

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 62 &
2 41, Section 571.111, Page 9, Line 75 by inserting immediately after said Line the following:

3 "630.140. 1. Information and records compiled, obtained, prepared or maintained by the
4 residential facility, day program operated, funded or licensed by the department or otherwise,
5 specialized service, or by any mental health facility or mental health program in which people may
6 be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either
7 voluntary or involuntary patients, residents or clients shall be confidential.

8 2. The facilities or programs shall disclose information and records including medication
9 given, dosage levels, and individual ordering such medication to the following upon their request:

- 10 (1) The parent of a minor patient, resident or client;
11 (2) The guardian or other person having legal custody of the patient, resident or client;
12 (3) The attorney of a patient, resident or client who is a ward of the juvenile court, an
13 alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as
14 evidenced by court orders of the attorney's appointment;
15 (4) An attorney or personal physician as authorized by the patient, resident or client;
16 (5) Law enforcement officers and agencies, information about patients, residents or clients
17 committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the
18 responsibilities of their office, and all such law enforcement officers shall be obligated to keep
19 such information confidential;

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1 (6) The entity or agency authorized to implement a system to protect and advocate the
2 rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections
3 15042 to 15044. The entity or agency shall be able to obtain access to the records of a person
4 with developmental disabilities who is a client of the entity or agency if such person has
5 authorized the entity or agency to have such access; and the records of any person with
6 developmental disabilities who, by reason of mental or physical condition is unable to authorize
7 the entity or agency to have such access, if such person does not have a legal guardian,
8 conservator or other legal representative, and a complaint has been received by the entity or
9 agency with respect to such person or there is probable cause to believe that such person has been
10 subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet
11 all requirements for confidentiality as set out in this section;

12 (7) The entity or agency authorized to implement a system to protect and advocate the
13 rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to
14 obtain access to the records of a patient, resident or client who by reason of mental or physical
15 condition is unable to authorize the system to have such access, who does not have a legal
16 guardian, conservator or other legal representative and with respect to whom a complaint has been
17 received by the system or there is probable cause to believe that such individual has been subject
18 to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all
19 requirements for confidentiality as set out in this section. The provisions of this subdivision shall
20 apply to a person who has a significant mental illness or impairment as determined by a mental
21 health professional qualified under the laws and regulations of the state;

22 (8) To mental health coordinators, but only to the extent necessary to carry out their duties
23 under chapter 632, RSMo.

24 3. The facilities or services may disclose information and records under any of the
25 following:

- 26 (1) As authorized by the patient, resident or client;
27 (2) To persons or agencies responsible for providing health care services to such patients,
28 residents or clients;
29 (3) To the extent necessary for a recipient to make a claim or for a claim to be made on
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1 behalf of a recipient for aid or insurance;

2 (4) To qualified personnel for the purpose of conducting scientific research, management
3 audits, financial audits, program evaluations or similar studies; provided, that such personnel shall
4 not identify, directly or indirectly, any individual patient, resident or client in any report of such
5 research, audit or evaluation, or otherwise disclose patient, resident or client identities in any
6 manner;

7 (5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo,
8 552, RSMo, or 632, RSMo;

9 (6) To law enforcement officers or public health officers, but only to the extent necessary
10 to carry out the responsibilities of their office, and all such law enforcement and public health
11 officers shall be obligated to keep such information confidential;

12 (7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

13 (8) To the attorney representing petitioners, but only to the extent necessary to carry out
14 their duties under chapter 632, RSMo;

15 (9) To the department of social services or the department of health and senior services as
16 necessary to report or have investigated abuse, neglect, or rights violations of patients, residents,
17 or clients;

18 (10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986,
19 but only to the extent necessary to carry out their statutory responsibilities. The county board
20 shall not identify, directly or indirectly, any individual patient, resident or client;

21 (11) To parents, legal guardians, treatment professionals, law enforcement officers, and
22 other individuals who by having such information could mitigate the likelihood of a suicide. The
23 facility treatment team shall have determined that the consumer's safety is at some level of risk.

24 4. The facility or program shall document the dates, nature, purposes and recipients of any
25 records disclosed under this section and sections 630.145 and 630.150.

26 5. The records and files maintained in any court proceeding under chapter 632, RSMo,
27 shall be confidential and available only to the patient, the patient's attorney, guardian, or, in the
28 case of a minor, to a parent or other person having legal custody of the patient, [and] to the
29 petitioner and the petitioner's attorney, and to the Missouri state highway patrol for reporting to

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1 the National Instant Criminal Background Check System (NICS). In addition, the court may order
2 the release or use of such records or files only upon good cause shown, and the court may impose
3 such restrictions as the court deems appropriate.

4 6. Nothing contained in this chapter shall limit the rights of discovery in judicial or
5 administrative procedures as otherwise provided for by statute or rule.

6 7. The fact of admission of a voluntary or involuntary patient to a mental health facility
7 under chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this
8 section."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.

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