

SECOND REGULAR SESSION

SENATE BILL NO. 1095

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6748S.011

AN ACT

To repeal section 630.745, RSMo, and to enact in lieu thereof one new section relating to department of mental health inspections.

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

Section A. Section 630.745, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 630.745, to read as follows:

630.745. 1. If a duly authorized representative of the department finds
2 upon inspection of a residential facility or day program that it is not in
3 compliance with the provisions of sections 630.705 to 630.760, and the standards
4 established thereunder, the head of the facility or program shall be informed of
5 the deficiencies in an exit interview conducted with him **or her**. A written report
6 shall be prepared of any deficiency for which there has not been prompt remedial
7 action, and a copy of such report and a written correction order shall be sent to
8 the [head of the] facility or program [by certified mail, return receipt requested],
9 at the facility or program address within twenty working days after the
10 inspection, stating separately each deficiency and the specific statute or
11 regulation violated.

12 2. The head of the facility or program shall have twenty working days
13 following receipt of the report and correction order to request any conference and
14 to submit a plan of correction for the department's approval which contains
15 specific dates for achieving compliance. Within ten working days after receiving
16 a plan of correction, the department shall give its written approval or rejection
17 of the plan.

18 3. A reinspection shall be conducted within [fifty-five] **sixty** days after
19 the original inspection to determine if deficiencies are being corrected as required

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 in the approved correction plan or any subsequent authorized modification. If the
21 facility or program is not in substantial compliance and the head of the facility
22 or program is not correcting the noncompliance in accordance with the time
23 schedules in his **or her** approved plan of correction, the department shall issue
24 a notice of noncompliance, which shall be sent by certified mail, return receipt
25 requested, to the head of the facility or program.

26 4. The notice of noncompliance shall inform the head of the facility or
27 program that the department may seek the imposition of any of the sanctions and
28 remedies provided for in section 630.755, or any other action authorized by law.

29 5. At any time after an inspection is conducted, the head of the facility or
30 program may choose to enter into a consent agreement with the department to
31 obtain a probationary license. The consent agreement shall include a provision
32 that the head of the facility or program will voluntarily surrender the license if
33 substantial compliance is not reached in accordance with the terms and deadlines
34 established under the agreement. The agreement shall specify the stages, actions
35 and time span to achieve substantial compliance.

36 6. If a notice of noncompliance has been issued, the head of the facility or
37 program shall post a copy of the notice of noncompliance and a copy of the most
38 recent inspection report in a conspicuous location in the facility or program, and
39 the department shall send a copy of the notice of noncompliance to any concerned
40 federal, state or local governmental agencies.

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