

HCS#2 SS SCS SB 3 -- VULNERABLE PERSON ABUSE

SPONSOR: Gibbons (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Health Care Policy by a vote of 5 to 1.

This substitute changes the laws regarding vulnerable person abuse. In its main provisions, the substitute:

- (1) Specifies that a person who commits a crime of vulnerable person abuse in the first degree will be guilty of a class A felony; in the second degree, a class B felony; and in the third degree, a class A misdemeanor;
- (2) Requires the Department of Mental Health to investigate incidents and reports of vulnerable person abuse and promptly report the incident to the appropriate law enforcement agency and prosecutor;
- (3) Requires anyone who has reason to suspect vulnerable person abuse or neglect to report it to the department;
- (4) Specifies that any person who knowingly fails to make a report or files a false report will be guilty of a class A misdemeanor for the first offense and a class D felony for a second or subsequent offense;
- (5) Specifies that any person, official, or institution that makes a report or cooperates with the department is immune from civil or criminal liability unless the individual or institution acted negligently, recklessly, in bad faith, or with malicious purpose;
- (6) Requires the department to establish rules to notify the parent or guardian of a patient, resident, or client or the consumer who is his or her own guardian of the possibility of being placed in the facility with a registered sexual offender or an individual who has been found incompetent to stand trial for offenses that would have required the person to register as a sexual offender;
- (7) Specifies what information should be included in the report of vulnerable person abuse or neglect;
- (8) Specifies that substantiated reports are open records and will be made available for release, with identifying information remaining confidential;
- (9) Requires the Department of Mental Health to notify the

Department of Health and Senior Services within 10 days of revoking a medical facility's license due to the failure to comply with rules and standards. The Department of Health and Senior Services must then initiate an investigation of the facility to determine if licensure revocation is appropriate; and

(10) Requires the Department of Mental Health to establish a mental health fatality review board to examine all deaths of adults in the care and custody of the department and to establish rules for physicians and hospitals to use to help identify suspicious deaths of patients in the care and custody of the department.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown, could exceed \$100,000 in FY 2008, FY 2009, and FY 2010. No impact on Other State Funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill protects vulnerable people by addressing an immediate problem with long-term care facilities and allows for the continued improvement of facilities over time. Consumers and families can't be worried about the consumer's living conditions and allowing open records and the protections in the bill should ease concerns.

Testifying for the bill were Senator Gibbons; Department of Mental Health; and State Fire Marshal.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that they support alarms as an early warning because they save lives. The department should be given discretion based on the facility rather than using a one-size-fits-all approach to long-term care facilities. They hope that the number of available beds doesn't decrease because of the cost to implement sprinkler systems.

Testifying on the bill was Missouri Association of Homes for the Aging.