

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 373
99TH GENERAL ASSEMBLY

1622H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 67.990 and 198.070, RSMo, and to enact in lieu thereof three new sections relating to the elderly.

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

Section A. Sections 67.990 and 198.070, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 67.990, 198.070, and 208.285, to read as follows:

67.990. 1. The governing body of any county or city not within a county may, upon
2 approval of a majority of the qualified voters of such county or city voting thereon, levy and
3 collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any
4 county of the first classification with more than eighty-five thousand nine hundred but less than
5 eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the
6 qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per
7 one hundred dollars of assessed valuation upon all taxable property within the county or city or
8 for the purpose of providing services to persons sixty years of age or older. The tax so levied
9 shall be collected along with other county or city taxes, in the manner provided by law. All
10 funds collected for this purpose shall be deposited in a special fund for the provision of services
11 for persons sixty years of age or older, and shall be used for no other purpose except those
12 purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only
13 upon approval of the board of directors established in section 67.993 and only in accordance with
14 the fund budget approved by the county [~~or city governing body~~]. **In a city not within a county,**
15 **deposits in the fund shall be expended only in accordance with the budget approved by the**
16 **board established in section 67.993.**

17 2. The question of whether the tax authorized by this section shall be imposed shall be
18 submitted in substantially the following form:

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.

19 OFFICIAL BALLOT

20 Shall (name of county/city) levy a tax of cents per each one
21 hundred dollars assessed valuation for the purpose of providing services to persons sixty years
22 of age or older?

23 YES NO

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. (1) The report shall contain the name and address of the facility, the name of the
15 resident, information regarding the nature of the abuse or neglect, the name of the complainant,
16 and any other information which might be helpful in an investigation.

17 (2) **In the event of reasonable cause to believe a suspected sexual assault of the**
18 **resident has occurred, in addition to the report to be made to the department, a report**
19 **shall be made to a local law enforcement entity in accordance with federal law under the**
20 **provisions of 42 U.S.C. 1320b-25.**

21 3. Any person required in subsection 1 of this section to report or cause a report to be
22 made to the department who knowingly fails to make a report within a reasonable time after the
23 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

24 4. In addition to the penalties imposed by this section, any administrator who knowingly
25 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
26 section 556.061, is guilty of a class E felony.

27 5. In addition to those persons required to report pursuant to subsection 1 of this section,
28 any other person having reasonable cause to believe that a resident has been abused or neglected
29 may report such information to the department.

30 6. Upon receipt of a report, the department shall initiate an investigation within twenty-
31 four hours and, as soon as possible during the course of the investigation, shall notify the

32 resident's next of kin or responsible party of the report and the investigation and further notify
33 them whether the report was substantiated or unsubstantiated unless such person is the alleged
34 perpetrator of the abuse or neglect. As provided in section 192.2425, substantiated reports of
35 elder abuse shall be promptly reported by the department to the appropriate law enforcement
36 agency and prosecutor.

37 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
38 shall refer the complaint together with the investigator's report to the department director or the
39 director's designee for appropriate action. If, during the investigation or at its completion, the
40 department has reasonable cause to believe that immediate removal is necessary to protect the
41 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
42 attorney general upon request of the department shall, file a petition for temporary care and
43 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
44 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
45 department authority for the temporary care and protection of the resident, for a period not to
46 exceed thirty days.

47 8. Reports shall be confidential, as provided pursuant to section 192.2500.

48 9. Anyone, except any person who has abused or neglected a resident in a facility, who
49 makes a report pursuant to this section or who testifies in any administrative or judicial
50 proceeding arising from the report shall be immune from any civil or criminal liability for
51 making such a report or for testifying except for liability for perjury, unless such person acted
52 negligently, recklessly, in bad faith or with malicious purpose. It is a crime under section
53 565.189 for any person to knowingly file a false report of elder abuse or neglect.

54 10. Within five working days after a report required to be made pursuant to this section
55 is received, the person making the report shall be notified in writing of its receipt and of the
56 initiation of the investigation.

57 11. No person who directs or exercises any authority in a facility shall evict, harass,
58 dismiss or retaliate against a resident or employee because such resident or employee or any
59 member of such resident's or employee's family has made a report of any violation or suspected
60 violation of laws, ordinances or regulations applying to the facility which the resident, the
61 resident's family or an employee has reasonable cause to believe has been committed or has
62 occurred. Through the existing department information and referral telephone contact line,
63 residents, their families and employees of a facility shall be able to obtain information about their
64 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
65 a report being made pursuant to this section.

66 12. Any person who abuses or neglects a resident of a facility is subject to criminal
67 prosecution under section 565.184.

68 13. The department shall maintain the employee disqualification list and place on the
69 employee disqualification list the names of any persons who are or have been employed in any
70 facility and who have been finally determined by the department pursuant to section 192.2490
71 to have knowingly or recklessly abused or neglected a resident. For purposes of this section
72 only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this
73 section. A person acts "knowingly" with respect to the person's conduct when a reasonable
74 person should be aware of the result caused by his or her conduct. A person acts "recklessly"
75 when the person consciously disregards a substantial and unjustifiable risk that the person's
76 conduct will result in serious physical injury and such disregard constitutes a gross deviation
77 from the standard of care that a reasonable person would exercise in the situation.

78 14. The timely self-reporting of incidents to the central registry by a facility shall
79 continue to be investigated in accordance with department policy, and shall not be counted or
80 reported by the department as a hot-line call but rather a self-reported incident. If the self-
81 reported incident results in a regulatory violation, such incident shall be reported as a
82 substantiated report.

**208.285. 1. The department of health and senior services shall apply for a grant
2 under the United States Department of Agriculture Senior Farmers' Market Nutrition
3 Program to provide low-income seniors with vouchers that may be exchanged for eligible
4 foods at farmers' markets, roadside stands, and community-supported agriculture (CSA)
5 programs.**

6 **2. There is hereby established the "Missouri Senior Farmers' Market Nutrition
7 Program" within the department of health and senior services. Upon receipt of any grant
8 moneys under subsection 1 of this section, the program shall supply Missouri-grown fresh
9 produce to senior participants through the distribution of vouchers that are redeemable
10 only at designated Missouri farmers' markets, roadside stands, and CSA programs. The
11 program is designed to provide a supplemental source of fresh produce for the dietary
12 needs of low-income seniors; to stimulate an increased demand for Missouri-grown
13 produce at farmers' markets, roadside stands, and CSA programs; and to develop new and
14 additional farmers' markets, roadside stands, and CSA programs.**

15 **3. Eligible seniors shall receive senior farmers' market nutrition program vouchers
16 from designated distribution sites in their county of residence. Upon the issuance of
17 vouchers, participants shall be provided with a list of participating farmers, farmers'
18 markets, roadside stands, and CSA programs. The department shall provide distribution
19 site information at all county area agencies on aging.**

20 **4. For purposes of this section, "senior participant" means a person who is at least
21 sixty years of age or older by December thirty-first of the program year and who meets the**

22 **income eligibility criteria based on guidelines published annually by the United States**
23 **Department of Agriculture.**

24 **5. The department may promulgate rules to implement the provisions of this**
25 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
26 **created under the authority delegated in this section shall become effective only if it**
27 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
28 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
29 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
30 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
31 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,**
32 **shall be invalid and void.**

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