

Legislative History of Section 630.705, which currently provides in Paragraph 3:

3. The following residential facilities and day programs shall not be licensed by the department:

(1) Any facility or program which relies solely upon the use of prayer or spiritual healing;

(2) Any educational, special educational or vocational program operated, certified or approved by the state board of education pursuant to chapters 161, 162 and 178, RSMo, and regulations promulgated by the board;

(3) Any hospital, facility, program or entity operated by this state or the United States; except that facilities operated by the department shall meet these standards;

(4) Any hospital, facility or other entity, excluding those with persons who are mentally retarded and developmentally disabled as defined in section 630.005 otherwise licensed by the state and operating under such license and within the limits of such license, unless the majority of the persons served receive activities and services normally provided by a licensed facility pursuant to this chapter;

(5) Any hospital licensed by the department of social services as a psychiatric hospital pursuant to chapter 197, RSMo;

(6) Any facility or program accredited by the Joint Commission on Accreditation of Hospitals, the American Osteopathic Association, Accreditation Council for Services for Mentally Retarded or other Developmentally Disabled Persons, Council on Accreditation of Services for Children and Families, Inc., or the Commission on Accreditation of Rehabilitation Facilities;

(7) Any facility or program caring for less than four persons whose care is not funded by the department.

Licensure of facilities serving the MR/DD population was governed by Sections 202.900 - .915 until 1980 when there was a comprehensive rewrite of mental health law in HB 1724. Section 202 RSMo no longer exists.

1978: 202.900 provided that DMH shall adopt rules, regulations and standards for all institutions that accept MR persons for care, treatment and custody and rules and regulations shall be designed to promote and regulate safe and adequate facilities; 202.905 DMH shall establish a procedure for licensing all homes or institutions on forms provided by DMH which may include affirmative evidence of ability to comply with reasonable rules, regulations and standards adopted by the board

1979: Amended 202.905 to state that DMH shall provide for the acceptance of a license issued by DSS as evidence that DMH requirements are met

1980: HB 1724 – 269 page bill reorganizing and recodifying the mental health statutes; bill sponsored by Sen. Wayne Goode: Mental Health Commission testified in support of the bill before the Governmental Review Committee; opponents included parents of children with MR; added paragraph 3 stating, among other things, that residential facilities and day programs not licensed by DMH include those accredited by JCAH or AOA

1982: Expanded facilities and programs exempt from licensure to include those accredited by the Accreditation Council for Services for MR or other DD Persons; sponsored by Rep. Park; DMH testified for the bill; no opposition voiced to the Committee on the Budget

1984: Expanded facilities and programs exempt from licensure to include any hospital licensed by DSS as a psychiatric hospital and those accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF); bill sponsored by Senators Dirck and Roger Wilson; passed by a

vote of 8 to 0 by the Committee on Public Health and Safety with no opposition voiced to committee

1985: Revised subparagraph 4 exempting some entities from DMH licensure to state that those hospitals, facilities or other entities otherwise licensed were exempted from DMH licensure unless a majority of the persons served received services normally provided by a mental health facility or when facilities served persons who were defined as MR or DD as specified in subsections 8 and 21 of 630.005; sponsored by Sen. Schneider

1990: Removed the specific reference to subsections 8 and 21 of 630.005 regarding the definition of persons with MR or DD and instead referred to the definitions in 630.005 (appears to have been done because of additions to the definitions in 630.005 which made the referenced subsections inaccurate)