

SECOND REGULAR SESSION

# HOUSE BILL NO. 2105

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CURLS (Sponsor), McCLANAHAN, KIRKTON, FRAME,  
ATKINS, MORRIS, CARTER AND JONES (63) (Co-sponsors).

4939L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 630.115, RSMo, and to enact in lieu thereof one new section relating to mental health services.

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

Section A. Section 630.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 630.115, to read as follows:

630.115. 1. Each patient, resident or client shall be entitled to the following without limitation:

(1) To humane care and treatment;

(2) To the extent that the facilities, equipment and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice;

(3) To safe and sanitary housing;

(4) To not participate in nontherapeutic labor;

(5) To attend or not attend religious services;

(6) To receive prompt evaluation and care, treatment, habilitation or rehabilitation about which he is informed insofar as he **or she** is capable of understanding;

(7) To be treated with dignity as a human being;

(8) To not be the subject of experimental research without his **or her** prior written and informed consent or that of his **or her** parent, if a minor, or his **or her** guardian; except that no involuntary patient shall be subject to experimental research, except as provided within this chapter;

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.

16 (9) To decide not to participate or may withdraw from any research at any time for any  
17 reason;

18 (10) To have access to consultation with a private physician at his **or her** own expense;

19 (11) To be evaluated, treated or habilitated in the least restrictive environment;

20 (12) To not be subjected to any hazardous treatment or surgical procedure unless he **or**  
21 **she**, his **or her** parent, if he **or she** is a minor, or his **or her** guardian consents; or unless such  
22 treatment or surgical procedure is ordered by a court of competent jurisdiction;

23 (13) In the case of hazardous treatment or irreversible surgical procedures, to have, upon  
24 request, an impartial review prior to implementation, except in case of emergency procedures  
25 required for the preservation of his **or her** life;

26 (14) To a nourishing, well-balanced and varied diet;

27 (15) To be free from verbal and physical abuse;

28 **(16) For patients, residents, or clients who receive state-subsidized care or services,**  
29 **to have such patient's, resident's, or client's case managed by a qualified state employee**  
30 **case worker.**

31 2. Notwithstanding any other sections of this chapter, each patient, resident or client shall  
32 have the right to an impartial administrative review of alleged violations of the rights assured  
33 under this chapter. The impartial administration review process shall be a mechanism for:

34 (1) Reporting alleged violations of rights assured under this chapter;

35 (2) Investigating alleged violations of these rights;

36 (3) Presenting patient, resident or client grievances on the record to a neutral decision  
37 maker; and

38 (4) Requiring that the neutral decision maker issue findings of fact, conclusions and  
39 recommendations.

40 3. The impartial administrative review process shall be completed within a timely  
41 manner after the alleged violation is reported.

42 4. This impartial review process shall not apply to investigations of alleged patient,  
43 resident or client abuse or neglect conducted pursuant to section 630.167.

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