

FIRST REGULAR SESSION

HOUSE BILL NO. 724

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIRKTON.

1632L.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 mental health facility safety provisions.

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Section A. Section 630.175, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 630.175, to read as follows: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 collaborative practice arrangement with the attending 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. **If such order is made by the attending advanced practice registered nurse, such order shall be reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond four hours duration in the case of a person under eighteen years of age, or beyond eight hours duration in the case of a person eighteen years of age or older. The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the attending licensed physician under subsection 2 of this section.**

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

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.

18 signature of the head of the facility or the attending licensed physician **or the attending**
19 **advanced practice registered nurse in a collaborative practice arrangement with the**
20 **attending licensed physician.**

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

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

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

43 6. **Orders issued under this section by the attending advanced practice registered**
44 **nurse in a collaborative practice arrangement with the attending licensed physician shall**
45 **be reviewed in person by the attending licensed physician of the facility within twenty-four**
46 **hours or the next regular working day of the order being issued, and such review shall be**
47 **documented in the clinical record of the patient, resident, or client.**

✓