

SCS SB 178 -- MENTAL HEALTH FACILITIES

SPONSOR: Schaaf (Kirkton)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Health Care Policy by a vote of 11 to 0.

This substitute changes the laws regarding mental health facilities.

The substitute adds Boone County to the list of counties that may employ an additional assistant prosecuting attorney and additional investigative and clerical personnel to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities.

Currently, physical or chemical restraints, isolation, or seclusion cannot be used on a person admitted under specified situations on a voluntary or involuntary basis to any mental health facility or mental health program or on a patient, resident or client of a mental health facility or mental health program unless it is determined by the head of the facility or the attending licensed physician that it is necessary to protect the health and safety of the individual or others and that it provides the least restrictive environment. The substitute allows the attending advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician to also make the determination.

If the attending advanced practice registered nurse orders the use of restraints, isolation, or seclusion, the order must be reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond four hours for a person younger than 18 years of age, beyond eight hours for a person 18 years of age or older, or for any total length of restraint lasting more than four hours in a 24-hour period in the case of a person younger than 18 years of age or beyond eight hours in the case of a person older than 18 years of age in a 24-hour period. The review must occur prior to the specified time limit and must be documented by the attending licensed physician. Every use of physical or chemical restraint, isolation, or seclusion and the reasons for the use must be made a part of the clinical record of the person.

Depending on the circumstances under which an individual has been committed to the facility, a security escort device may be used when an individual is transported outside a mental health facility based on the determination of the head of the facility or the attending licensed physician. The substitute allows the attending advanced practice registered nurse in a collaborative practice arrangement with the attending licensed physician to also make that

determination.

All orders made by the attending advanced practice registered nurse under these provisions must be reviewed in person by the attending licensed physician of the facility within 24 hours or the next regular working day of the order being issued, and the review must be documented in the clinical record of the patient, resident, or client.

PROPONENTS: Supporters of the bill say that psychiatrists are now a rarity and one in every five psychiatrist positions in Missouri is vacant. The bill will permit other qualified professionals to take temporary action in a crisis. Under federal law, any hold that would require a person to break away to be free is considered restraint, such as grabbing a person's arm. Restraint isn't often used but when it is, it is only used in a crisis situation.

Testifying for the bill were Senator Schaaf; and Robert Reitz, Ph.D., Department of Mental Health.

OPPONENTS: There was no opposition voiced to the committee.