

SECOND REGULAR SESSION

HOUSE BILL NO. 1663

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KIRKTON (Sponsor), SATER, WETER, PACE, ZERR,
GRISAMORE AND MCGHEE (Co-sponsors).

5443L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 630.175, RSMo, and to enact in lieu thereof one new section relating to physical and chemical restraints for patients in mental health facilities.

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

Section A. Section 630.175, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 630.175, to read as follows:

630.175. 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632, and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility or the attending licensed physician **or the attending advanced practice registered nurse in a collaboration practice arrangement with a licensed physician** that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility or the attending licensed physician **or the attending advanced practice registered nurse in a collaboration practice arrangement with a licensed physician**.

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.

15 3. Physical or chemical restraint, isolation or seclusion shall not be considered standard
16 treatment or habilitation and shall cease as soon as the circumstances causing the need for such
17 action have ended.

18 4. The use of security escort devices, including devices designed to restrict physical
19 movement, which are used to maintain safety and security and to prevent escape during transport
20 outside of a facility shall not be considered physical restraint within the meaning of this section.
21 Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in
22 security escort devices when transported outside of the facility if it is determined by the head of
23 the facility or the attending licensed physician **or the attending advanced practice registered**
24 **nurse in a collaboration practice arrangement with a licensed physician** that the use of
25 security escort devices is necessary to protect the health and safety of the patient, resident, client,
26 or other persons or is necessary to prevent escape. Individuals who have been civilly detained
27 under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security
28 escort devices when transported outside of the facility unless it is determined by the head of the
29 facility or the attending licensed physician **or the attending advanced practice registered**
30 **nurse in a collaboration practice arrangement with a licensed physician** that security escort
31 devices are not necessary to protect the health and safety of the patient, resident, client, or other
32 persons or is not necessary to prevent escape.

33 5. Extraordinary measures employed by the head of the facility to ensure the safety and
34 security of patients, residents, clients, and other persons during times of natural or man-made
35 disasters shall not be considered restraint, isolation, or seclusion within the meaning of this
36 section.

✓