

HCS HB 1767 -- PROTECTIONS FOR DISABLED PERSONS AND THE ELDERLY

SPONSOR: Bruns

COMMITTEE ACTION: Voted "do pass" by the Committee on Senior Citizen Advocacy by a vote of 11 to 0.

This substitute makes the necessary statutory changes based on the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services. In its main provisions, the substitute:

- (1) Defines the terms "consumer," "patient," and "provider";
- (2) Requires the department to keep the names of individuals submitting abuse and misappropriation reports confidential unless the complainant agrees to the disclosure of his or her name, the name of the complainant is lawfully subpoenaed, the release of a name is required by the Administrative Hearing Commission, or the release of a name is requested by the Department of Social Services for the purpose of licensure under Chapter 210, RSMo;
- (3) Protects patients and the patients' family members from eviction, harassment, or retaliation due to the filing of a report of a violation or suspected violation of the laws or regulations of the substitute;
- (4) Makes any person failing to file a required report guilty of a class A misdemeanor and any provider who knowingly conceals abuse or neglect that results in the death or serious injury of a patient guilty of a class D felony;
- (5) Creates a fine of \$1,000, to be assessed by the Department of Health and Senior Services, for any provider who willfully and knowingly fails to report known abuse by an employee;
- (6) Extends the time a person can be listed on the employee disqualification list by one year if he or she is employed in a prohibited position while on the list; and
- (7) Restates the agency rule-making authority to make any rule effective only if it complies with and is subject to the provisions of Chapter 536.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2007, \$0 in FY 2008, and \$0 in FY 2009. Estimated Income on Other State Funds of Unknown in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the bill provides extra

protections for disabled persons and the elderly who are in care facilities and enhances the provisions of the employee disqualification list and background checks for employees of care facilities.

Testifying for the bill were Representative Bruns; Division of Registration and Licensure, Department of Health and Senior Services; Missouri Council for In-Home Services; Missouri Hospital Association; and Mary Schultz.

OPPONENTS: There was no opposition voiced to the committee.

Alex Curchin, Legislative Analyst