

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

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

- (1) Creates the crime of vulnerable person abuse and specifies that a person who commits this crime 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 an incident or report 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 report abuse or neglect or files a false report will be guilty of a class A misdemeanor and subject to a fine of up to \$1,000 for the first offense. A second or subsequent offense will be a class D felony with a fine of up to \$5,000;
- (5) Specifies that any residential facility, day program, or specialized service licensed by the department that prevents or discourages a person from reporting a patient's abuse will be subject to license revocation and fines of up to \$5,000 for each attempt to prevent reporting;
- (6) 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;
- (7) 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 a 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;
- (8) Specifies the information that should be included in a report of vulnerable person abuse or neglect;
- (9) Specifies that substantiated reports are open records and will be made available for release, with the identifying information remaining confidential;

(10) Increases the fine for providers who do not correct problems cited by the department in a licensing inspection from \$100 a day to \$10,000 a day;

(11) 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 initiate within 30 days an investigation of the facility to determine if licensure revocation is appropriate; and

(12) Requires the Department of Mental Health to establish a mental health fatality review panel to examine all deaths of adults in the care and custody of the department and to establish rules for physicians and hospitals to identify the suspicious death of a patient in the care and custody of the department.