HB 1767 -- Protections for Disabled Persons and the Elderly

Sponsor: Bruns

This bill makes the necessary statutory changes based on the
transfer of the Division of Aging from the Department of Social
Services to the Department of Health and Senior Services. In its
main provisions, the bill:

(1) Defines the terms "consumer," "patient," and "provider";

(2) Requires any health service provider or employee and allows
any other person having reasonable cause to believe that a
patient or consumer has been a victim of misappropriation of
money belonging to the patient to report the information to the
Department of Health and Senior Services;

(3) Requires the department to keep the names of individuals
submitting abuse and misappropriation reports confidential unless
the complainant agrees to the disclosure of his or her name, the
name of the complainant is lawfully subpoenaed, the release of a
name is required by the Administrative Hearing Commission, or the
release of a name is requested by the Department of Social
Services for the purpose of licensure under Chapter 210, RSMo;

(4) Protects patients and patients' family members from
eviction, harassment, or retaliation due to the filing of a
report of a violation or suspected violation of the laws or
regulations of the bill;

(5) Makes any person failing to file a required report guilty of
a class A misdemeanor and any provider who knowingly conceals
abuse or neglect that results in the death or serious injury of a
patient guilty of a class D felony;

(6) Creates a fine of $1,000, to be assessed by the Department
of Health and Senior Services, for any provider who willfully and
knowingly fails to report known abuse by an employee;

(7) Extends the time a person can be listed on the employee
disqualification list by one year if he or she is employed in a
prohibited position while on the list; and

(8) Restates the agency rule-making authority to make any rule
effective only if it complies with and is subject to the
provisions of Chapter 536, RSMo.