HOUSE BILL NO. 535

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALSH (Sponsor), WILDBERGER, DAUS, HARRIS (110), WALTON, ROORDA, CORCORAN, HUGHES, MEADOWS, OXFORD, CHAPPELLE-NADAL, GEORGE, MEINERS, STORCH, SPRENG, FRAME, KRATKY, LOWE (44), BURNETT, VOGT, DARROUGH, SALVA, SCHOEMEHL AND HOLSMAN (Co-sponsors).

AN ACT

To repeal sections 630.165 and 630.410, RSMo, and to enact in lieu thereof three 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Section A. Sections 630.165 and 630.410, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 630.165, 630.410, and 630.555, to read as
3 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**, or**
4 **any other direct care staff** in a residential facility, day program**, including privately funded,**
5 or specialized service operated, funded or licensed by the department or in a mental health
6 facility or mental health program in which people may be admitted on a voluntary basis or are
7 civilly detained pursuant to chapter 632, RSMo, or employee of the department**, or of the**
8 **private facility,** has reasonable cause to believe that a patient, resident or client of a facility,
9 program or service has been abused or neglected, he or she shall immediately report or cause a
10 report to be made to the department or the department of health and senior services, if such
11 facility or program is licensed pursuant to chapter 197, RSMo.

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.

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

630.410. **1.** The department shall evaluate any proposed contract to determine whether
 2   it meets the following criteria:
 3   (1) Conformance with the conditions and priorities of the regional and state division
 4   plans;
 5   (2) Compliance with department rules and regulations.
 6   **2. The department shall terminate a contract with a vendor having a pattern or**
 7   **practice of abuse and neglect of patients, residents, or clients or misappropriation of client**
 8   **funds or property.**

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 written plan for the closure or downsizing of the facility to the senate and**
 4   **the house appropriations committees on mental health for their consideration.**

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