

SECOND REGULAR SESSION

# HOUSE BILL NO. 1552

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LINTON AND HOLAND (Co-sponsors).

Read 1<sup>st</sup> time January 22, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3331L.01I

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### AN ACT

To amend chapter 630, RSMo, by adding thereto five new sections relating to informed consent for mental health treatment.

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

Section A. Chapter 630, RSMo, is amended by adding thereto five new sections, to be known as sections 630.875, 630.878, 630.881, 630.884 and 630.887, to read as follows:

**630.875. 1. As used in sections 630.875 to 630.887, the following terms mean:**

(1) "Informed consent", consent to mental health treatment based on a full, fair and truthful disclosure of known and reasonably foreseeable benefits, risks and hazards of the proposed treatment and of alternative treatments. Such process allows the patient, client or recipient of mental health treatments, or the legal guardian of such patient, client or recipient, to exercise a free and independent judgment by reasonably balancing the probable risks against the probable benefits;

(2) "Mental health care provider", a psychiatrist licensed pursuant to chapter 334, RSMo, a psychologist licensed pursuant to chapter 337, RSMo, a marital and family therapist licensed pursuant to chapter 337, RSMo, a social worker licensed pursuant to chapter 337, RSMo, a professional counselor licensed pursuant to chapter 337, RSMo, a psychiatric nurse licensed pursuant to chapter 335, RSMo, a school psychologist or counselor certified by the department of elementary and secondary education, a chemical dependency counselor certified by the Missouri substance abuse counselors certification board, a group therapy leader, a mental health practitioner with a provisional or temporary license, or any other individual or organization that provides mental health services or claims to be a mental health provider.

**630.878. 1. Mental health patients, clients and recipients of mental health**

2 treatments, as all consumers of medical and other health care services, have a legal and  
3 moral right to be fully and fairly informed of the risks, hazards and relative benefits of all  
4 proposed mental health treatments and alternative treatments.

5 2. Prior to providing mental health services, a mental health provider shall:

6 (1) Truthfully inform every patient, client or recipient of mental health treatments  
7 of the mental health care provider's training and credentials;

8 (2) Inform every patient, client or recipient of mental health treatments of his or  
9 her right to withdraw consent for treatment at any time;

10 (3) Truthfully inform every patient, client or recipient of mental health treatments  
11 of the risks, hazards and relative benefits of all proposed mental health treatments and  
12 alternative treatments; and

13 (4) Obtain written informed consent from every patient, client or recipient of  
14 mental health treatments.

630.881. Every licensing board governing the conduct of mental health care  
2 providers shall adopt and enforce rules of professional conduct requiring the informed  
3 consent contained in section 630.878.

630.884. Any patient, client or recipient of mental health services who is  
2 incompetent by virtue of infancy, mental status or other legally valid reason, shall provide  
3 informed consent for mental health treatment through the written informed consent and  
4 signature of a legal guardian.

630.887. Any mental health care provider who violates any of the provisions of  
2 sections 630.875 to 630.884 shall, at the discretion of the relevant licensing board, constitute  
3 grounds for revocation or suspension of such provider's license or certification to practice  
4 in the state of Missouri. Each violation shall be reported to the public upon request.