

FIRST REGULAR SESSION

HOUSE BILL NO. 96

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EALY.

0542H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to licensed residential care facilities.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be known as section 210.499, to read as follows:

210.499. 1. As used in this section, the following terms mean:

(1) "Family member", a grandparent, parent, sibling, spouse or domestic partner, child, aunt, uncle, cousin, niece, nephew, grandchild, or any other person related to an individual by blood, adoption, marriage, or a fostering relationship;

(2) "Office", the office of state oversight for residential care facilities.

2. There is hereby established within the department of social services the "Office of State Oversight for Residential Care Facilities" for the purpose of assessing compliance with applicable laws, rules, and regulations of the federal government, the state, and the division, as those laws, rules, and regulations relate to the health, safety, welfare, and rehabilitation of a child residing in a residential care facility.

3. The office shall be administered by a director who shall devote his or her entire time to the duties of his or her position and who shall be appointed by the governor by and with the advice and consent of the senate. The director shall serve a term of six years and shall continue to hold office until a successor has been duly appointed. The director or the director's spouse, domestic partner, parent, grandparent, child, or sibling shall not be a current or former employee or

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.

17 contractor of a residential care facility or the division. The director shall have the
18 authority to hire staff, contractors, and unpaid volunteers.

19 4. The office shall:

20 (1) Establish and implement procedures for regular inspections of every
21 residential care facility licensed by the division or the department of health and senior
22 services;

23 (2) Inspect each residential care facility at least once each year and at least two
24 times each year for each facility in which the office has cause for more frequent
25 inspections or monitoring;

26 (3) Investigate complaints received from outside the office or issues from
27 previous inspections;

28 (4) Publicly issue annual inspection reports with recommendations for each
29 residential care facility, including a summary of any data arising from any complaint
30 investigated and resolved;

31 (5) Produce a summary of the policies and procedures of each residential care
32 facility that relate to the care of the children residing in the facility;

33 (6) Produce a characterization of the conditions of the living space within each
34 residential care facility;

35 (7) Produce a catalog regarding available educational and rehabilitative
36 programs and drug and mental health treatment programs. The office shall also
37 provide a summary regarding the implementation of and participation in each
38 program;

39 (8) Produce a summary of the kitchen and dining facilities within each
40 residential care facility, including the portion sizing, edibility, and nutritional value of
41 food being provided to children;

42 (9) Produce a summary of visitation policies and procedures for each residential
43 care facility;

44 (10) Produce a summary of medical facilities and medical procedures and
45 policies for each residential care facility, including compliance with controlled substance
46 laws;

47 (11) Produce a summary regarding any review by the office regarding a lock-
48 down of a residential care facility;

49 (12) Produce a summary of the staff at each residential care facility, including
50 policies relating to staff-to-child ratios and staff recruitment, training, supervision, and
51 discipline;

52 (13) Produce a summary of physical and sexual assaults occurring at a
53 residential care facility that were reviewed by the office;

54 **(14) Produce a summary of any child or staff deaths that occurred at a**
55 **residential care facility; and**

56 **(15) Recommend changes to be made by each residential care facility to improve**
57 **safety and conditions within the facility.**

58 **5. A residential care facility shall submit a report to the office within thirty days**
59 **of an inspection report made by the office. Such report shall include a corrective action**
60 **plan for each recommendation determined by the office.**

61 **6. The office shall have access, upon demand and without prior notice, to the**
62 **following in all residential care facilities:**

63 **(1) Areas that are used by children residing in a residential care facility;**

64 **(2) Areas that are accessible to children residing in a residential care facility;**

65 **and**

66 **(3) All programs for children residing in a residential care facility.**

67 **7. The office shall have access, upon demand and without prior notice, to areas**
68 **within a residential care facility to verify that the staff-to-child ratios are being**
69 **maintained. This authority includes the opportunity to conduct an interview with any**
70 **child residing in or employee or contractor of a residential care facility, or other persons**
71 **involved with the facility.**

72 **8. The office shall have the authority to regularly meet and communicate with**
73 **children residing in or employees or contractors working in a residential care facility.**
74 **Such meetings and communications may be private and confidential, formal or**
75 **informal, and by telephone, mail, electronic mail, or in person.**

76 **9. The office shall have the authority to access, inspect, and copy all relevant**
77 **information, records, or documents in the possession or control of a residential care**
78 **facility that the office considers necessary in an investigation to determine whether the**
79 **facility is in compliance with rules and regulations. If the information, records, or**
80 **documents are restricted or privileged and the office has submitted a written request to**
81 **the facility for such information, records, or documents, the facility shall assist the office**
82 **in obtaining any necessary releases for such information, records, or documents within**
83 **thirty days from the office's request.**

84 **10. If the records requested by the office pertain to a child death, a threat of**
85 **death or bodily harm, a sexual assault, or the denial of necessary medical treatment, the**
86 **records shall be provided by a residential care facility within five days unless the office**
87 **consents to an extension of time no longer than thirty days.**

88 **11. The office shall establish confidentiality rules and procedures for all**
89 **information maintained by the office to ensure that the privacy of a child is protected.**

90 The office may disclose identifying information for the sole purpose of carrying out an
91 investigation.

92 **12. Inspection reports of all residential care facilities shall include the following**
93 **information:**

94 **(1) Sanitation of the:**

95 **(a) Sleeping rooms;**

96 **(b) Common dorm areas;**

97 **(c) Restrooms;**

98 **(d) Dining area;**

99 **(e) Gymnasium, weight room, or other physical fitness area;**

100 **(f) Therapy rooms;**

101 **(g) Safe spaces, quiet rooms, or detention spaces; and**

102 **(h) Hallways;**

103 **(2) Access to proper nutrition;**

104 **(3) Kitchen cleanliness, including preparation areas, adequate kitchen supplies,**
105 **and adequate refrigeration and procedures for receiving deliveries of items that require**
106 **refrigeration;**

107 **(4) Clean and adequate water supply in the living areas and dining facility;**

108 **(5) Comfortable temperatures in the following areas that are utilized by children**
109 **residing in a residential care facility:**

110 **(a) Sleeping rooms;**

111 **(b) Common dorm areas;**

112 **(c) Restrooms;**

113 **(d) Dining area;**

114 **(e) Gymnasium, weight room, or other physical fitness area;**

115 **(f) Therapy rooms; and**

116 **(g) Safe spaces, quiet rooms, and detention spaces; and**

117 **(6) An assessment of:**

118 **(a) All policies and procedures in place by a residential care facility relating to**
119 **the care of a child residing in the facility;**

120 **(b) Conditions of living spaces;**

121 **(c) Cleanliness, including the availability of cleaning supplies;**

122 **(d) Working water fountains, toilets, sinks, and showers;**

123 **(e) Availability of toilet paper, disposable cups for drinking water, and paper**
124 **towels;**

125 **(f) Kitchen and dining facilities, when open, food availability, and food edibility;**

- 126 **(g) Doors to bedrooms opening and closing properly and adequate storage in a**
127 **child's room for the child's clothing;**
- 128 **(h) Working laundry facilities and availability of laundry detergent;**
- 129 **(i) Accessibility and availability of personal hygiene products including, but not**
130 **limited to, soap or body wash, shampoo, conditioner, toothpaste, lotion, washcloths, and**
131 **towels;**
- 132 **(j) Secure locations for the child's valuables;**
- 133 **(k) Availability of educational and rehabilitative programs, including records on**
134 **how often it is available, and active participation by staff and children residing in a**
135 **residential care facility;**
- 136 **(l) Availability of drug and mental health treatment, including records on how**
137 **often it is available, and active participation by staff and children residing in a**
138 **residential care facility;**
- 139 **(m) All policies and procedures relating to visitation both on and off campus;**
- 140 **(n) All medical facilities and medical procedures and policies, including**
141 **controlled medication logs;**
- 142 **(o) The number of lock-downs at a residential care facility since the last**
143 **inspection by the office; and**
- 144 **(p) Staffing at a residential care facility, including:**
- 145 **a. The number and job assignments of dorm staff;**
- 146 **b. The ratio of dorm staff to children residing at a residential care facility; and**
- 147 **c. The staff position vacancy rate at a residential care facility.**
- 148 **13. The office shall review procedures of the division to determine if the**
149 **procedures are adequate for receiving, processing, responding to, and resolving**
150 **complaints made by or on behalf of a child in the custody of the division relating to**
151 **action, inaction, or decisions of a residential care facility staff or contractors that may**
152 **adversely affect the health, safety, welfare, or rights of such child.**
- 153 **14. For the review process under subsection 13 of this section, the office shall**
154 **have the authority to:**
- 155 **(1) Monitor living space and assess whether residential care facility staff is in**
156 **compliance with applicable federal, state, and division rules and regulations that relate**
157 **to the health, safety, welfare, and rehabilitation of a child;**
- 158 **(2) Review and analyze data relating to complaints received by the division and**
159 **data relating to the following:**
- 160 **(a) Deaths, suicides, and suicide attempts while in the custody of the division;**
- 161 **(b) Physical and sexual assaults while in the custody of the division;**

162 (c) The number of children placed in administrative segregation or solitary
163 confinement, and the duration of stay in such segregation or confinement;

164 (d) The number of lock-downs at a residential care facility lasting longer than
165 twenty-four hours;

166 (e) The number of staff vacancies at each residential care facility;

167 (f) Staff-to-child ratios at each residential care facility;

168 (g) Staff tenure and turnover at each residential care facility;

169 (h) The number of in-person visits by a family member, mentor, guardian ad
170 litem, or case manager to a child that were allowed or denied by a residential care
171 facility;

172 (i) Incident reports involving physical or sexual assaults or deaths, injuries, or
173 physical restraints at a residential care facility;

174 (j) Review of the recruitment, training, supervision, and discipline of the staff of
175 a residential care facility; and

176 (k) Any other aspect of the operation of a residential care facility that the office
177 deems necessary over the course of an inspection.

178 15. Upon completion of the review, the office shall produce a report to be made
179 available to the public on the office's website. Such report shall be delivered to the
180 governor, the attorney general, the president pro tempore of the senate, the speaker of
181 the house of representatives, and the director of the division. The report shall include:

182 (1) A summary of the division's complaint policies and procedures; and

183 (2) Any recommendations that were provided to the division addressing
184 necessary improvements.

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