

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 562

96TH GENERAL ASSEMBLY

0616L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.101 and 210.102, RSMo, and to enact in lieu thereof three new sections relating to the Missouri children's services commission which oversees the Missouri task force on prematurity and infant mortality.

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

Section A. Sections 210.101 and 210.102, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 210.101, 210.102, and 210.105, to read as follows:

210.101. 1. There is hereby established the "Missouri Children's Services Commission", which shall be composed of the following members:

(1) The director or [deputy director of the department of labor and industrial relations and the director or deputy director of each state agency, department, division, or other entity which provides services or programs for children, including, but not limited to, the department of mental health, the department of elementary and secondary education, the department of social services, the department of public safety and the department of health and senior services] **the director's designee of the following departments: labor and industrial relations, corrections, elementary and secondary education, higher education, health and senior services, mental health, public safety, and social services;**

(2) One judge of a **family or** juvenile court, who shall be appointed by the chief justice of the supreme court;

(3) [One judge of a family court, who shall be appointed by the chief justice of the supreme court;

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.

15 (4) Four] **Two** members, [two] **one** from each political party, of the house of
16 representatives, who shall be appointed by the speaker of the house of representatives;

17 [(5) Four] **(4) Two** members, [two] **one** from each political party, of the senate, who
18 shall be appointed by the president pro tempore of the senate;

19 **(5) Five at-large members who shall be appointed by the governor with the advice**
20 **and consent of the senate, with one member representing each of the following:**
21 **pediatricians, family physicians, hospital administrators, children's advocacy**
22 **organizations, and parents of minor children.**

23

24 All members shall serve for as long as they hold the position which made them eligible for
25 appointment to the Missouri children's services commission under this subsection. All members
26 shall serve without compensation but may be reimbursed for all actual and necessary expenses
27 incurred in the performance of their official duties for the commission.

28 2. All meetings of the Missouri children's services commission shall be open to the
29 public and shall, for all purposes, be deemed open public meetings under the provisions of
30 sections 610.010 to 610.030. The Missouri children's services commission shall meet no less
31 than once every two months[, and shall hold its first meeting no later than sixty days after
32 September 28, 1983]. Notice of all meetings of the commission shall be given to the general
33 assembly in the same manner required for notifying the general public of meetings of the general
34 assembly.

35 3. The Missouri children's services commission may make all rules it deems necessary
36 to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

37 4. The commission shall elect from amongst its members a chairman, vice chairman, a
38 secretary-reporter, and such other officers as it deems necessary.

39 5. The services of the personnel of any agency from which the director or deputy director
40 is a member of the commission shall be made available to the commission at the discretion of
41 such director or deputy director. All meetings of the commission shall be held in the state of
42 Missouri.

43 6. The officers of the commission may hire an executive director. Funding for the
44 executive director may be provided from the Missouri children's services commission fund or
45 other sources provided by law.

46 7. The commission, by majority vote, may invite individuals representing local and
47 federal agencies or private organizations and the general public to serve as ex officio members
48 of the commission. Such individuals shall not have a vote in commission business and shall
49 serve without compensation but may be reimbursed for all actual and necessary expenses
50 incurred in the performance of their official duties for the commission.

210.102. 1. It shall be the duty of the Missouri children's services commission to:

2 (1) Make recommendations which will encourage greater interagency coordination,
3 cooperation, more effective utilization of existing resources and less duplication of effort in
4 activities of state agencies which affect the legal rights and well-being of children in Missouri;

5 (2) Develop an integrated state plan for the care provided to children in this state through
6 state programs;

7 (3) Develop a plan to improve the quality of children's programs statewide. Such plan
8 shall include, but not be limited to:

9 (a) Methods for promoting geographic availability and financial accessibility for all
10 children and families in need of such services;

11 (b) Program recommendations for children's services which include child development,
12 education, supervision, health and social services;

13 (c) **Goals with measurable outcomes for state agencies with respect to children's**
14 **services;**

15 (d) **Policy recommendations to the governor and general assembly;**

16 (4) Design and implement evaluation of the activities of the commission in fulfilling the
17 duties as set out in this section;

18 (5) Report annually to the governor with five copies each to the house of representatives
19 and senate about its activities including, but not limited to the following:

20 (a) A general description of the activities pertaining to children of each state agency
21 having a member on the commission;

22 (b) A general description of the plans and goals, as they affect children, of each state
23 agency having a member on the commission;

24 (c) Recommendations for statutory and appropriation initiatives to implement the
25 integrated state plan;

26 (d) A report from the commission regarding the state of children in Missouri.

27 2. There is hereby established within the children's services commission the
28 "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic,
29 and shall include but not be limited to the following members:

30 (1) A representative from the governor's office;

31 (2) A representative from each of the following departments: health and senior services,
32 mental health, social services, and elementary and secondary education;

33 (3) A representative of the judiciary;

34 (4) A representative of the family and community trust board (FACT);

35 (5) A representative from the head start program;

36 (6) Nine members appointed by the governor with the advice and consent of the senate
37 who are representatives of the groups, such as business, philanthropy, civic groups, faith-based
38 organizations, parent groups, advocacy organizations, early childhood service providers, and
39 other stakeholders. The coordinating board may make all rules it deems necessary to enable it
40 to conduct its meetings, elect its officers, and set the terms and duties of its officers. The
41 coordinating board shall elect from amongst its members a chairperson, vice chairperson, a
42 secretary-reporter, and such other officers as it deems necessary. Members of the board shall
43 serve without compensation but may be reimbursed for actual expenses necessary to the
44 performance of their official duties for the board.

45 3. The coordinating board for early childhood shall have the power to:

46 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early
47 childhood system;

48 (2) Confer with public and private entities for the purpose of promoting and improving
49 the development of children from birth through age five of this state;

50 (3) Identify legislative recommendations to improve services for children from birth
51 through age five;

52 (4) Promote coordination of existing services and programs across public and private
53 entities;

54 (5) Promote research-based approaches to services and ongoing program evaluation;

55 (6) Identify service gaps and advise public and private entities on methods to close such
56 gaps;

57 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the
58 coordinating board for early childhood fund from any source, public or private, and enter into
59 contracts or other transactions with any federal or state agency, any private organizations, or any
60 other source in furtherance of the purpose of subsections 2 and 3 of this section, and take any and
61 all actions necessary to avail itself of such aid and cooperation;

62 (8) Direct disbursements from the coordinating board for early childhood fund as
63 provided in this section;

64 (9) Administer the coordinating board for early childhood fund and invest any portion
65 of the moneys not required for immediate disbursement in obligations of the United States or any
66 agency or instrumentality of the United States, in obligations of the state of Missouri and its
67 political subdivisions, in certificates of deposit and time deposits, or other obligations of banks
68 and savings and loan associations, or in such other obligations as may be prescribed by the board;

69 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or
70 otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal
71 property or any interests therein, wherever situated;

72 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its
73 property or any interest therein, wherever situated;

74 (12) Employ and fix the compensation of an executive director and such other agents or
75 employees as it considers necessary;

76 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the
77 manner in which its business may be transacted;

78 (14) Adopt and use an official seal;

79 (15) Assess or charge fees as the board determines to be reasonable to carry out its
80 purposes;

81 (16) Make all expenditures which are incident and necessary to carry out its purposes;

82 (17) Sue and be sued in its official name;

83 (18) Take such action, enter into such agreements, and exercise all functions necessary
84 or appropriate to carry out the duties and purposes set forth in this section.

85 4. There is hereby created the "Coordinating Board for Early Childhood Fund" which
86 shall consist of the following:

87 (1) Any moneys appropriated by the general assembly for use by the board in carrying
88 out the powers set out in subsections 2 and 3 of this section;

89 (2) Any moneys received from grants or which are given, donated, or contributed to the
90 fund from any source;

91 (3) Any moneys received as fees authorized under subsections 2 and 3 of this section;

92 (4) Any moneys received as interest on deposits or as income on approved investments
93 of the fund;

94 (5) Any moneys obtained from any other available source. Notwithstanding the
95 provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for
96 early childhood fund at the end of the biennium shall not revert to the credit of the general
97 revenue fund.

210.105. 1. The general assembly finds and declares:

2 (1) **Premature or preterm birth is the leading cause of infant death in Missouri.**
3 **Premature infants are more than fifteen times as likely as other infants to die in the first**
4 **year of life;**

5 (2) **Infants born preterm are more than twice as likely as full-term infants to have**
6 **major birth defects;**

7 (3) **Birth defects are the second leading cause of infant death in Missouri;**

8 (4) **Missouri ranks thirty-third in the nation in the rate of infant mortality, with a**
9 **statewide rate of seven and four-tenths deaths per one thousand live births;**

10 **(5) Between 2004 and 2008, prematurity conditions accounted for six and one-half**
11 **deaths per one thousand live births in Missouri;**

12 **(6) Approximately eight babies, twelve and three-tenths percent born in Missouri,**
13 **are born prematurely, or more than ten thousand babies born prior to thirty-seven weeks**
14 **gestation annually;**

15 **(7) In 2006, the Institute of Medicine's Preterm Birth report found that annual**
16 **United States costs associated with prematurity totaled twenty-six and one-half billion**
17 **dollars or an average of fifty-one thousand six hundred dollars per premature infant, more**
18 **than tenfold greater than the three thousand three hundred twenty-five dollar average**
19 **medical costs of a full-term infant;**

20 **(8) The average length of hospital stay in 2005 was nearly nine times as long for a**
21 **preterm infant, or thirteen days, compared with an average one and one-half day stay for**
22 **an infant born at term;**

23 **(9) Preterm babies have an increased risk of short-term and long-term medical and**
24 **developmental problems, such as intellectual disabilities, blindness, chronic lung disease**
25 **and cerebral palsy, in comparison to full-term infants. Children born prematurely are also**
26 **more likely to be enrolled in special education classes compared to children born at term;**

27 **(10) Approximately seventy percent of premature births occur in the late preterm**
28 **period between thirty-four weeks and thirty-six weeks gestation;**

29 **(11) Standard practices of clinicians during the late preterm period vary across the**
30 **state;**

31 **(12) Smoking, a modifiable risk factor, is the leading behavioral contributor to**
32 **prematurity and in 2006, seventeen and six-tenths percent of Missouri pregnant women**
33 **smoked. Smoking-attributable neonatal health care costs for Medicaid are approximately**
34 **seven hundred thirty-eight dollars per pregnant smoker;**

35 **(13) Smoking during pregnancy is linked to some birth defects and the sudden**
36 **infant death syndrome, the third leading cause of infant mortality;**

37 **(14) Women who receive prenatal care are more likely to have access to:**

38 **(a) Health services that identify problems early;**

39 **(b) Managements for developing and existing problems; and**

40 **(c) Education, counseling, and referral to reduce risky behaviors, including but not**
41 **limited to substance abuse and poor nutrition; and**

42 **(15) Effective neonatal care improves the health of both mothers and infants.**

43 **2. There is hereby created the "Missouri Task Force on Prematurity and Infant**
44 **Mortality" within the children's services commission to consist of the following twenty-**
45 **three members:**

46 (1) The following six members of the general assembly:

47 (a) Three members of the house of representatives, with two members to be
48 appointed by the speaker of the house and one member to be appointed by the minority
49 leader of the house;

50 (b) Three members of the senate, with two members to be appointed by the
51 president pro tem of the senate and one member to be appointed by the minority leader of
52 the senate;

53 (2) The director of the department of health and senior services, or the director's
54 designee;

55 (3) The director of the department of social services, or the director's designee;

56 (4) The director of the department of insurance, financial institutions and
57 professional registration, or the director's designee;

58 (5) One member representing the March of Dimes, Greater Missouri Chapter;

59 (6) One member representing the American College of Obstetrics and Gynecology;

60 (7) One member representing the American Academy of Pediatrics;

61 (8) One member representing the American Academy of Family Physicians;

62 (9) One member representing the American Board of Perinatal Medicine who is a
63 practicing perinatologist;

64 (10) One member representing the Association of Women's Health, Obstetric and
65 Neonatal Nurses;

66 (11) One member representing the Missouri Hospital Association;

67 (12) One member representing the Missouri hospital members of the National
68 Association of Children's Hospitals and Related Institutions (NACHRI);

69 (13) One member representing the American Board of Perinatal Medicine who is
70 a practicing neonatologist;

71 (14) Two consumer representatives who are parents of individuals born
72 prematurely, including one parent of an individual under the age of eighteen;

73 (15) Two members representing insurance providers in the state of Missouri; and

74 (16) One member representing the Mother and Child Health Coalition of Kansas
75 City, Missouri.

76

77 Members of the task force, other than the legislative members and directors of state
78 agencies, shall be appointed by the governor with the advice and consent of the senate by
79 September 15, 2011.

80 3. Members of the task force shall serve at the pleasure of the appointing authority.

81 **4. A majority of a quorum from among the task force membership shall elect co-**
82 **chairs of the task force.**

83 **5. A majority vote of a quorum of the task force is required for any action.**

84 **6. The chairperson of the children's services commission shall convene the initial**
85 **meeting of the task force by no later than October 15, 2011. The task force shall meet at**
86 **least quarterly; except that the task force shall meet at least twice prior to the end of**
87 **calendar year 2011. Meetings may be held by telephone or video conference at the**
88 **discretion of the co-chairs.**

89 **7. Members shall serve on the commission without compensation, but may, subject**
90 **to appropriation, be reimbursed for actual and necessary expenses incurred in the**
91 **performance of their official duties as members of the task force.**

92 **8. The goal of the task force is to measurably reduce Missouri's preterm birth and**
93 **infant mortality rates through advocacy of evidence-based approaches facilitated through**
94 **proposals for legislation, regulation, and public policy change.**

95 **9. The task force shall:**

96 **(1) Collaborate with and make recommendations to the general assembly;**

97 **(2) Review appropriate and relevant evidence-based research regarding the causes**
98 **and effects of prematurity and birth defects in Missouri;**

99 **(3) Examine existing public and private entities currently associated with the**
100 **prevention and treatment of prematurity and infant mortality in Missouri;**

101 **(4) Develop strategies to reduce prematurity and infant mortality, including but not**
102 **limited to:**

103 **(a) Smoking cessation programs specifically targeting pregnant women;**

104 **(b) Standards for care for premature infants born less than thirty-seven weeks**
105 **gestational age, including recommendations to improve hospital discharge and follow-up**
106 **care procedures;**

107 **(c) Identify gaps in public reporting measures and possible effects of such measures**
108 **on prematurity rates;**

109 **(d) Coordinate and execute an information and communications program among**
110 **the appropriate professional communities on the causes and effects of premature births;**
111 **and**

112 **(e) Identify evidence-based strategies to reduce the number of later preterm infants**
113 **delivered in Missouri; and**

114 **(5) Issue findings and propose to the appropriate public and private organizations**
115 **goals, objectives, strategies, and tactics designed to reduce prematurity and infant**

116 mortality in Missouri, including drafting legislation on public policy for consideration
117 during the next appropriate session of the general assembly.

118 **10. (1) On or before March 1, 2012, the task force shall submit a report on the**
119 **current state of prematurity in Missouri to the governor and general assembly.**

120 **(2) On or before January 15, 2013, the task force shall submit its final**
121 **recommendations, including any recommendations for legislation necessary for**
122 **implementation, to the governor and general assembly.**

123 **(3) On or before January 15, 2015, the task force shall submit a final report**
124 **evaluating the impact of the implementation of the recommendations from the report**
125 **required under subdivision (2) of this subsection.**

126 **11. The task force shall expire on January 31, 2015, or upon submission of a final**
127 **report under subdivision (3) of subsection 10 of this section, whichever is earlier.**