

FIRST REGULAR SESSION

SENATE BILL NO. 638

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DAYS.

Read 1st time February 27, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1976S.01I

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to exempt residential care facilities.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be known as section 210.517, to read as follows:

210.517. 1. Residential care facilities operated pursuant to a license-exempt status recognized in subdivisions (1), (2), (5), or (6) of section 210.516 shall upon enrollment of any child provide the parent or guardian of the child with two copies of a notice of parental responsibility, one copy of which shall be retained in the files of the facility after the parent acknowledges, by signature, having read and accepted the information contained therein.

2. The notice of parental responsibility shall include the following:

(1) Notification that the residential care facility is exempt from licensing requirements and therefore not inspected or supervised by the state other than as provided in this section;

(2) Notification that the facility is complying with applicable fire, health, and sanitation requirements and has been inspected annually for such compliance by the state fire marshal or officials of the local fire district and by the department of health and senior services or officials of the local health department;

(3) The names, addresses, and telephone numbers of agencies and authorities that inspect the facility for fire, health, and safety and the date of the most recent inspection;

(4) Notification that background checks have been conducted on each individual caregiver and all other personnel at the facility. The background check shall be conducted upon employment and every two years thereafter on each individual caregiver and all other personnel at the facility. Such background check shall include a screening for child abuse or neglect through the division of family services, and a criminal record review through the Missouri highway patrol pursuant to section 43.540, RSMo. The fee for the criminal record review shall be limited to the actual costs incurred by the Missouri highway patrol in conducting such review not to exceed ten dollars.

3. A copy of the notice of parental responsibility, signed by the principal operating officer of the exempt residential care facility and a copy of the annual fire and safety inspections shall be filed annually in the month of August with the director of the department of health and senior services. Exempt residential care facilities that begin operation after August 28, 2003, shall file such notice at least five days prior to beginning operations.

4. If there is good cause to believe that a principal operating officer of an exempt residential care facility made a materially false statement in the notice of parental responsibility, the department of health and senior services shall provide written notification within twenty days to the facility concerning the nature of the suspected noncompliance. If compliance is not forthcoming within twenty days, the department shall thereafter notify the prosecuting attorney of the county wherein the facility is located concerning the suspected noncompliance. The prosecuting attorney may file suit for a preliminary and permanent order overseeing or preventing the operation of the facility. The injunction shall remain in force until such time as the court determines that the residential care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act within thirty days of receipt of notice from the department of health and senior services, the department may notify the attorney general concerning the suspected noncompliance and the attorney general may proceed pursuant to this section.

5. In cases of imminent bodily harm to one or more children in the care of a license-exempt residential care facility, the department of health and senior services may file suit in the circuit court of the county in which the license-exempt residential care facility is located for injunctive relief.

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