

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1715

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILSON.

4497H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 192.2400, RSMo, and to enact in lieu thereof one new section relating to bullying of elderly persons.

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

2 Section A. Section 192.2400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.2400, to read as follows:

192.2400. As used in sections 192.2400 to 192.2505, the following terms mean:

2 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including
3 financial exploitation by any person, firm, or corporation **and bullying;**

4 (2) **"Bullying", intimidation or harassment that causes a reasonable person to fear**
5 **for his or her physical safety or property and may consist of physical actions including**
6 **gestures; cyberbullying; oral, electronic, or written communication; and any threat of**
7 **retaliation for reporting of such acts;**

8 (3) "Court", the circuit court;

9 [(3)] (4) "Department", the department of health and senior services;

10 [(4)] (5) "Director", director of the department of health and senior services or his or her
11 designees;

12 [(5)] (6) "Eligible adult", a person sixty years of age or older who is unable to protect his
13 or her own interests or adequately perform or obtain services which are necessary to meet his or
14 her essential human needs or an adult with a disability, as defined in section 192.2005, between

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.

15 the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately
16 perform or obtain services which are necessary to meet his or her essential human needs;

17 [(6)] (7) "Home health agency", the same meaning as such term is defined in section
18 197.400;

19 [(7)] (8) "Home health agency employee", a person employed by a home health agency;

20 [(8)] (9) "Home health patient", an eligible adult who is receiving services through any
21 home health agency;

22 [(9)] (10) "In-home services client", an eligible adult who is receiving services in his or
23 her private residence through any in-home services provider agency;

24 [(10)] (11) "In-home services employee", a person employed by an in-home services
25 provider agency;

26 [(11)] (12) "In-home services provider agency", a business entity under contract with the
27 department or with a Medicaid participation agreement, which employs persons to deliver any
28 kind of services provided for eligible adults in their private homes;

29 [(12)] (13) "Least restrictive environment", a physical setting where protective services
30 for the eligible adult and accommodation is provided in a manner no more restrictive of an
31 individual's personal liberty and no more intrusive than necessary to achieve care and treatment
32 objectives;

33 [(13)] (14) "Likelihood of serious physical harm", one or more of the following:

34 (a) A substantial risk that physical harm to an eligible adult will occur because of his or
35 her failure or inability to provide for his or her essential human needs as evidenced by acts or
36 behavior which has caused such harm or which gives another person probable cause to believe
37 that the eligible adult will sustain such harm;

38 (b) A substantial risk that physical harm will be inflicted by an eligible adult upon
39 himself or herself, as evidenced by recent credible threats, acts, or behavior which has caused
40 such harm or which places another person in reasonable fear that the eligible adult will sustain
41 such harm;

42 (c) A substantial risk that physical harm will be inflicted by another upon an eligible
43 adult as evidenced by recent acts or behavior which has caused such harm or which gives another
44 person probable cause to believe the eligible adult will sustain such harm;

45 (d) A substantial risk that further physical harm will occur to an eligible adult who has
46 suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting
47 of his or her financial resources by another person;

48 [(14)] (15) "Neglect", the failure to provide services to an eligible adult by any person,
49 firm or corporation with a legal or contractual duty to do so, when such failure presents either

50 an imminent danger to the health, safety, or welfare of the client or a substantial probability that
51 death or serious physical harm would result;
52 [(15)] **(16)** "Protective services", services provided by the state or other governmental
53 or private organizations or individuals which are necessary for the eligible adult to meet his or
54 her essential human needs.

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