

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1953

91ST GENERAL ASSEMBLY

Reported from the Committee on Public Health and Welfare, April 25, 2002, with recommendation that the Senate Committee Substitute do pass.

4707S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 192.1078, 192.1080, 197.272, 197.450, 660.620, 660.625 and 701.302, RSMo, relating to various advisory offices of the department of health and senior services, and to enact in lieu thereof ten new sections relating to the same subject.

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

Section A. Sections 190.101, 191.305, 192.707, 192.712, 192.745, 192.1078,
2 192.1080, 197.272, 197.450, 660.620, 660.625 and 701.302, RSMo, are repealed and ten
3 new sections enacted in lieu thereof, to be known as sections 190.101, 191.305, 192.707,
4 192.712, 192.745, 192.1078, 192.1080, 197.272, 197.450, and 701.302, to read as follows:

2 190.101. 1. There is hereby established a "State Advisory Council on Emergency
3 Medical Services" which shall consist of fifteen members. The members of the council
4 shall be appointed by the governor with the advice and consent of the senate and shall
5 serve terms of four years. The governor shall designate one of the members as
6 chairperson. The chairperson may appoint subcommittees that include noncouncil
7 members.

8 2. The state EMS medical directors advisory committee and the regional EMS
9 advisory committees will be recognized as subcommittees of the state advisory council
10 on emergency medical services.

11 3. The council shall have geographical representation and representation from
12 appropriate areas of expertise in emergency medical services including volunteers,
13 professional organizations involved in emergency medical services, EMT's, paramedics,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 nurses, firefighters, physicians, ambulance service administrators, hospital
15 administrators and other health care providers concerned with emergency medical
16 services. The regional EMS advisory committees shall serve as a resource for the
17 identification of potential members of the state advisory council on emergency medical
18 services.

19 4. The members of the council and subcommittees shall serve without
20 compensation except that [the department of health and senior services shall budget]
21 **members of the council shall, subject to appropriations, be reimbursed** for
22 reasonable travel expenses and meeting expenses related to the functions of the council.

23 5. The purpose of the council is to make recommendations to the governor, the
24 general assembly, and the department on policies, plans, procedures and proposed
25 regulations on how to improve the statewide emergency medical services system. The
26 council shall advise the governor, the general assembly, and the department on all
27 aspects of the emergency medical services system.

2 191.305. 1. The "Missouri Genetic Advisory Committee", consisting of fifteen
3 members, is hereby created to advise the department in all genetic programs including
4 metabolic disease screening programs, hemophilia, sickle cell anemia, and cystic fibrosis
5 programs. Members of the committee shall be appointed by the governor, by and with
6 the advice and consent of the senate. The first appointments to the committee shall
7 consist of five members to serve three-year terms, five members to serve two-year terms,
8 and five members to serve one-year terms as designated by the governor. Each member
9 of the committee shall serve for a term of three years thereafter.

10 2. The committee shall be composed of persons who reside in the state of
11 Missouri, and a majority shall be licensed physicians. At least one member shall be a
12 specialist in genetics; at least one member shall be a licensed obstetrician/gynecologist;
13 at least one member shall be a licensed pediatrician in private practice; at least one
14 member shall be a consumer, family member of a consumer or representative of a
15 consumer group; at least one member shall be a licensed physician experienced in the
16 study and treatment of hemophilia; at least one member shall be a specialist in sickle
17 cell anemia; and at least [on] **one** member shall be a specialist in cystic fibrosis.

18 3. Members of the committee shall not receive any compensation for their
19 services, but they shall, **subject to appropriations**, be reimbursed for actual and
20 necessary expenses incurred in the performance of their duties from funds appropriated
21 for that purpose.

2 192.707. 1. The "Missouri Arthritis Advisory Board" is established within the
3 department of health and senior services, as a continuation of the arthritis advisory

4 board in existence on August 13, 1984. The board shall consist of twenty-five
5 members. The members of the board that are serving on August 13, 1984, shall continue
6 until the expiration of this term. The board shall submit a list of names to the director
7 as recommendations to fill expired terms on the board. The director shall fill each
8 expired membership on the board, each of the appointees to serve for a term of four years
9 and until his successor is appointed and confirmed. Vacancies on the board arising from
10 reasons other than expiration of the member's term shall be filled by the director for the
11 time remaining in the unexpired term.

12 2. The board shall meet semiannually and at other such times as called by the
13 chairman of the board. The chairman shall be elected from the board membership at the
14 first board meeting, and shall serve as chairman until a new chairman is elected, or
15 until his term on the board expires, whichever occurs first.

16 3. The board shall serve in an advisory capacity to the committee, and report
17 annually to the department and to the state board of health regarding the implementing
18 of the statewide arthritis plan, making recommendations for necessary changes in
19 content and direction.

20 4. The board shall be responsible for development and recommendations of
21 guidelines for programs supported under the state arthritis program, and make
22 recommendations on program relevance of grant applications funded under the state
23 arthritis program. The board will make final recommendations to the director regarding
24 programs and grants of the state arthritis program.

25 **5. Any reimbursement of members of the board for their actual and**
26 **necessary expenses shall be subject to appropriations.**

2 192.712. Committee and board members shall serve without compensation, but
3 their expenses incurred in carrying out their official duties shall, **subject to**
4 **appropriations** be reimbursed by the state.

2 192.745. 1. The "Missouri Head Injury Advisory Council" is hereby established
3 as created by executive order of the governor on March 5, 1985. The council shall consist
4 of twenty-five members. The members of the council that are serving on August 13,
5 1986, shall continue serving on the following basis: The two members of the council who
6 are members of the house of representatives and appointed by the speaker of the house
7 of representatives shall serve for the remainder of their terms; the two members of the
8 council who are members of the senate appointed by the president pro tempore of the
9 senate shall serve for the remainder of their terms; and the remaining twenty-one
10 members shall determine by lot which seven are to have a one-year term, which seven
11 are to have a two-year term, and which seven are to have a three-year term. Thereafter,

12 the successors to each of these twenty-one members shall serve a three-year term and
13 until [his] **the member's** successor is appointed by the governor with the advice and
14 consent of the senate. In addition, two members who are members of the house of
15 representatives shall be appointed by the speaker of the house and two members who are
16 members of the senate shall be appointed by the president pro tempore of the
17 senate. The members appointed by the governor shall represent people with head
18 injuries, relatives of persons with head injuries, proprietary schools as defined in section
19 173.600, RSMo, professional groups, health institutions, or private industry and state
20 agencies which administer programs regarding mental health, education, public health,
21 public safety, insurance, and Medicaid. The appointment of individuals representing
22 state agencies shall be conditioned on their continued employment with their respective
23 agencies.

24 2. The Missouri head injury advisory council is assigned to the division of general
25 services in the office of administration. The office of administration shall submit
26 estimates of requirements for appropriations on behalf of the council for the necessary
27 staff and expenses to carry out the duties and responsibilities assigned by the
28 council. Such staff shall consist of a director and other support staff.

29 3. Meetings shall be held at least every ninety days or at the call of the council
30 [chairman] **chairperson**, who shall be elected by the council.

31 4. Each member shall, **subject to appropriations**, be reimbursed for
32 reasonable and necessary expenses actually incurred in the performance of [his] **the**
33 **member's** official duties.

34 5. The council shall adopt written procedures to govern its activities. Staff and
35 consultants shall be provided for the council from appropriations requested by the
36 commissioner of the office of administration for such purpose.

37 6. The council shall make recommendations to the governor for developing and
38 administering a state plan to provide services for head injured persons.

39 7. No member of the council may participate in or seek to influence a decision or
40 vote of the council if the member would be directly involved with the matter or if [he]
41 **the member** would derive income from it. A violation of the prohibition contained
42 herein shall be grounds for a person to be removed as a member of the council by the
43 governor.

44 8. The council shall be advisory and shall:

45 (1) Promote meetings and programs for the discussion of reducing the debilitating
46 effects of head injuries and disseminate information in cooperation with any other
47 department, agency or entity on the prevention, evaluation, care, treatment and

48 rehabilitation of persons affected by head injuries;

49 (2) Study and review current prevention, evaluation, care, treatment and
50 rehabilitation technologies and recommend appropriate preparation, training, retraining
51 and distribution of manpower and resources in the provision of services to head injured
52 persons through private and public residential facilities, day programs and other
53 specialized services;

54 (3) Recommend what specific methods, means and procedures should be adopted
55 to improve and upgrade the state's service delivery system for head injured citizens of
56 this state;

57 (4) Participate in developing and disseminating criteria and standards which may
58 be required for future funding or licensing of facilities, day programs and other
59 specialized services for head injured persons in this state;

60 (5) Report annually to the commissioner of administration, the governor, and the
61 general assembly on its activities, and on the results of its studies and the
62 recommendations of the council.

63 9. The office of administration may accept on behalf of the council federal funds,
64 gifts and donations from individuals, private organizations and foundations, and any
65 other funds that may become available.

2 **192.1078. 1. There is hereby established an "Office of Advocacy and**
3 **Assistance for the Elderly" within the department of health and senior**
4 **services.**

5 **2. The elderly advocate shall coordinate activities with the long-term**
6 **care ombudsman program, as defined in section 660.600, on complaints made**
7 **by or on behalf of elderly persons residing in long-term care facilities.**

8 **3. The elderly advocate shall conduct a suitable investigation into any**
9 **actions complained of unless the elderly advocate finds that the complaint**
10 **pertains to a matter outside the scope of the authority of the elderly advocate,**
11 **the complainant has no substantive or procedural interest which is directly**
12 **affected by the matter complained about, or the complaint is trivial, frivolous,**
13 **vexatious or not made in good faith.**

14 **4. After completing his investigation of a complaint, the elderly**
15 **advocate shall inform the complainant, the agency, official or employee of**
16 **action recommended by the elderly advocate. The elderly advocate shall**
17 **make such reports and recommendations to the affected agencies, the**
18 **governor and the general assembly as he or she deems necessary to further**
19 **the purposes of this section and section 192.1080.**

20 **5. The elderly advocate shall act as a clearing house for information**
21 **pertaining to and of interest to the elderly and shall disseminate such**
22 **information as is necessary to inform elderly persons of their rights and of**
23 **governmental and nongovernmental services available to them.**

2 **192.1080. The elderly advocate shall maintain confidentiality with**
3 **respect to all matters, including the identities of the complainants or**
4 **witnesses coming before him unless the complainant consents to the use of his**
5 **name in the course of the investigation.**

2 197.272. 1. There is hereby established a "State Hospice Advisory Council" which
3 shall guide, advise and make recommendations to the department of health and senior
4 services.

5 2. Members of the council shall be United States citizens and residents of the
6 state for a period of not less than one year. The council shall consist of five members
7 who have experience with hospices. Of the members appointed to the council at least one
8 shall be employed by or associated with each of the following:

9 (1) A home health agency-based hospice;

10 (2) A hospital-based hospice; and

11 (3) A hospice based in a rural area.

12 3. All members of the council shall be appointed by the director of the
13 department. The term of office of each member shall be for five years. Before a
14 member's term expires, the director of the department shall appoint a successor to
15 assume [his] **the member's** duties on the expiration of his **or her** predecessor's term. A
16 vacancy in the office of a member shall be filled by appointment for the unexpired
17 term. The members of the council shall annually designate one member to serve as
18 [chairman] **chairperson** and another to serve as secretary.

19 4. No member of the council who has served two full terms may be reappointed
20 to the council until at least one year after the expiration of [his] **the member's** most
21 recent full term of office.

22 5. Members of the council shall receive no compensation for their service, but
23 shall, **subject to appropriations**, be reimbursed for their actual and necessary
24 expenses incurred in the performance of their duties.

25 6. The council shall advise and consult with the department of health and senior
26 services in carrying out the administration of sections 197.250 to 197.280, and shall:

27 (1) Consult and advise with the department in matters of policy affecting
28 administration of sections 197.250 to 197.280, and in the development of rules,
29 regulations and standards provided for under sections 197.250 to 197.280;

30 (2) Review and make recommendations with respect to rules, regulations and
31 standards authorized under sections 197.250 to 197.280 prior to their promulgation by
32 the department of health and senior services.

197.450. 1. There is hereby created the "Home Health Services Advisory
2 Council", which shall guide, advise and make recommendations to the department
3 relating to the rules and standards adopted and the implementation and administration
4 of sections 197.400 to 197.475.

5 2. Members of the council shall be residents of this state. The council shall
6 consist of members who shall serve for a term of three years. No member may serve
7 more than two successive full terms. One member of the council shall be a
8 representative of the department, and such member shall serve as chairman of the
9 council. Three members shall be citizens selected from the state at large and shall have
10 no connection with any home health agency. Five members shall be representatives of
11 home health agencies and one of these five members shall be selected from each of the
12 following types of home health agencies:

- 13 (1) Public sponsored home health agencies;
- 14 (2) Institutional sponsored home health agencies;
- 15 (3) Voluntary nonprofit home health agencies;
- 16 (4) Private nonprofit home health agencies; and
- 17 (5) For-profit home health agencies.

18 3. All members of the council shall be appointed by the director of the
19 department. The term of office of each member shall be for three years or until his
20 successor is appointed; except that, of the members first appointed, three shall be
21 selected for one year, three shall be selected for two years, and three shall be selected
22 for three years. Before a member's term expires, the director of the department shall
23 appoint a successor to assume his duties on the expiration of his predecessor's term. A
24 vacancy in the office of a member shall be filled by appointment for the unexpired term.

25 4. The council shall meet not less than quarterly each year at a place, day and
26 hour determined by the council. The council may also meet at such other times and
27 places as may be designated by the chairman, or upon the request of the majority of the
28 other members of the council.

29 5. Members of the council shall receive no compensation for their services, but
30 shall be reimbursed, [out of funds appropriated to the department for that purpose]
31 **subject to appropriations**, for their actual and necessary expenses incurred in the
32 performance of their duties.

701.302. 1. There is hereby established the "Advisory Committee on Lead

2 Poisoning". The members of the committee shall consist of twenty-seven persons who
3 shall be appointed by the governor with the advice and consent of the senate, except as
4 otherwise provided in this subsection. At least five of the members of the committee
5 shall be African-Americans or representatives of other minority groups
6 disproportionately affected by lead poisoning. The members of the committee shall
7 include:

8 (1) The director of the department of health and senior services or the director's
9 designee, who shall serve as an ex officio member;

10 (2) The director of the department of economic development or the director's
11 designee, who shall serve as an ex officio member;

12 (3) The director of the department of natural resources or the director's designee,
13 who shall serve as an ex officio member;

14 (4) The director of the department of social services or the director's designee,
15 who shall serve as an ex officio member;

16 (5) The director of the department of labor and industrial relations or the
17 director's designee, who shall serve as an ex officio member;

18 (6) One member of the senate, appointed by the president pro tempore of the
19 senate, and one member of the house of representatives, appointed by the speaker of the
20 house of representatives;

21 (7) A representative of the office of the attorney general, who shall serve as an
22 ex officio member;

23 (8) A member of a city council, county commission or other local governmental
24 entity;

25 (9) A representative of a community housing organization;

26 (10) A representative of property owners;

27 (11) A representative of the real estate industry;

28 (12) One representative of an appropriate public interest organization and one
29 representative of a local public health agency promoting environmental health and
30 advocating protection of children's health;

31 (13) A representative of the lead industry;

32 (14) A representative of the insurance industry;

33 (15) A representative of the banking industry;

34 (16) A parent of a currently or previously lead-poisoned child;

35 (17) A representative of the school boards association or an employee of the
36 department of elementary and secondary education, selected by the commissioner of
37 elementary and secondary education;

38 (18) Two representatives of the lead abatement industry, including one licensed
39 lead abatement contractor and one licensed lead abatement worker;

40 (19) A physician licensed under chapter 334, RSMo;

41 (20) A representative of a lead testing laboratory;

42 (21) A lead inspector or risk assessor;

43 (22) The chief engineer of the department of transportation or the chief engineer's
44 designee, who shall serve as an ex officio member;

45 (23) A representative of a regulated industrial business; and

46 (24) A representative of a business organization.

47 2. The committee shall make recommendations relating to actions to:

48 (1) Eradicate childhood lead poisoning by the year 2012;

49 (2) Screen children for lead poisoning;

50 (3) Treat and medically manage lead-poisoned children;

51 (4) Prevent lead poisoning in children;

52 (5) Maintain and increase laboratory capacity for lead assessments and
53 screening, and a quality control program for laboratories;

54 (6) Abate lead problems after discovery;

55 (7) Identify additional resources, either through a tax or fee structure, to
56 implement programs necessary to address lead poisoning problems and issues;

57 (8) Provide an educational program on lead poisoning for the general public and
58 health care providers;

59 (9) Determine procedures for the removal and disposal of all lead contaminated
60 waste in accordance with the Toxic Substances Control Act, as amended, 42 U.S.C. 2681,
61 et seq., solid waste and hazardous waste statutes, and any other applicable federal and
62 state statutes and regulations.

63 3. The committee members shall receive no compensation but shall, **subject to**
64 **appropriations**, be reimbursed for actual and necessary expenses incurred in the
65 performance of their duties. All public members and local officials shall serve for a term
66 of two years and until their successors are selected and qualified, and other members
67 shall serve for as long as they hold the office or position from which they were appointed.

68 4. No later than December fifteenth of each year, the committee shall provide a
69 written annual report of its recommendations for actions as required pursuant to
70 subsection 2 of this section to the governor and general assembly, including any
71 legislation proposed by the committee to implement the recommendations.

72 5. The committee shall submit records of its meetings to the secretary of the
73 senate and the chief clerk of the house of representatives in accordance with sections

74 610.020 and 610.023, RSMo.

2 [660.620. 1. There is hereby established an "Office of Advocacy
3 and Assistance for the Elderly" within the office of lieutenant governor.

4 2. The elderly advocate shall coordinate activities with the
5 long-term care ombudsman program, as defined in section 660.600, on
6 complaints made by or on behalf of elderly persons residing in long-term
7 care facilities.

8 3. The elderly advocate shall conduct a suitable investigation into
9 any actions complained of unless the elderly advocate finds that the
10 complaint pertains to a matter outside the scope of the authority of the
11 elderly advocate, the complainant has no substantive or procedural
12 interest which is directly affected by the matter complained about, or the
13 complaint is trivial, frivolous, vexatious or not made in good faith.

14 4. After completing his investigation of a complaint, the elderly
15 advocate shall inform the complainant, the agency, official or employee of
16 action recommended by the elderly advocate. The elderly advocate shall
17 make such reports and recommendations to the affected agencies, the
18 governor and the general assembly as he deems necessary to further the
19 purposes of sections 660.620 and 660.625.

20 5. The elderly advocate shall, in conjunction with the division of
21 aging, act as a clearing house for information pertaining to and of interest
22 to the elderly and shall disseminate such information as is necessary to
23 inform elderly persons of their rights and of governmental and
24 nongovernmental services available to them.]

[660.625. The elderly advocate shall maintain confidentiality with
2 respect to all matters, including the identities of the complainants or
3 witnesses coming before him unless the complainant consents to the use
4 of his name in the course of the investigation.]

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