

SECOND REGULAR SESSION

# HOUSE BILL NO. 2384

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REHDER.

5972H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal sections 192.2425 and 565.186, RSMo, and to enact in lieu thereof two new sections relating to investigations of elder abuse.

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

Section A. Sections 192.2425 and 565.186, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 192.2425 and 565.186, to read as follows:

192.2425. **1.** The department of health and senior services shall investigate incidents and reports of elder abuse or neglect using the procedures established in sections 192.2400 to 192.2470 and, upon substantiation of the report of elder abuse or neglect, shall promptly report the incident to the appropriate law enforcement agency and prosecutor and shall determine whether protective services are required pursuant to sections 192.2400 to 192.2470. If the department is unable to substantiate whether abuse or neglect occurred due to the failure of the operator or any of the operator's agents or employees to cooperate with the investigation, the incident shall be promptly reported to appropriate law enforcement agencies.

**2. If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit including, but not limited to, the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the person responding to or investigating the report before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the alleged victim of elder abuse faces an immediate threat or danger, or the person**

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 **responding to or investigating the report is or feels threatened or in danger of physical**  
19 **harm.**

20 **3. The department shall make the written materials provided under subsection 2**  
21 **of this section available at all times to the public on the department's website.**

565.186. 1. The department of health and senior services shall investigate incidents and  
2 reports of elder abuse using the procedures established in sections 192.2400 to 192.2470 and,  
3 upon substantiation of the report of elder abuse, shall promptly report the incident to the  
4 appropriate law enforcement agency and prosecutor and shall determine whether protective  
5 services are required pursuant to sections 192.2400 to 192.2470. If the department is unable to  
6 substantiate whether abuse occurred due to the failure of the operator or any of the operator's  
7 agents or employees to cooperate with the investigation, the incident shall be promptly reported  
8 to appropriate law enforcement agencies.

9 **2. If the alleged perpetrator is present during a visit by the person responding to**  
10 **or investigating the report, such person shall provide written material to the alleged**  
11 **perpetrator informing him or her of his or her rights regarding such visit including, but**  
12 **not limited to, the right to contact an attorney. The alleged perpetrator shall be given a**  
13 **reasonable amount of time to read such written material or have such material read to him**  
14 **or her by the person responding to or investigating the report before the visit commences,**  
15 **but in no event shall such time exceed five minutes; except that, such requirement to**  
16 **provide written material and reasonable time to read such material shall not apply in cases**  
17 **where the alleged victim of elder abuse faces an immediate threat or danger, or the person**  
18 **responding to or investigating the report is or feels threatened or in danger of physical**  
19 **harm.**

20 **3. The department shall make the written materials provided under subsection 2**  
21 **of this section available at all times to the public on the department's website.**

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