

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2212, Page 1, In the Title, Line 7, by deleting the words "mandated
2 reporters of"; and

3
4 Further amend said bill and page, Section A, Line 6, by inserting after all of said line the following:

5
6 "192.2400. As used in sections 192.2400 to 192.2505, the following terms mean:

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

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

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

14 [(3)] (4) "Department", the department of health and senior services;

15 [(4)] (5) "Director", director of the department of health and senior services or his or her
16 designees;

17 [(5)] (6) "Eligible adult", a person sixty years of age or older who is unable to protect his or
18 her own interests or adequately perform or obtain services which are necessary to meet his or her
19 essential human needs or an adult with a disability, as defined in section 192.2005, between the ages
20 of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or
21 obtain services which are necessary to meet his or her essential human needs;

22 [(6)] (7) "Home health agency", the same meaning as such term is defined in section
23 197.400;

24 [(7)] (8) "Home health agency employee", a person employed by a home health agency;

25 [(8)] (9) "Home health patient", an eligible adult who is receiving services through any
26 home health agency;

27 [(9)] (10) "In-home services client", an eligible adult who is receiving services in his or her
28 private residence through any in-home services provider agency;

29 [(10)] (11) "In-home services employee", a person employed by an in-home services
30 provider agency;

31 [(11)] (12) "In-home services provider agency", a business entity under contract with the
32 department or with a Medicaid participation agreement, which employs persons to deliver any kind
33 of services provided for eligible adults in their private homes;

34 [(12)] (13) "Least restrictive environment", a physical setting where protective services for
35 the eligible adult and accommodation is provided in a manner no more restrictive of an individual's
36 personal liberty and no more intrusive than necessary to achieve care and treatment objectives;

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 [(13)] (14) "Likelihood of serious physical harm", one or more of the following:

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

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

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

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

15 [(14)] (15) "Neglect", the failure to provide services to an eligible adult by any person, firm
16 or corporation with a legal or contractual duty to do so, when such failure presents either an
17 imminent danger to the health, safety, or welfare of the client or a substantial probability that death
18 or serious physical harm would result;

19 [(15)] (16) "Protective services", services provided by the state or other governmental or
20 private organizations or individuals which are necessary for the eligible adult to meet his or her
21 essential human needs."; and

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.