

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 2212, Page 1, Section A, Line 6, by inserting after all of said line the  
2 following:

3  
4 "192.2400. As used in sections 192.2400 to 192.2505, the following terms mean:

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

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

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

12 [(3)] (4) "Department", the department of health and senior services;

13 [(4)] (5) "Director", director of the department of health and senior services or his or her  
14 designees;

15 [(5)] (6) "Eligible adult", a person sixty years of age or older who is unable to protect his or  
16 her own interests or adequately perform or obtain services which are necessary to meet his or her  
17 essential human needs or an adult with a disability, as defined in section 192.2005, between the ages  
18 of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or  
19 obtain services which are necessary to meet his or her essential human needs;

20 [(6)] (7) "Home health agency", the same meaning as such term is defined in section  
21 197.400;

22 [(7)] (8) "Home health agency employee", a person employed by a home health agency;

23 [(8)] (9) "Home health patient", an eligible adult who is receiving services through any  
24 home health agency;

25 [(9)] (10) "In-home services client", an eligible adult who is receiving services in his or her  
26 private residence through any in-home services provider agency;

27 [(10)] (11) "In-home services employee", a person employed by an in-home services  
28 provider agency;

29 [(11)] (12) "In-home services provider agency", a business entity under contract with the  
30 department or with a Medicaid participation agreement, which employs persons to deliver any kind  
31 of services provided for eligible adults in their private homes;

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

35 [(13)] (14) "Likelihood of serious physical harm", one or more of the following:

36 (a) A substantial risk that physical harm to an eligible adult will occur because of his or her

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1 failure or inability to provide for his or her essential human needs as evidenced by acts or behavior  
2 which has caused such harm or which gives another person probable cause to believe that the  
3 eligible adult will sustain such harm;

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

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

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

13 [(14)] (15) "Neglect", the failure to provide services to an eligible adult by any person, firm  
14 or corporation with a legal or contractual duty to do so, when such failure presents either an  
15 imminent danger to the health, safety, or welfare of the client or a substantial probability that death  
16 or serious physical harm would result;

17 [(15)] (16) "Protective services", services provided by the state or other governmental or  
18 private organizations or individuals which are necessary for the eligible adult to meet his or her  
19 essential human needs."; and

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21 Further amend said bill and page, Section 192.2405, Line 4, by inserting after the word "harm" on  
22 said line the following:

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24 ", or bullying as defined in subsection (2) of section 192.2400,"; and

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26 Further amend said bill by amending the title, enacting clause, and intersectional references  
27 accordingly.

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