

SECOND REGULAR SESSION

HOUSE BILL NO. 2611

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (163).

6376H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Section 630.745, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 630.745, to read as follows: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 upon inspection of a residential facility or day program that it is not in compliance with the provisions of sections 630.705 to 630.760, and the standards established thereunder, the head of the facility or program shall be informed of the deficiencies in an exit interview conducted with him. A written report shall be prepared of any deficiency for which there has not been prompt remedial action, and a copy of such report and a written correction order shall be sent to the ~~head of the~~ facility or program ~~[by certified mail, return receipt requested,]~~ at the facility or program address within twenty working days after the inspection, stating separately each deficiency and the specific statute or regulation violated.

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

3. A reinspection shall be conducted within ~~[fifty-five]~~ **sixty** days after the original inspection to determine if deficiencies are being corrected as required in the approved correction plan or any subsequent authorized modification. If the facility or program is not in substantial

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.

18 compliance and the head of the facility or program is not correcting the noncompliance in
19 accordance with the time schedules in his approved plan of correction, the department shall issue
20 a notice of noncompliance, which shall be sent by certified mail, return receipt requested, to the
21 head of the facility or program.

22 4. The notice of noncompliance shall inform the head of the facility or program that the
23 department may seek the imposition of any of the sanctions and remedies provided for in section
24 630.755, or any other action authorized by law.

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

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

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