

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 178
97TH GENERAL ASSEMBLY

Reported from the Committee on Veterans' Affairs and Health, March 7, 2013, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 178, adopted March 27, 2013.

Taken up for Perfection March 27, 2013. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1034S.02P

AN ACT

To repeal sections 56.700 and 630.175, RSMo, and to enact in lieu thereof two new sections relating to mental health facilities.

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

Section A. Sections 56.700 and 630.175, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 56.700 and 630.175, to
3 read as follows:

56.700. 1. The prosecuting attorney in each county of the second, third,
2 or fourth class, **or any county of the first classification with more than**
3 **one hundred fifty thousand but fewer than two hundred thousand**
4 **inhabitants**, which contains a mental health facility able to serve at least eighty
5 persons on an overnight, inpatient basis at any one time, and which is operated
6 by the state department of mental health, division of psychiatric services, **or the**
7 **University of Missouri**, may employ an assistant prosecuting attorney to assist
8 in carrying out the duties of the office of prosecuting attorney relating to mental
9 health and mental health facilities. The assistant prosecuting attorney
10 authorized by this subsection shall be in addition to any other assistant
11 prosecuting attorney authorized by law. The assistant prosecuting attorney
12 employed under this subsection shall receive an annual compensation of fifteen
13 thousand dollars payable out of the state treasury from funds appropriated for
14 that purpose.

15 2. The county counselor or circuit attorney in each county of the first class
16 with a charter form of government containing part of a city with a population of
17 over four hundred fifty thousand and in each city not within a county may employ

18 an assistant county counselor or circuit attorney to assist in carrying out the
19 duties of the office of the county counselor or circuit attorney relating to mental
20 health and mental health facilities. The assistant authorized by this subsection
21 shall be in addition to any other assistants authorized by law. The assistant
22 county counselor or circuit attorney employed under this subsection shall receive
23 an annual compensation of fifteen thousand dollars payable out of the state
24 treasury from funds appropriated for that purpose.

25 3. The prosecuting attorney in each county of the second, third, or fourth
26 class, **or any county of the first classification with more than one**
27 **hundred fifty thousand but fewer than two hundred thousand**
28 **inhabitants**, which contains a mental health facility able to serve at least eighty
29 persons on an overnight, inpatient basis at any one time, and which is operated
30 by the state department of mental health, division of psychiatric services, **or the**
31 **University of Missouri**, may employ additional investigative and clerical
32 personnel to assist in carrying out the duties of the office of prosecuting attorney
33 relating to mental health and mental health facilities. The investigative and
34 clerical personnel authorized by this subsection shall be in addition to any other
35 personnel authorized by law. The compensation for such additional investigative
36 and clerical personnel, not to exceed a total of fifteen thousand dollars annually
37 for each eligible county, shall be paid out of the state treasury from funds
38 appropriated for that purpose.

39 4. The county counselor or circuit attorney in each county of the first class
40 with a charter form of government containing part of a city with a population of
41 over four hundred fifty thousand and in each city not within a county may employ
42 additional investigative and clerical personnel to assist in carrying out the duties
43 of the office of the county counselor or circuit attorney relating to mental health
44 and mental health facilities. The investigative and clerical personnel authorized
45 by this subsection shall be in addition to any other personnel authorized by
46 law. The compensation for such additional investigative and clerical personnel,
47 not to exceed a total of fifteen thousand dollars annually for each eligible county
48 or city not within a county, shall be paid out of the state treasury from funds
49 appropriated for that purpose.

630.175. 1. No person admitted on a voluntary or involuntary basis to
2 any mental health facility or mental health program in which people are civilly
3 detained pursuant to chapter 632, and no patient, resident or client of a
4 residential facility or day program operated, funded or licensed by the department

5 shall be subject to physical or chemical restraint, isolation or seclusion unless it
6 is determined by the head of the facility or the attending licensed physician or
7 **the attending advanced practice registered nurse in a collaborative**
8 **practice arrangement with the attending licensed physician** that the
9 chosen intervention is imminently necessary to protect the health and safety of
10 the patient, resident, client or others and that it provides the least restrictive
11 environment. **If such order is made by the attending advanced practice**
12 **registered nurse, such order shall be reviewed in person by the**
13 **attending licensed physician if the episode of restraint is to extend**
14 **beyond:**

15 **(1) Four hours duration in the case of a person under eighteen**
16 **years of age; or**

17 **(2) Eight hours duration in the case of a person eighteen years**
18 **of age or older; or**

19 **(3) For any total length of restraint lasting more than four hours**
20 **duration in a twenty-four hour period in the case of a person under**
21 **eighteen years of age, or beyond eight hours duration in the case of a**
22 **person over eighteen years of age in a twenty-four hour period.**

23 **The review shall occur prior to the time limit specified under**
24 **subsection 6 of this section and shall be documented by the attending**
25 **licensed physician pursuant to subsection 2 of this section.**

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

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

35 4. The use of security escort devices, including devices designed to restrict
36 physical movement, which are used to maintain safety and security and to
37 prevent escape during transport outside of a facility shall not be considered
38 physical restraint within the meaning of this section. Individuals who have been
39 civilly detained under sections 632.300 to 632.475 may be placed in security
40 escort devices when transported outside of the facility if it is determined by the

41 head of the facility or the attending licensed physician **or the attending**
42 **advanced practice registered nurse in a collaborative practice**
43 **arrangement with the attending licensed physician** that the use of security
44 escort devices is necessary to protect the health and safety of the patient,
45 resident, client, or other persons or is necessary to prevent escape. Individuals
46 who have been civilly detained under sections 632.480 to 632.513 or committed
47 under chapter 552 shall be placed in security escort devices when transported
48 outside of the facility unless it is determined by the head of the facility or the
49 attending licensed physician **or the attending advanced practice registered**
50 **nurse in a collaborative practice arrangement with the attending**
51 **licensed physician** that security escort devices are not necessary to protect the
52 health and safety of the patient, resident, client, or other persons or is not
53 necessary to prevent escape.

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

58 **6. Orders issued pursuant to this section by the attending**
59 **advanced practice registered nurse in a collaborative practice**
60 **arrangement with the attending licensed physician shall be reviewed**
61 **in person by the attending licensed physician of the facility within**
62 **twenty-four hours or the next regular working day of the order being**
63 **issued, and such review shall be documented in the clinical record of**
64 **the patient, resident, or client.**

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