

SECOND REGULAR SESSION

SENATE BILL NO. 870

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOWARD.

Read 1st time February 5, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3745.011

AN ACT

To repeal section 630.170, RSMo Supp. 1997, relating to employment under the department of mental health, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 630.170, RSMo Supp. 1997, is repealed and one new section enacted in lieu thereof, to be known as section 630.170, to read as follows:

630.170. 1. A person convicted of any crime under section 630.155[,] **or** 630.160 [or 630.165] shall be disqualified from holding any position in any public or private facility or day program operated, funded or licensed by the department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632, RSMo.

2. A person convicted of any felony offense against persons as defined in chapter 565, RSMo; of any felony sexual offense as defined in chapter 566, RSMo; of any felony offense defined in section **568.045**, 568.050, 568.060, 569.020, 569.030, 569.040 or 569.050, RSMo, or of an equivalent felony offense shall be disqualified from holding any direct-care position in any public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

3. Any person disqualified under the provisions of subsection 1 or 2 of this section may appeal the disqualification to the director of the department or the director's designee. The request shall be written and may not be made more than once every twelve months. The request may be granted by the director or designee if in the

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

judgment of the director or designee a clear showing has been made by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident or client of a facility, program or service. The director or designee may grant the appeal subject to any conditions deemed appropriate and failure to comply with such terms may result in the person again being disqualified. Decisions by the director or designee under the provisions of this subsection shall not be subject to appeal. The right to appeal under this subsection shall not apply to persons convicted of any crime under the provisions of chapter 566 or 568, RSMo, or section 565.020 or 565.021, RSMo.

Unofficial

Bill

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