

FIRST REGULAR SESSION

HOUSE BILL NO. 278

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALSH (Sponsor), WRIGHT-JONES (63), JOHNSON (61),
LOWE (44), MEINERS, YOUNG, MEADOWS, BOWMAN, HOSKINS, FISHER, DAUS, LOW (39),
KRATKY, HENKE, HARRIS (110), ROORDA, HAYWOOD, VOGT, ROBINSON, LIESE, JOHNSON (90),
CORCORAN, DARROUGH, CHAPPELLE-NADAL, HUGHES, SHOEMYER, AULL, SPRENG, YAEGER,
BOYKINS, RUCKER, CURLS, EL-AMIN, BLAND, SWINGER, WILDBERGER, WAGNER,
VILLA, SCHOEMEHL, PAGE, SALVA, MOORE AND ZWEIFEL (Co-sponsors).

Read 1st time January 19, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0904L.02I

AN ACT

To repeal section 630.165, RSMo, and to enact in lieu thereof two new sections relating to
mental health facilities, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 630.165, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 630.165 and 630.555, to read as follows:

630.165. 1. When any physician, dentist, chiropractor, optometrist, podiatrist, intern,
2 nurse, medical examiner, social worker, psychologist, minister, Christian Science practitioner,
3 peace officer, pharmacist, physical therapist, facility administrator, nurse's aide or orderly in a
4 residential facility, day program, **including privately funded**, or specialized service operated,
5 funded or licensed by the department or in a mental health facility or mental health program in
6 which people may be admitted on a voluntary basis or are civilly detained pursuant to chapter
7 632, RSMo, or employee of the department, **or of the private facility**, has reasonable cause to
8 believe that a patient, resident or client of a facility, program or service has been abused or
9 neglected, he or she shall immediately report or cause a report to be made to the department or
10 the department of health and senior services, if such facility or program is licensed pursuant to
11 chapter 197, RSMo.

12 2. The report shall contain the name and address of the residential facility, day program

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 or specialized service; the name of the patient, resident or client; information regarding the
14 nature of the abuse or neglect; the name of the complainant, and any other information which
15 might be helpful in an investigation.

16 3. Any person required in subsection 1 of this section to report or cause a report to be
17 made to the department who fails to do so within a reasonable time after the act of abuse or
18 neglect is guilty of an infraction.

19 4. In addition to those persons required to report under subsection 1 of this section, any
20 other person having reasonable cause to believe that a resident has been abused or neglected may
21 report such information to the department.

22 5. Any person who knowingly files a false report of abuse or neglect is guilty of a class
23 A misdemeanor.

24 6. Any person having a prior conviction of filing false reports and who subsequently files
25 a false report of abuse or neglect pursuant to this section or section 565.188, RSMo, is guilty of
26 a class D felony.

**630.555. Prior to closure or downsizing of any state facility operated by the
2 department of mental health, the director of the department shall submit a cost-benefit
3 analysis of and a written plan for the closure or downsizing of the facility to the senate and
4 house appropriations committees on mental health for their consideration.**