

HB 3379 -- ABUSE OR NEGLECT OF VULNERABLE PERSONS

SPONSOR: Dolan

This bill modifies provisions relating to abuse or neglect of vulnerable persons in adult day care programs, facilities licensed under Chapter 197, RSMo, in-home services, nursing facilities, and personal care assistance services.

The bill specifies which individuals must immediately report when they believe with reasonable cause that a participant of an adult day care program has been abused or neglected. The report must contain names, addresses, and information regarding the nature of the abuse. If an individual who is required to report knowingly fails to make a report within a reasonable time, that individual will be guilty of a Class A misdemeanor; any provider who knowingly conceals an act of abuse or neglect that results in death or serious physical injury is guilty of a Class E felony. In addition to those required to report, any other person can make a report to the Department. Any person who abuses or neglects a participant of an adult day care program is subject to criminal prosecution under Section 565.184.

Upon a report's receipt, the Department must initiate an investigation within 24 hours and notify the participant's responsible party of the report and investigation and subsequently notify them whether the report was substantiated or unsubstantiated. All reports and investigations must be confidential. Anyone who makes a report, with the exception of the person who has abused or neglected a participant, will be immune from liability unless he or she acts negligently, recklessly, in bad faith, or with malicious purpose. The person making the report will be notified in writing of its receipt and initiation of the investigation within five working days. Any self-reporting of an incident to the central registry by an adult day care program will be investigated in accordance with Department policy, and if the incident results in a regulatory violation, it will be reported as a substantiated report.

The bill also prohibits any authority or director of an adult day care program from harassing, evicting, dismissing, or retaliating against a participant or employee if a report has been filed.

This bill requires the Department to maintain an employee disqualification list that contains the names of current employees or individuals who have previously been employed by any

adult day care program who have been determined to have knowingly or recklessly abused or neglected a participant.

The bill adds a reporting mechanism when any person has reasonable cause to believe that a misappropriation of a participant's funds or property has occurred. The Department will attempt to obtain relevant names, addresses, and any information pertaining to the nature of the misappropriation. Any program or employee that misappropriates a participant's funds will be guilty of a Class A misdemeanor. Upon a report's receipt, the Department will initiate an investigation in the same manner as a report of abuse or neglect, as specified in the bill.

The bill adds advanced emergency medical technicians, bank personnel, and paramedics to the list of individuals required to immediately report if they have reasonable cause to believe that an in-home services client has been abused or neglected. Reports, including investigation records and any other record or report related to the inclusion of an individual on the employee disqualification list, are confidential.

The bill requires that the director of the Department or the director's designee conduct all hearings by telephone or electronic means unless a person submits a written request for the hearing to be conducted in the county of the person's residence.

For facilities licensed under Chapter 197, any person having reasonable cause to believe that a misappropriation of a patient's property or funds has occurred must report the information to the Department. The Department will attempt to obtain relevant names, addresses, and any information pertaining to the nature of the misappropriation. Any facility, provider, or facility employee who puts to his or her own use or the use of the facility or provider, or who otherwise diverts from the patient's use any personal property or funds of the patient, is guilty of a class A misdemeanor. Upon a report's receipt, the Department will initiate an investigation in the same manner as a report of abuse or neglect as specified in the bill.

The bill adds emergency medical technicians and advanced emergency medical technicians, bank personnel, firefighters, first responders, and paramedics to the list of individuals required to immediately report if they have reasonable cause to believe that a resident of a facility has been abused or

neglected. Reports, including investigation records, are confidential.

The bill adds emergency medical technicians and advanced emergency medical technicians, bank personnel, firefighters, first responders, and paramedics to the list of individuals required to immediately report if they have reasonable cause to believe that a consumer of personal care assistance services has been abused or neglected. Reports, including investigation records, are confidential.