

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1953
91ST GENERAL ASSEMBLY

4707L.06T

2002

AN ACT

To repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, 344.060 and 701.302, RSMo, and to enact in lieu thereof nine new sections relating to various advisory offices of the department of health and senior services.

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Section A. Sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, 2 344.060 and 701.302, RSMo, are repealed and nine new sections enacted in lieu thereof, to be 3 known as sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, 344.060 and 4 701.302, to read as follows:

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

6 2. The state EMS medical directors advisory committee and the regional EMS advisory 7 committees will be recognized as subcommittees of the state advisory council on emergency 8 medical services.

9 3. The council shall have geographical representation and representation from 10 appropriate areas of expertise in emergency medical services including volunteers, professional 11 organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, 12 physicians, ambulance service administrators, hospital administrators and other health care 13 providers concerned with emergency medical services. The regional EMS advisory committees

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

14 shall serve as a resource for the identification of potential members of the state advisory council
15 on emergency medical services.

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

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

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

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

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

192.707. 1. The "Missouri Arthritis Advisory Board" is established within the
2 department of health and senior services, as a continuation of the arthritis advisory board in
3 existence on August 13, 1984. The board shall consist of twenty-five members. The members
4 of the board that are serving on August 13, 1984, shall continue until the expiration of this term.
5 The board shall submit a list of names to the director as recommendations to fill expired terms
6 on the board. The director shall fill each expired membership on the board, each of the

7 appointees to serve for a term of four years and until his successor is appointed and confirmed.
8 Vacancies on the board arising from reasons other than expiration of the member's term shall be
9 filled by the director for the time remaining in the unexpired term.

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

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

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

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

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

192.745. 1. The "Missouri Head Injury Advisory Council" is hereby established as
2 created by executive order of the governor on March 5, 1985. The council shall consist of
3 twenty-five members. The members of the council that are serving on August 13, 1986, shall
4 continue serving on the following basis: The two members of the council who are members of
5 the house of representatives and appointed by the speaker of the house of representatives shall
6 serve for the remainder of their terms; the two members of the council who are members of the
7 senate appointed by the president pro tempore of the senate shall serve for the remainder of their
8 terms; and the remaining twenty-one members shall determine by lot which seven are to have
9 a one-year term, which seven are to have a two-year term, and which seven are to have a
10 three-year term. Thereafter, the successors to each of these twenty-one members shall serve a
11 three-year term and until [his] **the member's** successor is appointed by the governor with the
12 advice and consent of the senate. In addition, two members who are members of the house of
13 representatives shall be appointed by the speaker of the house and two members who are
14 members of the senate shall be appointed by the president pro tempore of the senate. The
15 members appointed by the governor shall represent people with head injuries, relatives of
16 persons with head injuries, proprietary schools as defined in section 173.600, RSMo,

17 professional groups, health institutions, or private industry and state agencies which administer
18 programs regarding mental health, education, public health, public safety, insurance, and
19 Medicaid. The appointment of individuals representing state agencies shall be conditioned on
20 their continued employment with their respective agencies.

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

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

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

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

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

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

39 8. The council shall be advisory and shall:

40 (1) Promote meetings and programs for the discussion of reducing the debilitating effects
41 of head injuries and disseminate information in cooperation with any other department, agency
42 or entity on the prevention, evaluation, care, treatment and rehabilitation of persons affected by
43 head injuries;

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

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

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

53 (5) Report annually to the commissioner of administration, the governor, and the general
54 assembly on its activities, and on the results of its studies and the recommendations of the
55 council.

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

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

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

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

8 (2) A hospital-based hospice; and

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

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

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

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

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

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

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

197.450. 1. There is hereby created the "Home Health Services Advisory Council",

2 which shall guide, advise and make recommendations to the department relating to the rules and
3 standards adopted and the implementation and administration of sections 197.400 to 197.475.

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

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

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

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

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

344.060. 1. The director of the department of [social services] **health and senior**
2 **services** shall appoint ten suitable persons who together with the director of the division of aging
3 of the department of [social] **health and senior** services shall constitute the "Missouri Board of
4 Nursing Home Administrators" which is hereby created **within the department of health and**
5 **senior services** and which shall have the functions, powers and duties prescribed by sections
6 344.010 to 344.100.

7 2. In addition to the director of the division of aging or his designee the membership of

8 the board shall consist of one licensed physician, two licensed health professionals, one person
9 from the field of health care education, four persons who have been in general administrative
10 charge of a licensed nursing home for a period of at least five years immediately preceding their
11 appointment, and two public members. The public members shall be persons who are not, or
12 never were, licensed nursing home administrators or the spouse of such persons, or persons who
13 do not have or never have had a material, financial interest in either the providing of licensed
14 nursing home services or in an activity or organization directly related to licensed nursing home
15 administration. Neither the one licensed physician, the two licensed health professionals, nor
16 the person from the health care education field shall have any financial interest in a licensed
17 nursing home.

18 3. The members of the board shall be appointed for three-year terms or until their
19 successors are appointed and qualified provided that no more than four members' terms shall
20 expire in the same year. All members appointed prior to September 28, 1979, shall serve the
21 term for which they were appointed. The governor shall fill any vacancies on the board [from
22 a list of five names submitted by the director of the department of social services] **as necessary**.
23 Appointment to fill an unexpired term shall not be considered an appointment for a full term.
24 Board membership, continued until successors are appointed and qualified, shall not constitute
25 an extension of the three-year term and the successors shall serve only the remainder of the term.

26 4. [To] Every member [appointed by the director of the department of social services,
27 there] shall [be issued] **receive** a certificate of appointment; and every appointee, before entering
28 upon his **or her** duties, shall take the oath of office required by article VII, section 11, of the
29 Constitution of Missouri.

30 5. Any member of the board may be removed by the director of the department of [social
31 services] **health and senior services** for misconduct, incompetency or neglect to duty after first
32 being given an opportunity to be heard in his own behalf.

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

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

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

11 (3) The director of the department of natural resources or the director's designee, who

12 shall serve as an ex officio member;

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

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

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

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

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

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

24 (10) A representative of property owners;

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

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

29 (13) A representative of the lead industry;

30 (14) A representative of the insurance industry;

31 (15) A representative of the banking industry;

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

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

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

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

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

40 (21) A lead inspector or risk assessor;

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

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

44 (24) A representative of a business organization.

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

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

47 (2) Screen children for lead poisoning;

- 48 (3) Treat and medically manage lead-poisoned children;
49 (4) Prevent lead poisoning in children;
50 (5) Maintain and increase laboratory capacity for lead assessments and screening, and
51 a quality control program for laboratories;
52 (6) Abate lead problems after discovery;
53 (7) Identify additional resources, either through a tax or fee structure, to implement
54 programs necessary to address lead poisoning problems and issues;
55 (8) Provide an educational program on lead poisoning for the general public and health
56 care providers;
57 (9) Determine procedures for the removal and disposal of all lead contaminated waste
58 in accordance with the Toxic Substances Control Act, as amended, 42 U.S.C. 2681, et seq., solid
59 waste and hazardous waste statutes, and any other applicable federal and state statutes and
60 regulations.
- 61 3. The committee members shall receive no compensation but shall, **subject to**
62 **appropriations**, be reimbursed for actual and necessary expenses incurred in the performance
63 of their duties. All public members and local officials shall serve for a term of two years and
64 until their successors are selected and qualified, and other members shall serve for as long as they
65 hold the office or position from which they were appointed.
- 66 4. No later than December fifteenth of each year, the committee shall provide a written
67 annual report of its recommendations for actions as required pursuant to subsection 2 of this
68 section to the governor and general assembly, including any legislation proposed by the
69 committee to implement the recommendations.
- 70 5. The committee shall submit records of its meetings to the secretary of the senate and
71 the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023,
72 RSMo.