

LEGISLATIVE UPDATE

Issue 1, January 6, 2012

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Welcome to the first issue of the 2012 Legislative Update with the 96th General Assembly. The *Legislative Update* will present a new bill by providing a summary description. When significant changes occur on the bill it will be summarized again. Any changes in bill status will be highlighted in red and an asterisk will be placed before the bill number.

- The *Legislative Update* issue number and current bill summary will be inserted each week along with the bill number, title, sponsor, and current status (includes the committee assigned, chair and vice chair of the committee). Online copies of the legislative updates will have a red hyperlink to take you to the description of the bill and sponsors. Appropriation bill links will have a purple hyperlink.
- The *Legislative Update* will also include an index to assist you in locating the bill's category.
- Each issue of the *Legislative Update* is available on the Governor's Council on Disability's website at <http://www.mo.gov/disability/gcd/>
- Access to individual bill information is available on the Missouri General Assembly's website at <http://www.moga.mo.gov/>
- A glossary of terms can be found at <http://house.mo.gov/>
- Please contact our office (Laura.Mueth@oa.mo.gov) if you need a different format.
- To learn more about the legislative process consider attending the *Legislative Education Project* training by registering online.
- Governor's Council on Disability (GCD) welcomes your comments and suggestions. Your comments can be submitted online to the GCD website at <http://www.mo.gov/disability/gcd/> or call us at (800) 877-8249.

The summaries are prepared by the Research Staff of the Missouri House of Representatives and are used by permission.

Bills are organized in the following categories:

- Assistive Technology
- Crime
- Education
- Employment
- Funding/Tax Relief
- Health Care and Personal Assistance
- Legal Rights and Responsibilities
- Mental Health
- Olmstead
- Safety/Prevention
- Services for people with Disabilities
- Other
- Appropriations

Note: When "incapacitated," "handicapped," appear in a bill description, it reflects the terminology of the legislation, not the Governor's Council on Disability.

Abbreviations

HB.....	House of Representatives Bill
HA.....	House Amendment
HS.....	House Substitute
HR.....	House Resolution
HJR.....	House Joint Resolution
HCS.....	House Committee Substitute
SB.....	Senate Bill
SCA.....	Senate Committee Substitute
SA.....	Senate Amendment
SS.....	Senate Substitute
SR.....	Senate Resolution
SJR.....	Senate Joint Resolution
CCR.....	Conference Committee Substitute
CCS.....	Conference Committee Substitute
BC.....	Budget Control Committee

ASSISTIVE TECHNOLOGY

No pending legislation

CRIME

***SB 537 - Chappelle-Nadal**

Increases the penalty for the crime of harassment

This act increases the penalty for the crime of harassment from a Class A misdemeanor to a Class D felony. If the crime is committed by a person twenty-one years of age or older against a person seventeen years of age or younger or the person has previously been convicted of harassment, then the act increases the penalty from a Class D felony to a Class C felony.

Status:

1/5/12 Second Read and Referred to Judiciary and Civil and Criminal Jurisprudence committee (S)

Chair: Goodman, Vice Chair: Schmitt

1/4/12 Introduced and First Read (S)

12/9/11 Pre-filed (S)

EDUCATION

***SB 595 - Kraus**

Modifies eligibility requirements for members serving on a special education due process panel

This act modifies the qualifications for individuals who serve on a special education due process hearing panel. It prohibits panel members from having previously worked for a school district, either as an employee or as an independent contractor or consultant, within the last five years.

Status:

1/4/12 Introduced and First Read (S)

1/3/12 Pre-filed (S)

EMPLOYMENT

***SB 572 - Dempsey**

Modifies the law relating to workers' compensation

The act affirmatively states that occupational diseases are exclusively covered under workers' compensation laws. This act ensures that employers and co-employees shall be released from liability for all workplace injuries and death beyond those covered under the workers' compensation

system. The act suspends workers' compensation benefits to incarcerated individuals and requires that employees must be entitled to legally work in the United States to receive benefits.

The act allows the Second Injury Fund to advance or reimburse employees for expenses when an employee is required to submit to medical treatment outside the area of the employee's principal place of employment.

Currently, employees are entitled to \$40 per week for rehabilitation paid out of the Second Injury Fund. This benefit is eliminated.

Employees shall submit to vocational testing and a vocational rehabilitation assessment scheduled by the Attorney General on behalf of the Second Injury Fund if the employer has not obtained a vocational rehabilitation assessment. Similarly, employees shall submit to reasonable medical examinations at the request of the Attorney General on behalf of the second injury fund.

Currently, delinquent benefit payments are subject to interest at 10% per year. This act allows the Director of Revenue to set the interest to equal the adjusted prime rate charged by banks.

Claims for permanent partial disability shall not be allowed against the Second Injury Fund after the effective date of the act. Claims for permanent total disability shall only be allowed going forward for instances when:

- there exists a medically documented preexisting permanent disability caused by military duty or a preexisting permanent partial disability,
- the preexisting disability equals a minimum of 50 weeks of compensation according to the medical standards that are used in determining compensation, and
- a subsequent work-related injury occurs and, when combined with the elements of the prior injury, results in permanent total disability.

Employers at the time of the last injury are only liable for the disability resulting from the subsequent injury.

The act places limitations on when the Treasurer may enter agreed statements of fact and compromise settlements. Settlements are capped at \$60,000 for claims other than permanent total disability claims filed prior to the effective date of the act and capped at 200 times the employee's permanent total disability rate for all permanent total disability claims. Settlements may be made in any amount if a majority of the Second Injury Fund commission expressly authorizes the amount.

The Treasurer, with the advice and consent of the Attorney General and the authorization of the Second Injury Fund Commission, enter into compromise settlements with dependents of claimants arising from the *Schoemehl v. Treasurer* decision.

Currently, the Second Injury Fund covers the fair, reasonable, and necessary expenses relating to the death and injury of employees of uninsured employers. The fund will no longer cover those costs going forward. Currently, an actuarial study of the fund is conducted every 3 years. This act requires a yearly study beginning in 2013. Compensation shall not be payable from the Second Injury Fund when employees elect to pursue workers' compensation outside of the state. Life payments paid out of the Second Injury Fund shall be suspended for all injured employees when the employee is able to obtain suitable gainful employment or be self-employed in view of the nature and severity of the injury. Life payments paid out of the Second Injury Fund may be suspended for any injured employee when the employee becomes eligible to receive Social Security benefits. The combined sum of the amount of monthly payments from the Second Injury Fund and monthly Social Security benefits shall not be less than the life payments otherwise payable out of the Second Injury Fund.

The act establishes a priority for paying fund liabilities as follows:

1. Expenses relating to legal defense of the fund.
2. Permanent total disability awards in the order in which they are settled or finally adjudicated.
3. Permanent partial disability awards in the order in which they are settled or finally adjudicated.
4. Medical expenses incurred prior to July 1, 2011.
5. Interest on unpaid awards.

Currently, a 2% tax is levied on insurance carriers when the balance of the workers' compensation fund is estimated to be on hand on December 31 is less than 110% of the previous year's expenses. This act requires that amount to actually be on hand on July 1 of the year of the determination which shall be made on October 31.

The act repeals a provision allowing loans to be made to the Missouri Employers Mutual Insurance Company.

The act institutes a funding mechanism to bolster the Second Injury Fund when usual collections are inadequate. If funds fall short, the Director of the Division of Workers' Compensation shall determine the shortfall which shall be collected with a supplemental surcharge not to exceed 1 1/2%. If funds continue to fall short, the Second Injury Fund Commission shall determine the shortfall which shall be collected with a supplemental surcharge not to exceed 1 1/2%. The provisions containing the authorization of additional surcharges expire on December 31, 2019.

The Attorney General shall reduce staff in proportion to the number of Second Injury Fund cases that remain.

The act creates the Second Injury Fund Commission composed of the Governor, Attorney General, President Pro Tem of the Senate, and the

Speaker of the House of Representatives to approve additional surcharges and authorize certain settlements.

Sections 287.165 and 287.220 that establish the type of claims to be paid out of the fund, limitations on settlement agreements, and allowable interest under the chapter carry an emergency clause.

Status:

1/5/12 Second Read and Referred to Small Business, Insurance and Industry committee (S)

Chair: Rupp, Vice Chair: Parson

1/4/12 Introduced and First Read (S)

12/19/11 Pre-filed (S)

***SB 592 - Lager**

Modifies the law relating to the Missouri Human Rights Act and employment discrimination

Currently, under the Missouri Human Rights Act (MHRA), a practice is unlawful when the protected trait is a contributing factor in the decision to discriminate. This act changes that standard to a motivating factor standard. Currently, persons acting in the interest of employers are considered employers under the MHRA and are liable for discriminatory practices. This act modifies the definition of employer to exclude those individuals. The act similarly excludes individuals employed by employers, and tax exempt private membership clubs (that are not labor organizations) from the definition.

If a party files a motion for summary judgment in a case under the MHRA, the courts shall analyze the merits of the motion. The act outlines two approaches to be followed depending on whether the plaintiff submits direct evidence of discrimination. Where a plaintiff submits direct evidence of discrimination, the employer has the burden to provide evidence that the same employment decision would have been made regardless of the direct evidence. Where there is no direct evidence of discrimination, the plaintiff has the burden of establishing an allegation of

discrimination. The employer may then produce evidence of non-discriminatory reasons for the decision. The employee shall then be required to present facts to show that the employer's explanation is insufficient or illegitimate. The court shall rule in favor of the employer if it finds that the employer relied upon non-discriminatory reasons for the employment decision.

Parties to a discrimination case under the MHRA may demand a jury trial.

The court may award the plaintiff actual and punitive damages, and court costs and attorneys fees to the prevailing party. Damages shall include future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses. Damages awarded for employment cases under the MHRA and whistleblower actions shall not exceed back pay, interest on back pay, other equitable relief, court costs, and fees of \$50,000 and \$50,000 for employers with between 5 and 100 employees, \$100,000 for employers with between 100 and 200 employees, \$200,000 for employers with between 200 and 500 employees, or \$300,000 for employers with more than 500 employees. Punitive damages shall not be awarded against the state of Missouri or political subdivisions in MHRA cases except for in discriminatory housing practices cases.

The act abrogates all Missouri case law relating to the public policy exceptions to the employment at-will doctrine. Employers are barred from discharging the following persons:

- a person who reports an unlawful act of the employer or its agent to governmental or law enforcement agencies, officer, or the employee's human resources representative employed by the employer;
- a person who reports to an employer serious misconduct of the employer or its agent that violates a clear mandate of public policy as articulated in a constitutional provision, statute,

regulation promulgated pursuant to statute, or a rule created by a governmental body;

- a person who refuses to carry out a directive issued by an employer or its agent that, if completed, would be a violation of the law;
- or a person who engages in conduct otherwise protected by statute or regulation.

Status:

1/4/12 Introduced and First Read (S)

1/3/12 Pre-filed (S)

FUNDING/TAX RELIEF

***HB 1172 - Franz**

Creates a tax credit for contributions to developmental disability care providers and modifies provisions of the residential treatment agency tax credit program

This act creates the Developmental Disability Care Provider Tax Credit Program. It allows taxpayers to claim a credit of half the amount of their contribution to a developmental disability care provider after January 1, 2012. It states that the provider may submit a tax credit application to the Department of Social Services and that the Department of Social Services will verify submitted everything necessary. The program will sunset on December 31, 2016.

The act also creates an expiration date for the residential treatment agency tax credit program. It will expire on December 31, 2015.

Status:

1/5/12 Introduced and First Read (H)

***SB 481 - Stouffer**

Creates a tax credit for contributions to developmental disability care providers and modifies provisions of the residential treatment agency tax credit program

This act would allow residential treatment agencies to apply for such tax credits in an amount which

does not exceed the amount of payments received by the agency from the Department of Social Services. The act also extends the sunset on the residential treatment agency tax credit from August 28, 2012, to August 28, 2015.

The act creates an income tax credit equal to fifty percent of the amount of an eligible donation made, on or after January 1, 2012, to a qualifying developmental disability care provider. The tax credit may not be applied against withholding taxes. The tax credit is non-refundable, but may be carried forward four years. The tax credit is transferable. A provider may apply to the Department of Social Services for the tax credits. The provisions of this act shall automatically sunset six years after August 28, 2012 unless reauthorized.

Status:

1/5/12 Second Read and Referred to Ways and Means and Fiscal Oversight committee (S) Chair:

Purgason, Vice Chair: Kraus

1/4/12 Introduced and First Read (S)

12/1/11 Pre-filed (S)

***SB 482 - Stouffer**

Increases the statutory award amount for Alzheimer's disease research projects funded by the University of Missouri Board of Curators

Under current law, the University of Missouri Board of Curators is given authority to award funds for research projects to advance knowledge in the area of Alzheimer's disease and related disorders. This act increases the statutory award amount per individual award from \$30,000 to \$50,000 per year.

Status:

1/5/12 Second Read and Referred to Education committee (S) Chair: Pearce, Vice Chair: Nieves

1/4/12 Introduced and First Read (S)

12/1/11 Pre-filed (S)

***SB 531 - Lamping**

Modifies the low-income housing and historic preservation tax credit programs and requires any

increase in revenue to be applied to a decrease in the individual income tax rate

The act establishes a one hundred ten million dollar cap for authorizations of 9% low-income housing tax credits for FY 2014. For each subsequent fiscal year from FY 2015 to FY 2017 the amount of 9% low-income housing tax credits which may be authorized is gradually reduced such that beginning FY 2017, no more than seventy million dollars in 9% low-income housing tax credits may be authorized each fiscal year.

Authorizations of 4% low-income housing tax credits are capped at fifteen million dollars for FY 2014. For each subsequent fiscal year the amount of 4% low-income housing tax credits which may be authorized is reduced by five million dollars. After June 30, 2016, no 4% low-income housing tax credits may be authorized.

The act prohibits the authorization of low-income housing tax credits after August 28, 2018. The stacking of state 9% low-income housing tax credits with state historic preservation tax credits for the same project is prohibited. The carry-back for low-income housing tax credits is reduced from three years to two years.

Status:

1/5/12 Second Read and Referred to Ways and Means and Fiscal Oversight committee (S) Chair: Purgason, Vice Chair: Kraus
1/4/12 Introduced and First Read (S)
12/8/11 Pre-filed (S)

HEALTH CARE/PERSONAL ASSISTANCE

***HB 1058 - Brattin**

Establishes Chloe's Law which, subject to appropriations, requires the newborn screening requirements to include pulse oximetry screenings

This act establishes Chloe's Law which requires that by January 1, 2013, the department of health and senior services shall, subject to appropriations, expand the newborn screening requirements to

include pulse oximetry screening prior to discharge of the newborn from the health care facility.

Status:

1/5/12 Second Read (H)
1/4/12 Introduced and First Read (H)
12/9/11 Pre-filed (H)

***HB 1078 - Sater**

Authorizes the MO HealthNet Division to implement a statewide dental delivery system to ensure recipient participation and access to providers of dental services under MO HealthNet

This act authorizes the MO HealthNet division within the Department of Social Services to implement a statewide dental delivery system to ensure participation of and access to providers in all areas of the state. The MO HealthNet division may administer the system or may seek a third party experienced in the administration of dental benefits to administer the program under the supervision of the division.

Status:

1/5/12 Second Read (H)
1/4/12 Introduced and First Read (H)
12/14/11 Pre-filed (H)

***HB 1087 - White**

Establishes the Adult Health Care Consent Act which provides for a priority of person who can make health care decisions for persons unable to consent

This bill establishes the Adult Health Care Consent Act which specifies an order of priority of persons who can make health care decisions for an individual who has been certified as physically and cognitively unable to consent to his or her own health care. The order of priority is: (1) A court-appointed guardian; (2) An attorney-in-fact appointed in a durable power of attorney; (3) An individual appointed by law; (4) A spouse, unless the spouse and the patient are separated or have a divorce pending; (5) A parent or adult child; (6) An adult sibling, grandparent, or adult grandchild; (7) Any other relative by blood or marriage who has a close personal relationship with the patient;

(8) Any nonrelative who reasonably is believed by the health care professional to have a close personal relationship with the patient; and (9) A person given authority to make health care decisions for the patient by another statutory provision.

These provisions cannot prohibit any person interested in the welfare of a patient from petitioning the probate court for an order determining the care to be provided or the appointment of a guardian for the patient.

Any person in the order of priority who is not reasonably available, is not willing to make a health care decision, or is unable to consent as determined by the responsible health care provider will not be given a priority. If persons of equal priority disagree on whether certain health care should be given, an authorized person, an involved health care provider, or any other interested person can petition the probate court for an order to determine what care is to be provided to the patient or for the appointment of a temporary or permanent guardian. If a health care professional has reasonable cause to make a report of an alleged perpetrator of abuse or neglect of a patient, the alleged perpetrator will not be given priority or authority to make health care decisions for the patient.

If a patient communicates to his or her physician prior to becoming unable to consent to care that a certain person should not be involved in any health care decisions, the physician cannot give priority or authority to that individual. Any person authorized to make a health care decision must base that decision on any known wishes of the patient or, if the patient's wishes cannot be determined, on the patient's best interest. Health care decisions on behalf of a patient who is unable to consent may be made by a person on the priority list if no person having higher priority is available immediately and, in the reasonable judgment of the attending health care professional, the delay in attempting to locate a person having higher priority presents a substantial risk or serious threat to the health of the patient. If no one on the priority list is

available under these circumstances, the attending health care professional is authorized to make health care decisions for the patient. Treatment for the relief of suffering can be provided without consent at any time that an authorized person is unavailable, but a physician cannot make health care decisions that contradict a patient's religious beliefs or expressed instructions stated by the patient when he or she was able to consent.

A person acting in good faith regarding a health care decision cannot be subject to criminal or civil liability for the outcome of the decision, and any health care provider acting in good faith cannot be subject to criminal or civil liability or disciplinary action as long as the care was not provided in a negligent manner. Nothing in the act will limit an individual from seeking guardianship, prohibit a state agency or health care provider from conducting tests or providing treatment which is mandated or allowed by other provisions of law, or affect the ability of the Department of Mental Health from executing its specified authority.

Status:

1/5/12 Second Read (H)

1/4/12 Introduced and First Read (H)

12/19/11 Pre-filed (H)

***HB 1134 - Scharnhorst**

Limits the copayments, coinsurance, and office visit deductible charged by a health carrier for services of a physical therapist to the same amount as charged by the health carrier for a primary care physician

This act amends Section A., Chapter 376, RSMo by adding section 376.1325 relating to insurance coverage for physical therapy services. The act states that for each date physical therapy services are provided, no health carrier or benefit plan shall impose a copayment, coinsurance, or office visit deductible amount greater than that charged for primary care physician services. The act also states that all health carriers and benefit plans will state the availability of physical therapy coverage under the plan including any limitations, conditions, or exclusions.

Status:

1/5/12 Second Read (H)

1/4/12 Introduced and First Read (H)

***SB 511 - Schaaf**

Provides that no amendments shall be made to the Missouri State Medicaid Plan without first obtaining approval from the Joint Committee on MO HealthNet

This act provides that no amendments shall be made to the Missouri State Medicaid Plan without first obtaining approval from the Joint Committee on MO HealthNet.

Status:

1/5/12 Second Read and Referred to Health, Mental Health, Seniors and Families committee (S)

Chair: Ridgeway, Vice Chair: Schaaf

1/4/12 Introduced and First Read (S)

12/2/11 Pre-filed (S)

***SB 536 - Chappelle-Nadal**

Requires long-term care facilities to be encouraged to institute policies encouraging familial involvement in the well-being and support of its residents

This act requires the Department of Health and Senior Services to strongly encourage all long-term care facilities licensed in this state to institute policies that will encourage familial involvement in the well-being and support of residents of long-term care facilities.

Status:

1/5/12 Second Read and Referred to Health, Mental Health, Seniors and Families committee (S)

Chair: Ridgeway, Vice Chair: Schaaf

1/4/12 Introduced and First Read (S)

12/9/11 Pre-filed (S)

LEGAL RIGHTS/RESPONSIBILITIES***HB 1104 - Schoeller**

Establishes photo identification requirements for voting

This bill changes the laws regarding elections by requiring a voter to provide photo identification. In its main provisions, the bill: (1) Specifies that a person seeking to vote in a public election must establish his or her qualifications as a United States citizen lawfully residing in this state by presenting a form of personal identification containing his or her photograph to election officials. All costs incurred by an election authority to implement the photo identification requirement must be reimbursed by the state. If there is no appropriation and distribution of funds, the election authority must not enforce the photo identification requirement; (2) Allows an individual to vote by casting a provisional ballot after signing an affidavit if he or she does not possess a required form of personal identification because of the inability to pay for a birth certificate or other documentation necessary to obtain the identification; (3) Requires the state and all fee offices to provide at no cost at least one form of personal identification required to vote to a qualified individual who does not already possess the required identification and desires the identification in order to vote; (4) Allows an individual to vote using a provisional ballot if he or she lacks photographic identification and then return to the election authority within three days after the election with a valid form of identification so that the provisional ballot may be counted; and (5) Repeals the provision requiring a disabled or elderly person to be able to obtain a nondriver's license photo identification through a mobile processing system operated by the Department of Revenue.

All provisions of the bill are nonseverable. If any portion of the bill is held invalid for any reason, the entire bill will be invalidated. The bill will become effective only upon voter approval of a constitutional amendment that authorizes the General Assembly to require the photo identification by law.

Status:

1/5/12 Second Read and Referred to Elections committee (H) Chair: Dugger, Vice Chair: Entlicher

1/4/12 Introduced and First Read (H)

12/20/11 Pre-filed (H)

***SB 442 - Stouffer**

Establishes photo identification requirements for voting

The act establishes identification requirements for voting. Voters shall produce a nonexpired Missouri driver's license; a nonexpired or nonexpiring Missouri nondriver's license; any identification containing a photograph issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veterans Affairs; or a document issued by the United States or the state of Missouri containing the name of the voter which substantially conforms to the most recent signature in the individual's voter registration records, a photograph, and an expiration date or if expired, the expiration is after the date of the most recent general election.

Those appearing without identification who are unable to obtain one because of a physical or mental disability, an inability to pay for a document necessary to obtain the required identification, a religious belief against forms of identification or the voter was born before January 1, 1941, shall be allowed to vote a provisional ballot, provided the election authority can verify the identity of the individual by comparing the individual's signature to the signature on file with the election authority.

All voters whose identity cannot be established are allowed to cast a provisional ballot which shall not be counted unless the voter returns and provides proper identification.

All costs incurred by the election authority associated with implementing the new identification requirements shall be reimbursed from the general revenue upon appropriation.

The election authority shall provide advance notice of the identification requirements to be included in the election authorities elections notices.

The state shall provide at least one form of identification required to vote at no cost to the voter. The act requires that provisional ballots be available for all elections except for absentee voting. This act is contingent on the passage of a constitutional amendment establishing voter photo identification for elections.

Status:

1/5/12 Second Read and Referred Financial and Governmental Organizations and Elections committee (S) Chair: Engler, Vice Chair: Wasson
1/4/12 Introduced and First Read (S)
12/1/11 Pre-filed (S)

***SB 474 - Kraus**

Requires the Department of Social Services to take steps to mandate the use of photo identification for the food stamp program

This act requires the Department of Social Services to request the federal Department of Agriculture, Food and Nutrition Service (FNS) to mandate the use of photo identification for continued eligibility in the food stamp program administered in Missouri. Upon six months after approval of the request by FNS, the department shall issue a photo identification card to each eligible household as proof of food stamp eligibility.

The department shall adopt rules for the use of photo identification cards required under this act, including rules for whether the department shall: (1) issue separate photo identification cards to other eligible household members or the household's authorized representative; or (2) list such additional persons on the photo identification card issued to the eligible household.

Status:

1/5/12 Second Read and Referred to Governmental Accountability committee (S) Chair: Lembke, Vice Chair: Lager
1/4/12 Introduced and First Read (S)
12/1/11 Pre-filed (S)

***SB 542 - Chappelle-Nadal**

Establishes a paper ballot as the official ballot

Current law requires electronic voting systems to permit voters to vote by use of a single punch or mark for candidates of one party or group for president and vice president. This act removes this provision.

The act requires that all electronic voting systems produce results from paper ballots marked by hand, or in the case of disabled voters who need assistance, from paper ballots marked by a paper ballot marking device designed to assist such voters.

The use of remaining direct-record electronic voting machines shall be phased out upon mechanical failure and finally by January 1, 2014, and paper ballot marking devices shall be used to assist disabled voters.

Status:

1/5/12 Second Read and Referred Financial and Governmental Organizations and Elections committee (S) Chair: Engler, Vice Chair: Wasson

1/4/12 Introduced and First Read (S)

12/9/11 Pre-filed (S)

MENTAL HEALTH

***HB 1082 - Wells**

Changes to the definition of and education requirements for professional counseling (See Services category for bill summary)

***HB 1110 - Barnes**

Authorizes the establishment of veterans treatment courts to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel

Currently, a criminal defendant accepted by a drug court for disposition must be determined by the prosecuting attorney to be a nonviolent person. This bill removes that requirement.

The bill, also, allows any circuit court or combination of circuit courts to establish a veterans treatment court to provide an alternative for the judicial system to dispose of criminal cases that stem from substance abuse or mental illness of military veterans or current military personnel. A veterans treatment court must: (1) Combine judicial supervision, drug testing, and substance abuse and mental health treatment to veterans or current military personnel; and (2) Make a referral

for substance abuse or mental health treatment, or a combination of both, through the federal Department of Defense health care, the Veterans Administration, or a community-based treatment program except for good cause found by the court. Any community-based treatment program utilized must receive state or federal funds in connection with the referral and only refer the individual to a program which is certified by the Department of Mental Health unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

The charges, petition, or penalty against a court participant may be dismissed, reduced, or modified upon the successful completion of the program. Any fees received by a court from a participant as payment for substance abuse or mental health treatment programs must not be considered court costs, charges, or fines

Status:

1/5/12 Second Read (H)

1/4/12 Introduced and First Read (H)

12/21/11 Pre-filed (H)

***SB 518 - Engler**

Creates a mental health assessment pilot program for criminal offenders

This act allows the Department of Corrections to establish a three-year pilot program in which judges in participating counties may send a criminal offender, upon a motion by a prosecutor, to the department of corrections for 120 days for mental health assessment and treatment. The victim must be given notice and an opportunity to be heard before the judge rules on the motion.

At the end of the 120 days, the department must send an assessment report to the sentencing court, which may release the offender on probation. The state probation and parole officer for the offender must work with the Department of Mental Health to enroll eligible offenders into Community Psychiatric Rehabilitation programs.

Offenders are not eligible for the pilot program who have been found guilty of, or plead guilty to, second-degree murder, forcible or first-degree statutory rape, forcible or first-degree statutory sodomy, first degree child molestation that is classified as a class A felony, or any other offense that does not allow probation or parole. Those found to be predatory sexual offenders are also ineligible.

The directors of the Departments of Corrections and Mental Health are to report to the Governor and the General Assembly by December 31, 2015 on whether the program should be statewide.

Status:

1/5/12 Second Read and Referred to Judiciary and Civil and Criminal Jurisprudence committee (S)

Chair: Goodman, Vice Chair: Schmitt

1/4/12 Introduced and First Read (S)

12/6/11 Pre-filed (S)

OLMSTEAD

***HB 1077 - Wyatt**

Requires the Department of Mental Health to develop a transition plan for services of a resident of a state developmental disabilities facility to the most appropriate living setting

This bill requires the Department of Mental Health to develop a plan for transitioning the services for a resident of a state developmental disabilities facility to the most integrated setting appropriate to his or her needs and a plan identifying mechanisms to serve persons currently living in state institutions in the least restrictive and most appropriate setting. The plan must contain specific recommendations for each resident based on an assessment on individual needs and preferences identifying services in the most appropriate and least restrictive community setting, cost of providing the necessary services in a community setting, barriers to community transition, and a transition timetable. The plan must include best practices for serving persons with development disabilities; research, data, and trends regarding residential settings for these persons; and recommendations for state

employees working at the state facilities. The transition plan to de-institutionalize persons with developmental disabilities must identify alternative uses for state facilities; costs, cost savings, and the time frame for the cost savings; potential funding sources; legal obstacles; any needed new or enhanced services; and a proposed implementation schedule transitioning the provision of services to the community for every resident by January 1, 2018.

All long-term admissions to state intermediate care facilities for the mentally retarded must cease upon the effective date of the bill.

Any plan started after August 28, 2011, to build or renovate a state-owned facility cannot be implemented, entered into a contract to construct, or put out for bid until the completion of the plan.

The department must submit the plan by December 31, 2013, to the Governor; Senate Appropriations Committee; House of Representatives Health, Mental Health, and Social Services Appropriations Committee; House of Representatives Budget Committee; and the Missouri Advisory Council on Mental Retardation and Developmental Disabilities within the department.

Status:

1/5/12 Second Read (H)

1/4/11 Introduced and First Read (H)

12/14/11 Pre-filed (H)

***SB 449 - Rupp**

Requires the Department of Mental Health to develop a transition plan for services of residents of state developmental disabilities facilities to the most appropriate setting

This act requires on or before December 31, 2013, the Department of Mental Health to submit a plan for transitioning the provision of services for residents of state developmental disabilities facilities, including intermediate care facilities for the mentally retarded, to the most integrated settings appropriate to their needs. Upon completion, the plan shall be submitted to the

Governor, the Senate Appropriations Committee, the House Health, Mental Health and Social Services Appropriations Committee, the House Budget Committee and the Developmental Disabilities Advisory Council.

While developing the plan, the department shall contract with a reputable independent third party to conduct a study and develop a plan identifying mechanisms to serve persons currently living in state institutions in the community. The plan shall also make certain recommendations and identify items as outlined in this act including containing recommendations for each resident identifying: (1) Services in the most integrated setting appropriate for each resident in the community of his or her choice; (2) The cost of providing necessary services in community settings for each individual; (3) Barriers that prohibit the individual from being served in the community; and (4) A timetable for making the transition.

The plan shall include recommendations for permanent full time state employees working at such facilities and alternative uses for state-owned facility property. The plan shall also include a proposed schedule for implementation of the plan with the goal of shifting provision of services to the community for every resident by January 1, 2019. All long term admissions to state run intermediate care facilities for the mentally retarded shall cease upon the effective date of this act. Any plans started after August 28, 2012, to build or renovate state-owned facilities shall not be implemented, entered into contract to construct, or put out for bid until the completion of the plan.

Status:

1/5/12 Second Read and Referred to Health, Mental Health, Seniors and Families committee (S)

Chair: Ridgeway, Vice Chair: Schaaf

1/4/12 Introduced and First Read (S)

12/1/11 Pre-filed (S)

SAFETY/PREVENTION

No pending legislation

SERVICES

***HB 1082 - Wells**

Specifies that licensed professional counseling includes the diagnosis of mental, emotional, and behavior disorders and allows the committee for professional counselors to require certain education

The bill revises the definition of "professional counseling" as it applies to the Committee for Professional Counselors within the Department of Insurance, Financial Institutions and Professional Registration to include the diagnosis, treatment, prevention, and amelioration of mental, emotional, and behavioral disorders.

Beginning August 28, 2014, any person who gives a diagnosis subject to the provisions regarding licensed professional counselors who was not required to complete specified coursework in diagnostic systems must provide evidence of the completion of a three-hour course in the diagnosis and assessment of persons with mental and emotional disorders.

The committee must maintain a list of licensed professional counselors, which is to be available to the public, who have met this requirement or who have completed the course in diagnostic skills.

Status:

1/5/12 Second Read (H)

1/4/11 Introduced and First Read (H)

12/15/11 Pre-filed (H)

OTHER

No pending legislation

APPROPRIATIONS

No pending legislation