3		7	2.543
Ottawa	4,411	8		1	9	2.040
Pawnee	4,974	11	2		13	2.614
Phillips	3,870	10			10	2.584
Pottawatomie	17,895	28	8		36	2.012
Pratt	6,982	16	2		18	2.578
Rawlins	1,983	5			5	2.521
Reno	48,143	106	14		120	2.493
Republic	3,679	15	1		16	4.349
Rice	7,242	18			18	2.486
Riley	59,685	78	10	4	92	1.541
Rooks	3,833	5	1		6	1.565
Rush	2,371	2			2	0.844
Russell	5,178	16			16	3.090
Saline	41,737	108	28		136	3.258
Scott	3,802	2	2		4	1.052
Sedgwick	392,877	1,092	152	9	1253	3.189
Seward	15,257	28	1		29	1.901
Shawnee	137,135	555	90	1	646	4.711
Sheridan	1,839	3			3	1.631
Sherman	4,482	35	1		36	8.032
Smith	2,860	5			5	1.748
Stafford	3,114	10			10	3.211
Stanton	1,486	2			2	1.346
Stevens	3,757	3	1		4	1.065

County	Population 18+	DCF	KDADS	KDHE	TOTAL	RATE PER 1,000
Sumner	16,920	61	14		75	4.433
Thomas	6,052	12	5		17	2.809
Trego	2,225				0	0.000
Wabaunsee	5,196	3	10		13	2.502
Wallace	1,124		1		1	0.890
Washington	4,230	17			17	4.019
Wichita	1,574	1			1	0.635
Wilson	6,605	10			10	1.514
Woodson	2,452	2			2	0.816
Wyandotte	123,572	344	68		412	3.334
TOTALS	2,229,316	5,234	990	34	6,258	280

Substantiations

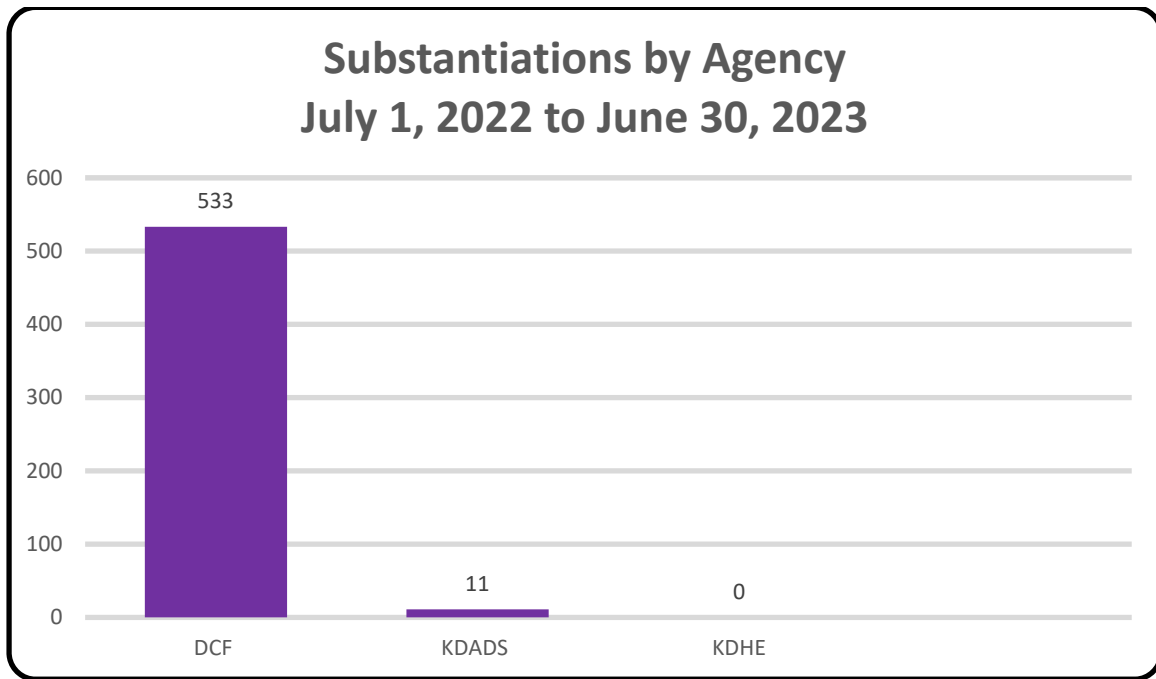
During this reporting period, the ANE Unit received 544 substantiated findings of abuse, neglect or exploitation (“substantiations”) from DCF and KDADS and KDHE during FY 2022-2023.

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.

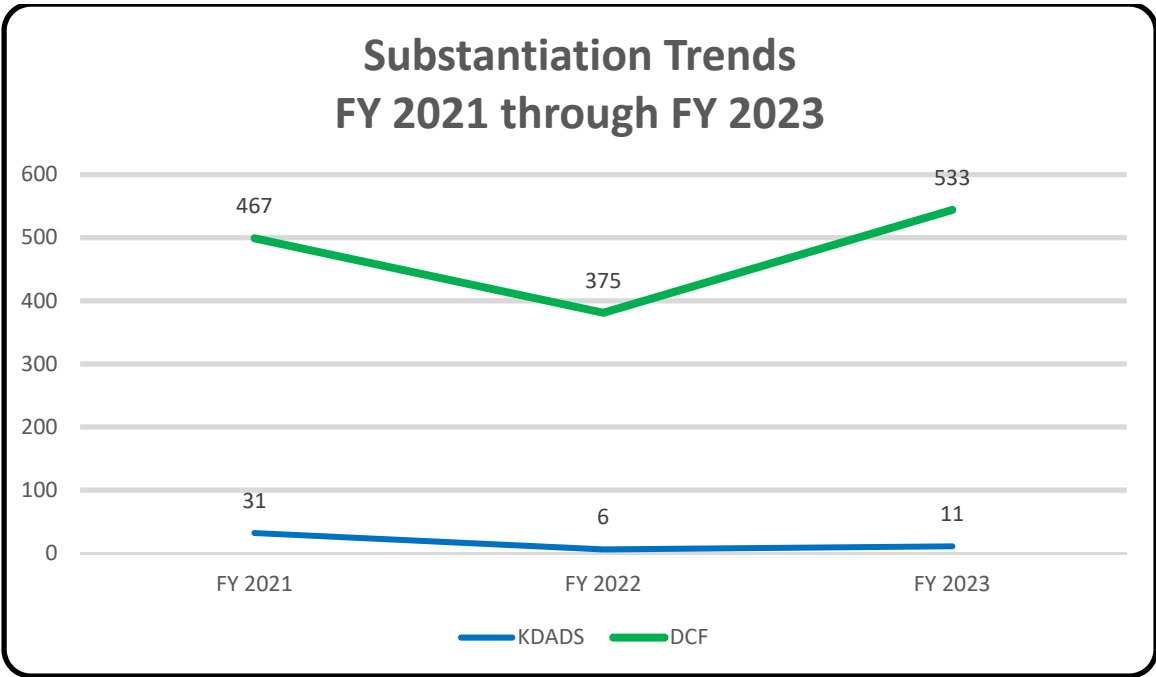
The statutory purpose of a KDADS substantiation is the same as that of DCF, but also covers the certified nurse aide (CNA) registry. If KDADS substantiates abuse, the substantiation is recorded in both registries. The substantiations received by the ANE Unit from KDADS this reporting period have only 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, exploitation, or failure to provide care or services to residents in adult care homes licensed by KDADS. These investigations 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.

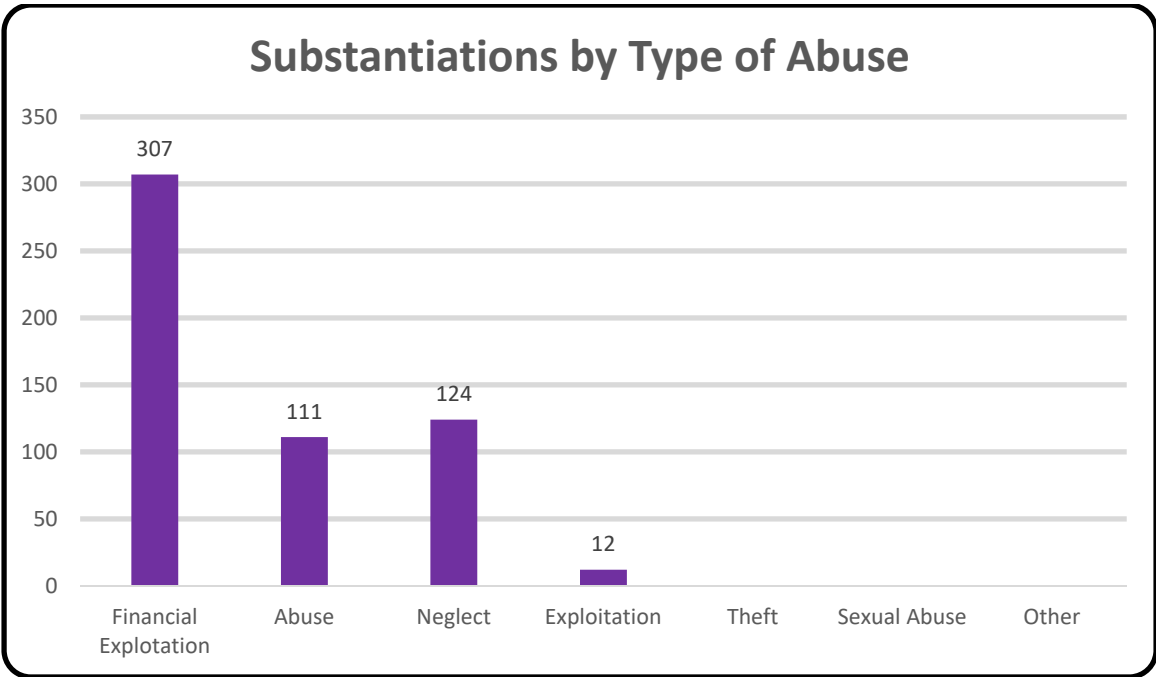
Of the substantiations received by the ANE Unit this year, DCF's average investigation timeframe was 147 days (approximately 105 working days), measured from intake date to substantiation date. KDADS' investigations average was 1361 days (approximately 954 working days), measured from intake date to notice of finding. The ANE Unit did not receive any substantiations from KDHE in FY 2023.



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 ANE Unit continues to work closely with each state agency to ensure finding decisions are made and forwarded to the unit in a timely manner.



The following categories of substantiation are used by DCF, KDADS and KDHE: abuse, neglect, exploitation, fiduciary abuse, and financial exploitation. These vary significantly from the 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 while the Unit designates referral allegations, the state agency’s legal determination is used to designate substantiated allegations.



SUBSTANTIATION BREAKDOWN BY COUNTY AND AGENCY

County	DCF	KDADS	KDHE	TOTAL
Allen	4			4
Anderson				0
Atchison	1			1
Barber	5			5
Barton	2			2
Bourbon	5			5
Brown				0
Butler	44			44
Chase	1			1
Chautauqua				0
Cherokee	3			3
Cheyenne				0
Clark	1			1
Clay	2			2
Cloud	1			1
Coffey	2			2
Comanche				0
Cowley	21	1		22
Crawford	5			5
Decatur				0
Dickinson	5			5
Doniphan				0
Douglas	11			11
Edwards				0
Elk	2			2
Ellis	7			7
Ellsworth				0
Finney	6			6
Ford	3			3
Franklin	4			4
Geary	8			8
Gove	1			1
Graham				0
Grant				0
Gray				0
Greeley				0
Greenwood	1			2

County	DCF	KDADS	KDHE	TOTAL
Hamilton				0
Harper	2			2
Harvey	11			11
Haskell				0
Hodgeman				0
Jackson	2			2
Jefferson	1			1
Jewell				0
Johnson	105			105
Kearny	3			3
Kingman	2			2
Kiowa				0
Labette	6			6
Lane				0
Leavenworth	14	4		18
Lincoln				0
Linn	1			1
Logan	1			1
Lyon	1			1
Marion				0
Marshall	1			1
McPherson	2			2
Meade	1			1
Miami				0
Mitchell				0
Montgomery	6			6
Morris				0
Morton				0
Nemaha	1			1
Neosho	3			3
Ness				0
Norton	2			2
Osage	5			5
Osborne				0
Ottawa	2			2
Pawnee	1			1
Phillips	2			2
Pottawatomie				0
Pratt	2			2
Rawlins				0
Reno	5			5
Republic	2			2

County	DCF	KDADS	KDHE	TOTAL
Rice	1			1
Riley	8			8
Rooks	1			1
Rush				0
Russell	1			1
Saline	15			15
Scott	2			2
Sedgwick	78	4		82
Seward	2			2
Shawnee	42	2		44
Sheridan				0
Sherman	10			10
Smith	1			1
Stafford				0
Stanton				0
Stevens	1			1
Sumner	6			6
Thomas				0
Trego				0
Wabaunsee				0
Wallace				0
Washington				0
Wichita	1			1
Wilson	3			3
Woodson				0
Wyandotte	32			32
TOTALS	533	11	0	544

Investigations and Prosecutions

ELDER AND DEPENDENT ADULT ABUSE

One of the most important changes of the July 1, 2016, legislative amendments codified the Unit's ability to assist in criminal investigations and prosecutions; thus, the ANE Unit was housed within a criminal prosecution section of the Attorney General's Office. Special agents and prosecution capacity were then added in order to process, investigate, and prosecute cases. Thereafter, the ANE Unit and the Fraud and Abuse Litigation Division (now Economic Crimes Section) 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. Such cases often require an in-depth review of financial documents and require a strong understanding of financial transactions as well as a thorough understanding of various legal relationships providing access to an alleged victim's financial resources—such as trusts, guardianships, and powers of attorney. Thorough investigation and prosecution of abuse cases, particularly financial abuse, are thus time-consuming and taxing for law enforcement agencies, particularly smaller agencies.

During the current reporting period, Economic Crimes was involved in the litigation of fifteen elder and dependent adult abuse cases. Courts have ordered \$625,321 in restitution and related to cases during the past fiscal year. Law enforcement agents located within Economic Crimes also participated in investigating 40 cases related to elder and dependent abuse, in addition to investigating general white-collar fraud matters.

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.*). The OAG currently has prosecution authority for criminal violations of Kansas's securities laws while the Office of the Kansas Securities Commissioner is responsible for civil enforcement and investigations, pursuant to K.S.A. 17-12a508 and K.S.A. 75-767.

Economic Crimes, 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. Economic Crimes 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, Economic Crimes was involved in the litigation of eight securities fraud cases. Courts have ordered \$695,000 in restitution related to these cases during the past fiscal year.

INSURANCE FRAUD

The Economic Crimes Section 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 Economic Crimes Section 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, Economic Crimes was involved in the litigation of thirty-two insurance fraud cases. Courts have ordered \$10,584 in restitution and \$4,100 in fines related to cases during the past fiscal year.

TAX FRAUD AND DEPARTMENT OF REVENUE CRIMES

On March 13, 2018, the OAG and the Kansas Department of Revenue (KDOR) entered into an agreement to allow the Attorney General 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 agreement ensures uniform, attentive, and specialized prosecution of fraud committed against the State of Kansas by holding accountable criminals who, for example, steal sales tax paid by their customers, use 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, Economic Crimes was involved in the litigation of thirty-eight cases. Courts have ordered \$310,301 in restitution and \$9,600 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 was part of FALD until March 2023; this AAG assigned to the Department of Labor thereafter reported to the OAG Civil Division Deputy Attorney General. 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/Economic Crimes and the Civil Division were involved in collecting \$275 in restitution and \$432,075 in fines and fees related to administrative workers compensation cases.

\$317,565 of the total restitution figure was deposited with the Kansas Insurance Department Fund and \$114,460 was deposited with the Kansas Department of Labor, Workers’ Compensation Division. *Due to the AAG reassignment to Civil Division, worker compensation fraud information will not be reported on the ECO annual report for fiscal year 2023-2024.*

GENERAL WHITE COLLAR FRAUD

The Economic Crimes Section also prosecutes general white collar fraud. These crimes often involve theft from individual citizens, embezzlement of businesses, document fraud or door-to-door sales fraud. These cases are referred from either local jurisdictions or the OAG’s 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, Economic Crimes was involved in the litigation of seven general white collar fraud cases (“other” in the chart below). Courts have ordered \$239,880 in restitution and \$1,100 in fines related to these cases during the past fiscal year.

CASE ACTIVITY: CASES PROSECUTED BY ECONOMIC CRIMES SECTION JULY 1, 2022 TO JUNE 30, 2023

	ANE	Insurance	Revenue	Securities	Other
Active or Pending Cases*	15	32	35	8	7
New Cases Filed	4	11	3	2	0
Cases Resulting in Conviction	6	1	14	4	3
Cases Resulting in Acquittal	0	1	0	0	0
Cases Dismissed	1	0	0	0	1
Convictions Resulting in Probation	3	1	11	3	3
Convictions Resulting in Incarceration or Detention	2	0	4	1	1
Convictions Pending Sentence	1	0	1	0	0
Cases Resulting in Diversion	0	4	3	0	1

* “Active or Pending Cases” refers to cases which were criminally litigated during the fiscal year, including cases monitored for warrant status, substantive post-conviction appearances such as probation violation hearings, and cases for which ECO provided support for cases on appeal. It does not include cases investigated or inquisitions opened.

Note: Occasionally prosecutors will obtain a conviction during the fiscal year, but sentence is not pronounced until the following year. Thus, the conviction totals and sentencing totals may not be equal for the fiscal year snapshot.

RECOVERIES BY ECONOMIC CRIMES SECTION

	Restitution	Fines and Fees
Elder and Dependent Adult Abuse	\$625,321	\$0
Securities Fraud	\$695,000	\$0
Insurance Fraud	\$10,584	\$4,100
Revenue	\$310,301	\$9,600
Workers Compensation	\$275	\$432,075
Other	\$239,880	\$1,100
Subtotals	\$1,881,361	\$446,875
Total Restitution, Penalties and Fees	\$2,328,236 (\$2.3 million)	

** These figures represent restitution, fines, and fees ordered by a court during sentencing hearings, or agreed to during diversion proceedings, during FY 2022-2023.*

Education and Outreach

Economic Crimes continues to develop trainings and to work with external partners to provide the most updated and accurate training information regarding elder and dependent adult abuse. The ANE Unit also interacts directly with law enforcement and social service agencies in the state on a daily basis. 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 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 authority to advise and make recommendations to the ANE Unit. The current appointed members of the Council as of the end of Fiscal Year 2022-2023, include:

- Stacy Edwards, Chair, First Assistant Attorney General, Criminal Division—Economic Crimes Section
- Jerry Smith, Director of the Bureau of Community Health Systems, KDHE
- Dr. Stephen Benson, Licensed Clinical Psychologist
- Fran Oleen, Deputy Attorney General, Public Protection Division
- Kathy Greenlee, Former Assistant Secretary for Aging, U.S. Department of Health and Human Services
- Barbara Conant, Public Policy Coordinator, Kansas Advocates for Better Care
- Robert R. Short II, Chief Assistant District Attorney, Sedgwick County District Attorney's Office
- Chrisy Khatib, Deputy Director of Prevention and Protection Services, DCF
- Dawne Stevenson, Director of Survey and Certification, KDADS
- Kathy Taylor, Executive Vice President and General Counsel, Kansas Bankers Association
- Jackie Williams, First Attorney General and Director, OAG Medicaid Fraud & Abuse Section
- Jacklyn Zickel, Detective, Overland Park Police Department

Significant Cases Prosecuted by Economic Crimes Section

State v. Marg – Johnson County

State v. Myers – Johnson County

John Myers founded an Arizona company, Skytec Security Service LLC (and numerous subsidiaries and related entities), to sell, install, and service security systems. Myers operated as the CEO; Kenneth Marg bought a 49% interest in the company and served as its president. Myers and Marg employed an agent to identify investors and raise capital for the Skytec businesses—including \$550,000 from two Kansas investors. Significant portions of the combined \$550,000 was used for personal expenses by Myers' wife; transferred to a prior Skytec investor to pay interest on that investor's promissory note; and wired to a third party to trade in Forex (foreign currency exchange) markets—all contrary to the information provided to the investors about the intended use of funds.

One investor was provided a Skytec business summary, prepared by Marg using numbers and projections provided by Myers. The summary described the company's intended business activities and projections for sales, revenues, expenses, and shareholder returns—but failed to disclose or account for funds needed to pay more than \$700,000 in principal debt owed to previous investors. The business summary also touted Myers as a former police officer selling alarm systems, but it failed to mention his federal felony conviction for wire fraud.

Myers and Marg each pleaded guilty to two counts of securities fraud, in violation of K.S.A. 17-12a501(3), and one count of employing an unregistered agent, in violation of K.S.A. 17-12a402(d). Each agreed to pay full restitution of \$550,000 to the two Kansas victims (jointly and severally responsible for the full amount). Marg was ordered to serve 60 days at the Johnson County Adult Detention Center as part of his sentence of probation; Myers was sentenced to a total of 38 months imprisonment with the Kansas Department of Corrections.

State v. Vasquez – Shawnee County

Justin Vasquez operated a cattle operation out of multiple Kansas counties. To finance his operation, he borrowed money from a Shawnee County bank on multiple occasions. Each loan was subject to a security agreement giving the bank a secured interest in all of Vasquez's livestock; each agreement placed restrictions and conditions on his ability to sell the livestock and additionally required Vasquez to immediately make over any cattle sale proceeds to the lending bank. Vasquez sold more than \$600,000 worth of cattle through private sales but failed to deliver proceeds to the bank. He was convicted of three counts of impairing a security interest, in violation of K.S.A. 21-5830, and ordered to pay \$184,936 in restitution to the lending bank. This case marks the first convictions achieved by Economic Crimes prosecutors for cases investigated by the LIU Special Agents.

State v. Smith – Bourbon County

Kenna Smith was a caretaker for a disabled elder adult and also that adult's attorney-in-fact under a durable power of attorney agreement. DCF (Adult Protective Services) received a report involving suspicious transactions in the elder's bank accounts, transfers from the elder's bank accounts to Smith's bank accounts, and unusual spending by Smith. Smith was convicted of mistreatment of an elder person; the district court sentenced her to 32 months incarceration and ordered her to pay more than \$510,000 in restitution to the estate of the elder.

State v. Brown – McPherson County

An elder man was found dead in his home in McPherson County. Investigation revealed significant signs of physical conflict, destruction within his home, and missing property. Witnesses and forensic evidence tied Tina Brown to the scene and to responsibility for the elder's murder. Brown was convicted of murder in the second degree (reckless) and battery against a law enforcement officer; she was sentenced to 442 months in prison.

State v. Ramirez – Lyon County

Juan Ramirez operated a long-running restaurant in Emporia; for numerous tax periods Ramirez collected sales tax from his customers but failed to remit those taxes to the State of Kansas and the Department of Revenue. At the time of trial Ramirez owed over \$14,000 in sales tax, excluding penalties and interest, despite numerous and ongoing efforts by the Department of Revenue to work out a repayment plan and collect the outstanding tax. Investigation revealed Ramirez used the sales tax money for personal expenses as well as to keep the business afloat; when Ramirez made plans to make a significant payment towards the balance he instead failed to return to the Department of Revenue offices and the payment was never made. A jury convicted Ramirez of violations of the Retailers' Sales Tax Act and theft; the district court sentenced Ramirez to probation, a \$500 fine, and \$14,838.79 in restitution to the Kansas Department of Revenue.

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) Within the limits of available resources, the unit may, in the attorney general's discretion:
- (1) Participate in the prevention, detection, review and prosecution of abuse, neglect and exploitation of persons, whether financial or physical;
 - (2) conduct investigations of suspected criminal abuse, neglect or exploitation of persons;
 - (3) coordinate with and assist other law enforcement agencies, or participate in task forces or joint operations, in the investigation of suspected criminal abuse, neglect or exploitation of persons;
 - (4) coordinate with and assist the Medicaid fraud and abuse division established by [K.S.A. 75-725](#), and amendments thereto, in the prevention, detection and investigation of abuse, neglect and exploitation of persons;
 - (5) work with or participate in the Kansas internet crimes against children task force, and work with any exploited and missing child investigators and any other child crime investigators;
 - (6) assist in any investigation of child abuse or neglect conducted by a law enforcement agency pursuant to [K.S.A. 38-2226](#), and amendments thereto;
 - (7) assist in any investigation of adult abuse, neglect, exploitation or fiduciary abuse conducted by a law enforcement agency pursuant to [K.S.A. 39-1443](#), and amendments thereto; and
 - (8) assist in any investigation or discussion of any elder and dependent adult abuse multidisciplinary team pursuant to [K.S.A. 39-7,163](#), and amendments thereto.
- (c) The unit shall give priority to preventing, detecting and investigating abuse, neglect or exploitation of adults who are senior citizens, disabled or otherwise vulnerable to abuse, neglect or exploitation.
- (d) Except as provided by subsection (k), 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 substantiated or affirmed cases of abuse, neglect or exploitation of persons or cases in which the attorney general has reasonable suspicion to believe abuse, neglect or exploitation of persons has occurred which are received or generated by a state agency.
- (e) Whenever a state agency reports a matter involving suspected abuse, neglect or exploitation of an adult to a law enforcement agency or a county or district attorney, such state agency shall simultaneously forward such report to the unit.
- (f) Except for reports alleging only self-neglect, a state agency receiving reports of abuse, neglect or exploitation of adults shall forward to the unit:

(1) Within 10 days of substantiation, reports of findings concerning the substantiated abuse, neglect or exploitation of adults; 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 adults.

(g) 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.

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

(i) No state funds appropriated to support the provisions of the unit and expended to contract or enter into agreements 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.

(j) The attorney general may contract or enter into agreements with other agencies or organizations to provide services related to the attorney general's duties under this section or to the investigation or litigation of findings related to abuse, neglect or exploitation of persons.

(k) 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 under contract or agreement with the attorney general to carry out the provisions of this section.

(l) As used in this section:

(1) "Adult" means any person 18 years of age or older; and

(2) "state agency" means the Kansas department for children and families, Kansas department for aging and disability services or Kansas department of health and environment.

History: L. 2006, ch. 181, § 1; L. 2014, ch. 115, § 313; L. 2016, ch. 53, § 3; L. 2021, ch. 81, § 9, effective July 1, 2021.

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; effective July 1, 2021.

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, 2014.

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; eff. July 1, 2021.

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; eff. June 6, 2019

DCF Glossary: Terms of Abuse, K.S.A. 39-1430

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 & KDHE Glossary: Terms of Abuse, K.S.A. 39-1401

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. K.S.A. 39-1401(f).

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. K.S.A. 39-1401(g).

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. K.S.A. 39-1401(i).

Fiduciary Abuse: A situation in which any person who is the caretaker of, or who stands in a position of trust to, a resident, takes, secretes, or appropriates the resident's money or property, to any use or purpose not in the due and lawful execution of such person's trust. K.S.A. 39-1401(k).



Office of Kansas Attorney General Kris W. Kobach

Criminal Division

**Economic Crimes Section
Abuse, Neglect & Exploitation Unit**

120 SW 10th Ave, 2nd Floor

Topeka, KS 66612-1597

(785) 296-5894

(785) 296-6795 (Fax)

www.ag.ks.gov