SECOND REGULAR SESSION

REVISION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1299

97TH GENERAL ASSEMBLY

Reported from the Committee on Governmental Accountability and Fiscal Oversight, April 23, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4765S.03C

AN ACT

To repeal sections 3.070, 8.700, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 36.030, 37.005, 37.010, 37.020, 37.110, 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.545, 160.700, 161.418, 161.424, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019, 189.095, 191.737, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.601, 192.935, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 199.025, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.157, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183,

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

211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 288.270, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010, 620.483, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 630.097, 632.070, 650.005, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.075, 660.130, 660.225, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.523, 660.525, 660.526, 660.600, 660.603, 660.605, 660.608, 660.620, 660.690, and 701.336, RSMo, and to enact in lieu thereof three hundred thirty-seven new sections for the sole purpose of codifying previous executive branch reorganizations, with penalty provisions.

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

Section A. Sections 3.070, 8.700, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310,
2 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710,
3 33.750, 33.752, 33.753, 33.756, 34.031, 36.030, 37.005, 37.010, 37.020, 37.110,
4 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002,
5 160.545, 160.700, 161.418, 161.424, 167.034, 167.122, 167.123, 169.520, 172.875,
6 181.110, 186.019, 189.095, 191.737, 191.850, 191.853, 191.855, 191.857, 191.858,
7 191.859, 191.861, 191.863, 191.865, 191.867, 192.601, 192.935, 193.075, 193.215,
8 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080,
9 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 199.025, 205.960,
10 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.030, 207.070, 207.080,
11 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072,
12 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152,

13 208.154, 208.157, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204,
14 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405,
15 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010,
16 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110,
17 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196,
18 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720,
19 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081,
20 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240,
21 253.320, 261.010, 285.300, 288.220, 288.270, 301.020, 302.133, 302.134, 302.135,
22 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314,
23 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005,
24 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110,
25 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430,
26 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465,
27 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530,
28 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003,
29 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350,
30 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010,
31 620.483, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572,
32 620.1100, 620.1580, 630.097, 632.070, 650.005, 660.010, 660.050, 660.053,
33 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070,
34 660.075, 660.130, 660.225, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265,
35 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310,
36 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409,
37 660.411, 660.414, 660.416, 660.418, 660.420, 660.523, 660.525, 660.526, 660.600,
38 660.603, 660.605, 660.608, 660.620, 660.690, and 701.336, RSMo, are repealed and
39 three hundred thirty-seven new sections enacted in lieu thereof, to be known as
40 sections 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325,
41 8.330, 8.340, 8.350, 8.360, 8.700, 8.800, 8.830, 8.843, 33.710, 34.031, 36.030,
42 37.005, 37.010, 37.013, 37.014, 37.016, 37.020, 37.110, 43.251, 64.090, 89.020,
43 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.545, 160.700, 161.418,
44 161.424, 161.900, 161.905, 161.910, 161.915, 161.920, 161.925, 161.930, 161.935,
45 161.940, 161.945, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019,
46 189.095, 191.737, 192.601, 192.1000, 192.1002, 192.1004, 192.1006, 192.1008,
47 192.1010, 192.1012, 192.1020, 192.1022, 192.1024, 192.1030, 192.1040, 192.1042,
48 192.1044, 192.1046, 192.1048, 192.1050, 192.1052, 192.1054, 192.1056, 192.1058,

192.1060, 192.1062, 192.1064, 192.1066, 192.1080, 192.1082, 192.1084, 192.1086, 192.1088, 192.1090, 192.1092, 192.1094, 192.1096, 192.1097, 192.1098, 192.1100, 192.1102, 192.1104, 192.1106, 192.1108, 192.1110, 192.1112, 192.1114, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.022, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.157, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.015, 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010, 620.484, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 621.275, 630.097, 632.070, 650.005, 660.010, 660.075, 660.130, 660.523, 660.525, 660.526, 660.620, 660.690, and 701.336, to read as follows:

3.070. The committee shall appoint and fix the compensation of a revisor of statutes and other attorneys and assistants necessary to the performance of its duties under this chapter. The compensation of the revisor of statutes and his **or her** assistants and expenses incurred in connection with the performance of their duties shall be paid from appropriations made for the committee on legislative research. The revisor of statutes shall be duly licensed to practice law

in this state and serves at the pleasure of the committee. The revisor of statutes shall perform all duties required by the committee in connection with its duties under this chapter. He **or she** shall conform to all regulations prescribed for the internal operation of the committee and shall render such assistance to the general assembly in connection with pending or proposed legislation as required by the committee or by any law imposing duties on the committee. He **or she** is subject also in all respects to the law governing other persons appointed or employed by the committee. The division of **facilities management,** design and construction shall provide adequate office space in the capitol building for the revisor of statutes and the attorneys and employees associated with him **or her**.

8.110. There is hereby created within the office of administration a "Division of Facilities Management, Design**[,]** and Construction", which shall supervise the design, construction, renovations, maintenance, and repair of state facilities, except as provided in sections 8.015 and 8.017, and except those facilities belonging to the institutions of higher education, the highways and transportation commission, and the conservation commission, which shall be responsible to review all requests for appropriations for capital improvements. Except as otherwise provided by law, the director of the division of facilities management, design**[,]** and construction shall be responsible for the management and operation of office buildings titled in the name of the governor. The director shall exercise all diligence to ensure that all facilities within his **or her** management and control comply with the designated building codes; that they are clean, safe and secure, and in proper repair; and that they are adequately served by all necessary utilities.

8.115. Notwithstanding the provisions of chapter 571, the office of administration, division of facilities management**, design and construction**, is authorized to provide armed security guards at state-owned or leased facilities except at the seat of government and within the county which contains the seat of government, either through qualified persons employed by the office of administration, or through the use of a contract with a properly licensed firm.

8.180. In all cases where a court or other officer performs any lawful service, at the instance of any director of the division of **facilities management,** design and construction in and about the collection of debts due the state, and the costs have not nor cannot be made out of the defendant, the director of the division of **facilities management,** design and construction shall pay the same fees that other plaintiffs are bound to pay for similar services, and no other.

8.200. The director of the division of **facilities management,** design and construction shall proceed against any sheriff or peace officer who refuses to perform any duty, in the name of the state, in the same way and to the full extent that any other plaintiff in an action might or could do.

8.260. All appropriations made by the general assembly amounting to one hundred thousand dollars or more for the construction, renovation, or repair of facilities shall be expended in the following manner:

(1) The agency requesting payment shall provide the commissioner of administration with satisfactory evidence that a bona fide contract, procured in accordance with all applicable procedures, exists for the work for which payment is requested;

(2) All requests for payment shall be approved by the architect or engineer registered to practice in the state of Missouri who designed the project or who has been assigned to oversee it;

(3) In order to guarantee completion of the contract, the agency or officer shall retain a portion of the contract value in accordance with the provisions of section 34.057;

(4) A contractor may be paid for materials delivered to the site or to a storage facility approved by the director of the division of **facilities management,** design and construction as having adequate safeguards against loss, theft or conversion. In no case shall the amount contracted for exceed the amount appropriated by the general assembly for the purpose.

8.310. Any other provision of law to the contrary notwithstanding, no contracts shall be let for design, repair, renovation or construction without approval of the director of the division of **facilities management,** design and construction, and no claim for design, repair, construction or renovation projects under contract shall be accepted for payment by the commissioner of administration without approval by the director of the division of **facilities management,** design and construction; except that the department of conservation, the boards of curators of the state university and Lincoln University, the several boards of regents of the state colleges and the boards of trustees of the community colleges may contract for architectural and engineering services for the design and supervision of the construction, repair, maintenance or improvement of buildings or institutions and may contract for construction, repair, maintenance or improvement. The director of the division of **facilities management,** design and construction shall not be required to review any claim

15 for payment under any such contract not originally approved by him **or her**. No
16 claim under any contract executed by the department of conservation or an
17 institution of higher learning, as provided above, shall be certified by the
18 commissioner of administration unless the entity making the claim shall certify
19 in writing that the payment sought is in accordance with the contract executed
20 by the entity and that the underlying construction, repair, maintenance or
21 improvement conforms with applicable regulations promulgated by the director
22 pursuant to section 8.320.

8.315. The director of **facilities management,** design and construction
2 shall provide technical assistance to the director of the budget with regard to
3 requests for capital improvement appropriations. The director shall review all
4 capital improvement requests, including those made by the institutions of higher
5 learning, the department of conservation or the highway commission, and shall
6 recommend to the director of the budget and the governor those proposals which
7 should be funded.

8.316. The division of **facilities management,** design and construction
2 shall promulgate a method to accurately calculate the replacement cost of all
3 buildings owned by public institutions of higher education. The method shall be
4 developed in cooperation with such institutions and shall include the necessary
5 components and factors to accurately calculate a replacement cost. The division
6 shall utilize a procedure to allow differences to be resolved and may include an
7 alternative calculation where the original cost plus an inflation factor is utilized
8 to determine a replacement cost value.

8.320. The director of the division of **facilities management,** design and
2 construction shall set forth reasonable conditions to be met and procedures to be
3 followed in the repair, maintenance, operation, construction and administration
4 of state facilities. The conditions and procedures shall be codified and filed with
5 the secretary of state in accordance with the provisions of the constitution. No
6 payment shall be made on claims resulting from work performed in violation of
7 these conditions and procedures, as certified by the director of the division of
8 **facilities management,** design and construction.

8.325. 1. In addition to providing the general assembly with estimates of
2 the cost of completing a proposed capital improvement project, the division of
3 **facilities management,** design and construction shall provide the general
4 assembly, at the same time as the division submits the estimate of the capital
5 improvement costs for the proposed capital improvement project, an estimate of

6 the operating costs of such completed capital improvement project for its first full
7 year of operation. Such estimate shall include, but not be limited to, an estimate
8 of the cost of:

9 (1) Personnel directly related to the operation of the completed capital
10 improvement project, such as janitors, security, and other persons who would
11 provide necessary services for the completed project or facility;

12 (2) Utilities for the completed project or facility; and

13 (3) Any maintenance contracts which would be entered into in order to
14 provide services for the completed project or facility, such as elevator
15 maintenance, boiler maintenance, and other similar service contracts with private
16 contractors to provide maintenance services for the completed project or facility.

17 2. The costs estimates required by this section shall clearly indicate the
18 additional operating costs of the building or facility due to the completion of the
19 capital improvement project where such proposed project is for an addition to an
20 existing building or facility.

21 3. Any agency of state government which removes from rental quarters
22 or state-owned buildings because of defective conditions or any other state
23 personnel shall be prevented from reoccupation of those quarters for a period of
24 three years unless such defective conditions are renovated within a reasonable
25 time before reoccupation.

8.330. The director of the division of **facilities management,** design and
2 construction may secure information and data relating to state facilities from all
3 departments and agencies of the state and each department and agency shall
4 furnish information and data when requested by the director of the division of
5 **facilities management,** design and construction. All information and data
6 collected by the director of the division of **facilities management,** design and
7 construction is available at all times to the general assembly upon request.

8.340. The director of the division of **facilities management,** design and
2 construction shall assemble and maintain complete files of information on the
3 repair, utilization, cost and other data for all state facilities, including power
4 plants, pump houses and similar facilities. He **or she** shall also assemble and
5 maintain files containing a full legal description of all real estate owned by the
6 state and blueprints of all state facilities.

8.350. The director of the division of **facilities management,** design and
2 construction shall deliver to his **or her** successor all property and papers of every
3 kind in his **or her** possession, relative to the affairs of state, make an inventory

thereof, upon which he **or she** shall take a receipt of his **or her** successor, and deliver the same to the secretary of state.

8.360. The director of the division of **facilities management,** design and construction shall inspect all facilities and report to the general assembly at the commencement of each regular session on their condition, maintenance, repair and utilization.

8.700. As used in sections 8.700 to 8.745, unless the context clearly indicates otherwise, the following terms mean:

(1) "Blind person", a person who, after examination by a physician skilled in diseases of the eye or by an optometrist, whichever such person shall select, has been determined to have not more than 20/200 central visual acuity in the better eye with correcting lenses, or an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20`;

(2) "Licensing agent", the **[**bureau of**] rehabilitation services for** the blind of the **family support** division **[**of family services**]**;

(3) "Vending facility", a location which may sell, at wholesale or retail, food or food products, beverages, confections, newspapers, books, periodicals, tobacco products and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with applicable health laws. A "vending facility" may consist, exclusively or in appropriate combination, of automatic vending machines, cafeterias, snack bars, cart service, shelters, counters and such appropriate equipment as the licensing agent may by regulation prescribe as being necessary for the sale of the articles or services described in this subdivision. A "vending facility" may encompass more than one building.

8.800. As used in sections 8.800 to 8.825, the following terms mean:

(1) "Builder", the prime contractor that hires and coordinates building subcontractors or if there is no prime contractor, the contractor that completes more than fifty percent of the total construction work performed on the building. Construction work includes, but is not limited to, foundation, framing, wiring, plumbing and finishing work;

(2) "Department", the department of natural resources;

(3) "Designer", the architect, engineer, landscape architect, builder, interior designer or other person who performs the actual design work or is under the direct supervision and responsibility of the person who performs the actual

design work;

(4) "District heating and cooling systems", heat pump systems which use waste heat from factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat sources in office buildings or which use ambient thermal energy from sources including temperature differences in rivers to provide regional heating or cooling;

(5) "Division", the division of **facilities management,** design and construction;

(6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Gray water", all domestic wastewater from a state building except wastewater from urinals, toilets, laboratory sinks, and garbage disposals;

(8) "Life cycle costs", the costs associated with the initial construction or renovation and the proposed energy consumption, operation and maintenance costs over the useful life of a state building or over the first twenty-five years after the construction or renovation is completed;

(9) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(10) "Renewable energy source", a source of thermal, mechanical or electrical energy produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources, but not from the incineration of hazardous waste, municipal solid waste or sludge from sewage treatment facilities;

(11) "State agency", a department, commission, authority, office, college or university of this state;

(12) "State building", a building owned by this state or an agency of this state;

(13) "Substantial renovation" or "substantially renovated", modifications that will affect at least fifty percent of the square footage of the building or modifications that will cost at least fifty percent of the building's fair market value.

8.830. For purposes of sections 8.830 to 8.851, the following terms mean:

(1) "Department", the department of natural resources;

(2) "Director", the director of the department of natural resources;

(3) "Division", the division of **facilities management,** design and

5 construction;

6 (4) "Public building", a building owned or operated by a governmental
7 subdivision of the state, including, but not limited to, a city, county or school
8 district;

9 (5) "State building", a building owned or operated by the state, a state
10 agency or department, a state college or a state university.

8.843. There is hereby established an interagency advisory committee on
2 energy cost reduction and savings. The committee shall consist of the
3 commissioner of administration, the director of the division of **facilities**
4 **management,** design and construction, the director of the department of natural
5 resources, the director of the environmental improvement and energy resources
6 authority, the director of the division of energy, the director of the department of
7 transportation, the director of the department of conservation and the
8 commissioner of higher education. The committee shall advise the department
9 on the development of the minimum energy efficiency standard and state building
10 energy efficiency rating system and shall assist the office of administration in
11 implementing sections 8.833 and 8.835.

33.710. 1. There is created "The Governmental Emergency Fund
2 Committee" consisting of the governor, the commissioner of administration, the
3 chairman and ranking minority member of the senate appropriations committee,
4 the chairman and ranking minority member of the house **[**appropriations**]**
5 **budget** committee**, or its successor committee,** and the director of the
6 division of **facilities management,** design and construction who shall serve as
7 consultant to the committee without vote.

8 2. The members of the committee shall serve without compensation but
9 shall be reimbursed for actual and necessary expenses incurred by them in the
10 performance of their official duties.

11 3. The committee shall elect from among its members a chairman and vice
12 chairman and such other officers as it deems necessary.

34.031. 1. The commissioner of administration, in consultation with the
2 environmental improvement and energy resources authority of the department of
3 natural resources, shall give full consideration to the purchase of products made
4 from materials recovered from solid waste and to the reduction and ultimate
5 elimination of purchases of products manufactured in whole or in part of
6 thermoformed or other extruded polystyrene foam manufactured using any fully
7 halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials

of a price and quality comparable to products made from virgin materials shall be sought and purchased, with particular emphasis on recycled oil, retread tires, compost materials and recycled paper products. The commissioner shall exercise a preference for such products if their use is technically feasible and, where a bid is required, their price is equal to, or less than, the price of items which are manufactured or produced from virgin materials. Products that would be inferior, violate safety standards or violate product warranties if the provisions of this section are followed may be excluded from the provisions of this section.

2. The commissioner of administration shall:

(1) Review the procurement specifications in order to eliminate discrimination against the procurement of recycled products;

(2) Review and modify the contract specifications for paper products and increase the minimum required percentage of recycled paper in each product as follows:

(a) Forty percent recovered materials for newsprint;

(b) Eighty percent recovered materials for paperboard;

(c) Fifty percent waste paper in high grade printing and writing paper;

(d) Five to forty percent in tissue products;

(3) Support federal incentives and policy guidelines designed to promote these goals;

(4) Develop and implement a cooperative procurement policy to facilitate bulk order purchases and to increase availability of recycled products. The policy shall be distributed to all state agencies and shall be made available to political subdivisions of the state;

(5) Conduct a survey using existing staff of those items customarily required by the state that are manufactured in whole or part from polystyrene plastic, and report its findings, together with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration with the department of natural resources, to the general assembly and every state agency within six months of August 28, 1995.

3. Notwithstanding the provisions of this section, no state agency may purchase any food or beverage containers or wrapping manufactured from any polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical.

4. No state agency may purchase any items made in whole or part of

44 thermoformed or other extruded polystyrene foam manufactured using any fully
45 halogenated chlorofluorocarbon (CFC) found by the United States Environmental
46 Protection Agency (EPA) to be an ozone-depleting chemical without approval from
47 the commissioner of administration. Approval shall not be granted unless the
48 purchasing agency demonstrates to the satisfaction of the director of the
49 department of natural resources and the commissioner that there is no
50 environmentally more acceptable alternatives or the quality of such alternatives
51 is not adequate for the purpose intended.

52 5. For each paper product type and corresponding recycled paper content
53 standard pursuant to subdivision (2) of subsection 2 of this section, attainment
54 goals for the percentage of paper products to be purchased that utilize
55 post-consumer recovered materials shall be:

56 (1) Ten percent in 1991 and 1992;

57 (2) Twenty-five percent in 1993 and 1994;

58 (3) Forty percent in 1995; and

59 (4) Sixty percent by 2000.

60 6. In the review of capital improvement projects for buildings and
61 facilities of state government, the commissioner of administration shall direct the
62 division of **facilities management,** design and construction to give full
63 consideration to alternatives which use solid waste, as defined in section 260.200,
64 as a fuel for energy production or which use products composed of materials
65 recovered from solid waste.

66 7. The commissioner of administration, in consultation with the
67 environmental improvement and energy resources authority of the department of
68 natural resources, shall prepare and provide by January first of each year an
69 annual report summarizing past activities and accomplishments of the program
70 and proposed goals of the program including projections for each affected agency.
71 The report shall also include a list of products utilizing recovered materials that
72 could substitute for products currently purchased and a schedule of amounts
73 purchased of products utilizing recovered materials compared to purchases of
74 similar products utilizing virgin materials for the period covered by the annual
75 report.

76 8. The office of administration, department of natural resources and
77 department of economic development shall cooperate jointly and share to the
78 greatest extent possible, information and other resources to promote:

79 (1) Producers or potential producers of secondary material goods to

expand or develop their product lines;

(2) Increased demand for secondary materials recovered in Missouri; and

(3) Increased demand by state government for products which contain secondary materials recovered in Missouri.

9. The commissioner of administration may increase minimum recycled content percentages for paper products, minimum recycled content percentages for other recycled products and establish minimum post-consumer content as such products become available. The preference provided in subsection 1 of this section shall apply to the minimum standards established by the commissioner.

36.030. 1. A system of personnel administration based on merit principles and designed to secure efficient administration is established for all offices, positions and employees, except attorneys, of the department of social services, the department of corrections, the department of health and senior services, the department of natural resources, the department of mental health, the division of personnel and other divisions and units of the office of administration, the division of employment security, mine safety and on-site consultation sections of the division of labor standards and administration operations of the department of labor and industrial relations, the division of tourism and **[**job development and training**]** **division of workforce development**, the Missouri housing development commission, and the office of public counsel of the department of economic development, the Missouri veterans commission, capitol police and state emergency management agency of the department of public safety, such other agencies as may be designated by law, and such other agencies as may be required to maintain personnel standards on a merit basis by federal law or regulations for grant-in-aid programs; except that, the following offices and positions of these agencies are not subject to this chapter and may be filled without regard to its provisions:

(1) Other provisions of the law notwithstanding, members of boards and commissions, departmental directors, five principal assistants designated by the departmental directors, division directors, and three principal assistants designated by each division director; except that, these exemptions shall not apply to the division of personnel;

(2) One principal assistant for each board or commission, the members of which are appointed by the governor or by a director of the department;

(3) Chaplains and attorneys regularly employed or appointed in any department or division subject to this chapter, except as provided in section

28 36.031;

29 (4) Persons employed in work assignments with a geographic location
30 principally outside the state of Missouri and other persons whose employment is
31 such that selection by competitive examination and standard classification and
32 compensation practices are not practical under all the circumstances as
33 determined by the board by rule;

34 (5) Patients or inmates in state charitable, penal and correctional
35 institutions who may also be employees in the institutions;

36 (6) Persons employed in an internship capacity in a state department or
37 institution as a part of their formal training, at a college, university, business,
38 trade or other technical school; except that, by appropriate resolution of the
39 governing authorities of any department or institution, the personnel division
40 may be called upon to assist in selecting persons to be appointed to internship
41 positions;

42 (7) The administrative head of each state medical, penal and correctional
43 institution, as warranted by the size and complexity of the organization and as
44 approved by the board;

45 (8) Deputies or other policy-making assistants to the exempt head of each
46 division of service, as warranted by the size or complexity of the organization and
47 in accordance with the rules promulgated by the personnel advisory board;

48 (9) Special assistants as designated by an appointing authority; except
49 that, the number of such special assistants shall not exceed one percent of a
50 department's total authorized full-time equivalent workforce;

51 (10) Merit status shall be retained by present incumbents of positions
52 identified in this section which have previously been subject to this chapter.

53 2. All positions in the executive branch transferred to coverage pursuant
54 to this chapter where incumbents of such positions have at least twelve months'
55 prior service on the effective date of such transfer shall have incumbency
56 preference and shall be permitted to retain their positions, provided they meet
57 qualification standards acceptable to the division of personnel of the office of
58 administration. An employee with less than twelve months of prior service on the
59 effective date of such transfer or an employee who is appointed to such position
60 after the effective date of such transfer and prior to the classification and
61 allocation of the position by the division of personnel shall be permitted to retain
62 his or her position, provided he or she meets acceptable qualification standards
63 and subject to successful completion of a working test period which shall not

exceed twelve months of total service in the position. After the allocation of any position to an established classification, such position shall thereafter be filled only in accordance with all provisions of this chapter.

3. The system of personnel administration governs the appointment, promotion, transfer, layoff, removal and discipline of employees and officers and other incidents of employment in divisions of service subject to this chapter, and all appointments and promotions to positions subject to this chapter shall be made on the basis of merit and fitness.

4. To encourage all state employees to improve the quality of state services, increase the efficiency of state work operations, and reduce the costs of state programs, the director of the division of personnel shall establish employee recognition programs, including a statewide employee suggestion system. The director shall determine reasonable rules and shall provide reasonable standards for determining the monetary awards, not to exceed five thousand dollars, under the employee suggestion system. Awards shall be made from funds appropriated for this purpose.

5. At the request of the senate or the house of representatives, the commissioner of administration shall submit a report on the employee suggestion award program described in subsection 4 of this section.

37.005. 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the **[**chief of the planning and construction division**]** **director of the division of facilities management, design and construction**.

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal

18 of state surplus property to provide economical and improved service to state and
19 local agencies of government. The governor shall fix the amount of bond required
20 by section 37.080. All employees transferred shall be covered by the provisions
21 of chapter 36 and the Omnibus State Reorganization Act of 1974.

22 4. The commissioner of administration shall replace the director of
23 revenue as a member of the board of fund commissioners and assume all duties
24 and responsibilities assigned to the director of revenue by sections 33.300 to
25 33.540 relating to duties as a member of the board and matters relating to bonds
26 and bond coupons.

27 5. All the powers, duties and functions of the administrative services
28 section, section 33.580 and others, are transferred by a type I transfer to the
29 office of administration and the administrative services section is abolished.

30 6. The commissioner of administration shall, in addition to his or her
31 other duties, cause to be prepared a comprehensive plan of the state's field
32 operations, buildings owned or rented and the communications systems of state
33 agencies. Such a plan shall place priority on improved availability of services
34 throughout the state, consolidation of space occupancy and economy in operations.

35 7. The commissioner of administration shall from time to time examine
36 the space needs of the agencies of state government and space available and
37 shall, with the approval of the board of public buildings, assign and reassign
38 space in property owned, leased or otherwise controlled by the state. Any other
39 law to the contrary notwithstanding, upon a determination by the commissioner
40 that all or part of any property is in excess of the needs of any state agency, the
41 commissioner may lease such property to a private or government entity. Any
42 revenue received from the lease of such property shall be deposited into the fund
43 or funds from which moneys for rent, operations or purchase have been
44 appropriated. The commissioner shall establish by rule the procedures for leasing
45 excess property.

46 8. The commissioner of administration is hereby authorized to coordinate
47 and control the acquisition and use of **[**electronic data processing (EDP) and
48 automatic data processing (ADP)**]** **network, telecommunications, and data**
49 **processing services** in the executive branch of state government. For this
50 purpose, the office of administration will have authority to:

51 (1) Develop and implement a long-range computer facilities plan for the
52 use of **[**EDP and ADP**]** **network, telecommunications, and data processing**
53 **services** in Missouri state government. Such plan may cover, but is not limited

54 to, operational standards, standards for the establishment, function and
55 management of service centers, coordination of the data processing education, and
56 planning standards for application development and implementation;

57 (2) Approve all additions and deletions of **[**EDP and ADP**] network,**
58 **telecommunications, and data processing services** hardware, software, and
59 support services, and service centers;

60 (3) Establish standards for the development of annual data processing
61 application plans for each of the service centers. These standards shall include
62 review of post-implementation audits. These annual plans shall be on file in the
63 office of administration and shall be the basis for equipment approval requests;

64 (4) Review of all state **[**EDP and ADP**] network, telecommunications,**
65 **and data processing services** applications to assure conformance with the
66 state information systems plan, and the information systems plans of state
67 agencies and service centers;

68 (5) Establish procurement procedures for **[**EDP and ADP**] network,**
69 **telecommunications, and data processing services** hardware, software, and
70 support service;

71 (6) Establish a charging system to be used by all service centers when
72 performing work for any agency;

73 (7) Establish procedures for the receipt of service center charges and
74 payments for operation of the service centers. The commissioner shall maintain
75 a complete inventory of all state-owned or -leased **[**EDP and ADP**] network,**
76 **telecommunications, and data processing services** equipment, and
77 annually submit a report to the general assembly which shall include starting
78 and ending **[**EDP and ADP**] network, telecommunications, and data**
79 **processing services** costs for the fiscal year previously ended, and the reasons
80 for major increases or variances between starting and ending costs. The
81 commissioner shall also adopt, after public hearing, rules and regulations
82 designed to protect the rights of privacy of the citizens of this state and the
83 confidentiality of information contained in computer tapes or other storage
84 devices to the maximum extent possible consistent with the efficient operation of
85 the office of administration and contracting state agencies.

86 9. Except as provided in subsection 12 of this section, the fee title to all
87 real property now owned or hereafter acquired by the state of Missouri, or any
88 department, division, commission, board or agency of state government, other
89 than real property owned or possessed by the state highways and transportation

90 commission, conservation commission, state department of natural resources, and
91 the University of Missouri, shall on May 2, 1974, vest in the governor. The
92 governor may not convey or otherwise transfer the title to such real property,
93 unless such conveyance or transfer is first authorized by an act of the general
94 assembly. The provisions of this subsection requiring authorization of a
95 conveyance or transfer by an act of the general assembly shall not, however,
96 apply to the granting or conveyance of an easement to any rural electric
97 cooperative as defined in chapter 394, municipal corporation, quasi-governmental
98 corporation owning or operating a public utility, or a public utility, except
99 railroads, as defined in chapter 386. The governor, with the approval of the
100 board of public buildings, may, upon the request of any state department, agency,
101 board or commission not otherwise being empowered to make its own transfer or
102 conveyance of any land belonging to the state of Missouri which is under the
103 control and custody of such department, agency, board or commission, grant or
104 convey without further legislative action, for such consideration as may be agreed
105 upon, easements across, over, upon or under any such state land to any rural
106 electric cooperative, as governed in chapter 394, municipal corporation, or
107 quasi-governmental corporation owning or operating a public utility, or a public
108 utility, except railroad, as defined in chapter 386. The easement shall be for the
109 purpose of promoting the general health, welfare and safety of the public and
110 shall include the right of ingress or egress for the purpose of constructing,
111 maintaining or removing any pipeline, power line, sewer or other similar public
112 utility installation or any equipment or appurtenances necessary to the operation
113 thereof, except that railroad as defined in chapter 386 shall not be included in the
114 provisions of this subsection unless such conveyance or transfer is first authorized
115 by an act of the general assembly. The easement shall be for such consideration
116 as may be agreed upon by the parties and approved by the board of public
117 buildings. The attorney general shall approve the form of the instrument of
118 conveyance. The commissioner of administration shall prepare management
119 plans for such properties in the manner set out in subsection 7 of this section.

120 10. The commissioner of administration shall administer a revolving
121 "Administrative Trust Fund" which shall be established by the state treasurer
122 which shall be funded annually by appropriation and which shall contain moneys
123 transferred or paid to the office of administration in return for goods and services
124 provided by the office of administration to any governmental entity or to the
125 public. The state treasurer shall be the custodian of the fund, and shall approve

126 disbursements from the fund for the purchase of goods or services at the request
127 of the commissioner of administration or the commissioner's designee. The
128 provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse,
129 unless and then only to the extent to which the unencumbered balance at the
130 close of any fiscal year exceeds one-eighth of the total amount appropriated, paid,
131 or transferred to the fund during such fiscal year, and upon approval of the
132 oversight division of the joint committee on legislative research. The
133 commissioner shall prepare an annual report of all receipts and expenditures
134 from the fund.

135 11. All the powers, duties and functions of the department of community
136 affairs relating to statewide planning are transferred by type I transfer to the
137 office of administration.

138 12. The titles which are vested in the governor by or pursuant to this
139 section to real property assigned to any of the educational institutions referred
140 to in section 174.020 on June 15, 1983, are hereby transferred to and vested in
141 the board of regents of the respective educational institutions, and the titles to
142 real property and other interests therein hereafter acquired by or for the use of
143 any such educational institution, notwithstanding provisions of this section, shall
144 vest in the board of regents of the educational institution. The board of regents
145 may not convey or otherwise transfer the title to or other interest in such real
146 property unless the conveyance or transfer is first authorized by an act of the
147 general assembly, except as provided in section 174.042, and except that the
148 board of regents may grant easements over, in and under such real property
149 without further legislative action.

150 13. Notwithstanding any provision of subsection 12 of this section to the
151 contrary, the board of governors of Missouri Western State University, University
152 of Central Missouri, Missouri State University, or Missouri Southern State
153 University, or the board of regents of Southeast Missouri State University,
154 Northwest Missouri State University, or Harris-Stowe State University, or the
155 board of curators of Lincoln University may convey or otherwise transfer for fair
156 market value, except in fee simple, the title to or other interest in such real
157 property without authorization by an act of the general assembly. The provisions
158 of this subsection shall expire August 28, 2017.

159 14. All county sports complex authorities, and any sports complex
160 authority located in a city not within a county, in existence on August 13, 1986,
161 and organized under the provisions of sections 64.920 to 64.950, are assigned to

162 the office of administration, but such authorities shall not be subject to the
163 provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus State
164 Reorganization Act of 1974, Appendix B, RSMo, as amended.

165 15. All powers, duties, and functions vested in the administrative hearing
166 commission, sections 621.015 to 621.205 and others, are transferred to the office
167 of administration by a type III transfer.

37.010. 1. The governor, by and with the advice and consent of the
2 senate, shall appoint a commissioner of administration, who shall head the
3 "Office of Administration" which is hereby created. The commissioner of
4 administration shall receive a salary as provided by law and shall also receive his
5 **or her** actual and necessary expenses incurred in the discharge of his **or her**
6 official duties. Before taking office, the commissioner of administration shall take
7 and subscribe an oath or affirmation to support the Constitution of the United
8 States and of this state, and to demean himself **or herself** faithfully in
9 office. **[**He**]** **The commissioner** shall also deposit with the governor a bond,
10 with sureties to be approved by the governor, in the amount to be determined by
11 the governor payable to the state of Missouri, conditioned on the faithful
12 performance of the duties of his **or her** office. The premium of this bond shall
13 be paid out of the appropriation for the office of the governor.

14 2. The governor shall appoint the commissioner of administration with the
15 advice and consent of the senate. The commissioner shall be at least thirty years
16 of age and must have been a resident and qualified voter of this state for the five
17 years next preceding his appointment. He **or she** must be qualified by training
18 and experience to assume the managerial and administrative functions of the
19 office of commissioner of administration.

20 3. The commissioner of administration shall, by virtue of his **or her** office,
21 without additional compensation, head the division of budget, the division of
22 purchasing, the division of **facilities management,** design and construction,
23 and the **information technology services** division **[**of electronic data
24 processing coordination**]**. Whenever provisions of the constitution grant powers,
25 impose duties or make other reference to the comptroller, they shall be construed
26 as referring to the commissioner of administration.

27 4. The commissioner of administration shall provide the governor with
28 such assistance in the supervision of the executive branch of state government as
29 the governor requires and shall perform such other duties as are assigned to him
30 **or her** by the governor or by law. The commissioner of administration shall work

31 with other departments of the executive branch of state government to promote
32 economy, efficiency and improved service in the transaction of state
33 business. The commissioner of administration, with the approval of the governor,
34 shall organize the work of the office of administration in such manner as to
35 obtain maximum effectiveness of the personnel of the office. He may consolidate,
36 abolish or reassign duties of positions or divisions combined within the office of
37 administration, except for the division of personnel. He **or she** may delegate
38 specific duties to subordinates. These subordinates shall take the same oath as
39 the commissioner and shall be covered by the bond of the director or by separate
40 bond as required by the governor.

41 5. The personnel division, personnel director and personnel advisory board
42 as provided in chapter 36 shall be in the office of administration. The personnel
43 director and employees of the personnel division shall perform such duties as
44 directed by the commissioner of administration for personnel work in agencies
45 and departments of state government not covered by the merit system law to
46 upgrade state employment and to improve the uniform quality of state
47 employment.

48 6. The commissioner of administration shall prepare a complete inventory
49 of all real estate, buildings and facilities of state government and an analysis of
50 their utilization. Each year he **or she** shall formulate and submit to the governor
51 a long-range plan for the ensuing five years for the repair, construction and
52 rehabilitation of all state properties. The plan shall set forth the projects
53 proposed to be authorized in each of the five years with each project ranked in the
54 order of urgency of need from the standpoint of the state as a whole and shall be
55 upgraded each year. Project proposals shall be accompanied by workload and
56 utilization information explaining the need and purpose of each. Departments
57 shall submit recommendations for capital improvement projects and other
58 information in such form and at such times as required by the commissioner of
59 administration to enable him **or her** to prepare the long-range plan. The
60 commissioner of administration shall prepare the long-range plan together with
61 analysis of financing available and suggestions for further financing for approval
62 of the governor who shall submit it to the general assembly. The long-range plan
63 shall include credible estimates for operating purposes as well as capital outlay
64 and shall include program data to justify need for the expenditures included. The
65 long-range plan shall be extended, revised and resubmitted in the same manner
66 to accompany each executive budget. The appropriate recommendations for the

period for which appropriations are to be made shall be incorporated in the executive budget for that period together with recommendations for financing. Each revised long-range plan shall provide a report on progress in the repair, construction and rehabilitation of state properties and of the operating purposes program for the preceding fiscal period in terms of expenditures and meeting program goals.

7. All employees of the office of administration, except the commissioner and not more than three other executive positions designated by the governor in an executive order, shall be subject to the provisions of chapter 36. The commissioner shall appoint all employees of the office of administration and may discharge the employees after proper hearing, provided that the employment and discharge conform to the practices governing selection and discharge of employees in accordance with the provisions of chapter 36.

8. The office of the commissioner of administration shall be in Jefferson City.

9. In case of death, resignation, removal from office or vacancy from any cause in the office of commissioner of administration, the governor shall take charge of the office and superintend the business thereof until a successor is appointed, commissioned and qualified.

[33.750.**]** **37.013.** As used in this section and section **[**33.752**]** **37.014**:

(1) "Commission" refers to the Missouri minority business **[**development**]** **advocacy** commission established under section **[**33.752**]** **37.014**;

(2) "Contract" means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services;

(3) "Minority business enterprise" or "minority business" means an individual, partnership, corporation, or joint venture of any kind that is owned and controlled by one or more persons who are:

(a) United States citizens; and

(b) Members of a racial minority group;

(4) "Owned and controlled" means having:

(a) Ownership of at least fifty-one percent of the enterprise, including corporate stock of a corporation;

(b) Control over the management and day-to-day operations of the business; and

(c) An interest in the capital, assets, and profits and losses of the business

18 proportionate to the percentage of ownership;
19 (5) "Racial minority group" means:
20 (a) Blacks;
21 (b) American Indians;
22 (c) Hispanics;
23 (d) Asian Americans; and
24 (e) Other similar racial minority groups;
25 (6) "State agency" refers to an authority, board, branch, commission,
26 committee, department, division, or other instrumentality of the executive branch
27 of state government.

[33.752.**]** **37.014.** 1. There is hereby established the "Missouri Minority
2 Business Advocacy Commission". The commission shall consist of nine members:
3 (1) The director of the department of economic development;
4 (2) The commissioner of the office of administration;
5 (3) Three minority business persons, appointed by the governor, one of
6 whom shall be designated chairman of the commission;
7 (4) Two members of the house of representatives appointed by the speaker
8 of the house of representatives;
9 (5) Two members of the senate appointed by the president pro tempore of
10 the senate. No more than two of the three members appointed by the governor
11 may be of the same political party. Appointed members of the commission shall
12 serve four-year terms, except that of the initial appointments made by the
13 governor, one shall be for a two-year term, one shall be for a three-year term and
14 one shall be for a four-year term. A vacancy occurs if a legislative member leaves
15 office for any reason. Any vacancy on the commission shall be filled in the same
16 manner as the original appointment.
17 2. **[**The department of economic development and the office of
18 administration shall develop a plan to increase procurements from minority
19 businesses by all state departments and submit that plan to the governor by July,
20 1994.
21 3.**]** Each member appointed by the governor shall receive as compensation
22 a per diem of up to thirty-five dollars for each day devoted to the affairs of the
23 commission and be reimbursed for his **or her** actual and necessary expenses
24 incurred in the discharge of his **or her** official duties.
25 **[**4.**]** **3.** Each legislative member of the commission is entitled to receive
26 the same per diem, mileage, and travel allowances paid to members of the general

27 assembly serving on interim committees. The allowances specified in this
28 subsection shall be paid from the amounts appropriated for that purpose.

29 **[**5.**]** **4.** The commission shall meet at least three times each year and at
30 other times as the chairman deems necessary.

31 **[**6.**]** **5.** The duties of the commission shall include, but not be limited to,
32 the following:

33 (1) Identify minority businesses in the state;

34 (2) Assess the needs of minority businesses;

35 (3) Initiate aggressive programs to assist minority businesses in obtaining
36 state contracts and federal agency procurements;

37 (4) Give special publicity to procurement, bidding, and qualifying
38 procedures;

39 (5) Include minority businesses on solicitation mailing lists;

40 (6) Make recommendations regarding policies, programs and procedures
41 to be implemented by the commissioner of the office of administration;

42 (7) Prepare and maintain timely data on minority business qualified to
43 bid on state and federal procurement projects;

44 (8) Prepare a review of the commission and the various affected
45 departments of government to be submitted to the governor and the general
46 assembly on March first and October first of each year, evaluating progress made
47 in the areas defined in this subsection;

48 (9) Provide a focal point and assist and counsel minority small businesses
49 in their dealings with federal, state and local governments regarding the
50 obtaining of business licenses and permits, including, but not limited to,
51 providing ready access to information regarding government requirements which
52 affect minority small business;

53 (10) Analyze current legislation and regulation as it affects minority
54 business for the purpose of determining methods of elimination or simplification
55 of unnecessary regulatory requirements;

56 (11) Assist minority businesses in obtaining available technical and
57 financial assistance;

58 (12) Initiate and encourage minority business education programs,
59 including programs in cooperation with various public and private educational
60 institutions;

61 (13) Receive complaints and recommendations concerning policies and
62 activities of federal, state and local governmental agencies which affect minority

63 small businesses, and develop, in cooperation with the agency involved, proposals
64 for changes in policies or activities to alleviate any unnecessary adverse effects
65 to minority small business.

66 **[**7.**] 6.** The **[**department of economic development**] office of**
67 **administration** shall furnish administrative support and staff for the effective
68 operation of the commission.

[33.756.**] 37.016.** The minority business **[**development**] advocacy**
2 commission shall consult with the tourism commission in establishing rules and
3 regulations for African-American and other minority business participation.

37.020. 1. As used in this section, the following words and phrases mean:
2 (1) "Certification", the determination, through whatever procedure is used
3 by the office of administration, that a legal entity is a socially and economically
4 disadvantaged small business concern for purposes of this section;
5 (2) "Department", the office of administration and any public institution
6 of higher learning in the state of Missouri;
7 (3) "Minority business enterprise", a business that is:
8 (a) A sole proprietorship owned and controlled by a minority;
9 (b) A partnership or joint venture owned and controlled by minorities in
10 which at least fifty-one percent of the ownership interest is held by minorities
11 and the management and daily business operations of which are controlled by one
12 or more of the minorities who own it; or
13 (c) A corporation or other entity whose management and daily business
14 operations are controlled by one or more minorities who own it, and which is at
15 least fifty-one percent owned by one or more minorities, or if stock is issued, at
16 least fifty-one percent of the stock is owned by one or more minorities;
17 (4) "Socially and economically disadvantaged individuals", individuals,
18 regardless of gender, who have been subjected to racial, ethnic, or sexual
19 prejudice or cultural bias because of their identity as a member of a group
20 without regard to their individual qualities and whose ability to compete in the
21 free enterprise system has been impaired due to diminished capital and credit
22 opportunities as compared to others in the same business area. In determining
23 the degree of diminished credit and capital opportunities the office of
24 administration shall consider, but not be limited to, the assets and net worth of
25 such individual;
26 (5) "Socially and economically disadvantaged small business concern", any
27 small business concern:

28 (a) Which is at least fifty-one percentum owned by one or more socially
29 and economically disadvantaged individuals; or, in the case of any publicly owned
30 business, at least fifty-one percentum of the stock of which is owned by one or
31 more socially and economically disadvantaged individuals; and
32 (b) Whose management and daily business operations are controlled by
33 one or more of such individuals;
34 (6) "Women's business enterprise", a business that is:
35 (a) A sole proprietorship owned and controlled by a woman;
36 (b) A partnership or joint venture owned and controlled by women in
37 which at least fifty-one percent of the ownership interest is held by women and
38 the management and daily business operations of which are controlled by one or
39 more of the women who own it; or
40 (c) A corporation or other entity whose management and daily business
41 operations are controlled by one or more women who own it, and which is at least
42 fifty-one percent owned by women, or if stock is issued, at least fifty-one percent
43 of the stock is owned by one or more women.
44 2. The office of administration, in consultation with each department,
45 shall establish and implement a plan to increase and maintain the participation
46 of certified socially and economically disadvantaged small business concerns or
47 minority business enterprises, directly or indirectly, in contracts for supplies,
48 services, and construction contracts, consistent with goals determined after an
49 appropriate study conducted to determine the availability of socially and
50 economically disadvantaged small business concerns and minority business
51 enterprises in the marketplace. **[**Such study shall be completed by December 31,
52 1991.**]** The commissioner of administration shall appoint an oversight review
53 committee to oversee and review the results of such study. The committee shall
54 be composed of nine members, four of whom shall be members of business, three
55 of whom shall be from staff of selected departments, one of whom shall be a
56 member of the house of representatives, and one of whom shall be a member of
57 the senate.
58 3. The goals to be pursued by each department under the provisions of
59 this section shall be construed to overlap with those imposed by federal law or
60 regulation, if any, shall run concurrently therewith and shall be in addition to the
61 amount required by federal law only to the extent the percentage set by this
62 section exceeds those required by federal law or regulations.

37.110. The commissioner of administration shall establish **[**a data

processing unit**]** **the information technology services division** within the office, and this **[**unit**]** **division** shall make recommendations and suggestions to all agencies and departments, and to the general assembly. No state data processing equipment shall be added or disposed of by any state agency by sale, lease or otherwise without the approval of this unit.

43.251. 1. The **[**Missouri division of highway safety**]** **state highways and transportation commission** shall prepare and upon request supply to police departments, sheriffs, and other appropriate agencies or individuals forms for written accident reports as required by section 43.250 and this section. Reports shall call for sufficiently detailed information to disclose, with reference to a vehicle accident, the cause, conditions then existing and the persons and vehicles involved.

2. Every written or computer-generated accident report required to be made shall be submitted on the appropriate form or in the appropriate computer format approved by the superintendent of the Missouri state highway patrol and shall contain all the information required therein unless not available.

64.090. 1. For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the county commission in all counties of the first class, as provided by law, except in counties of the first class not having a charter form of government, is hereby empowered to regulate and restrict, by order, in the unincorporated portions of the county, the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

2. The provisions of this section shall not apply to the incorporated portions of the counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm structures used for such purposes in an area not

21 within the area shown on the flood hazard area map. This section shall not apply
22 to underground mining where entrance is through an existing shaft or shafts or
23 through a shaft or shafts not within the area shown on the flood hazard area
24 map.

25 3. The powers by sections 64.010 to 64.160 given shall not be exercised so
26 as to deprive the owner, lessee or tenant of any existing property of its use or
27 maintenance for the purpose to which it is then lawfully devoted except that
28 reasonable regulations may be adopted for the gradual elimination of
29 nonconforming uses, nor shall anything in sections 64.010 to 64.160 interfere with
30 such public utility services as may have been or may hereafter be specifically
31 authorized or permitted by a certificate of public convenience and necessity, or
32 order issued by the public service commission, or by permit of the county
33 commission.

34 4. For the purpose of any zoning regulation adopted under the provisions
35 of sections 64.010 to 64.160, the classification of single-family dwelling or
36 single-family residence shall include any home in which eight or fewer unrelated
37 mentally or physically handicapped persons reside, and may include two
38 additional persons acting as houseparents or guardians who need not be related
39 to each other or to any of the mentally or physically handicapped persons. The
40 classification of single-family dwelling or single-family residence shall also
41 include any private residence licensed by the **children's** division **[**of family
42 services**]** or department of mental health to provide foster care to one or more but
43 less than seven children who are unrelated to either foster parent by blood,
44 marriage or adoption. A zoning regulation may require that the exterior
45 appearance of the home and property be in reasonable conformance with the
46 general neighborhood standards and may also establish reasonable standards
47 regarding the density of such individual homes in any specific single-family
48 dwelling or single-family residence area. Should a single-family dwelling or
49 single-family residence as defined in this subsection cease to operate for the
50 purposes specified in this subsection, any other use of such dwelling or residence,
51 other than that allowed by the zoning regulations, shall be approved by the
52 county board of zoning adjustment. Nothing in this subsection shall be construed
53 to relieve the **children's** division **[**of family services**]**, the department of mental
54 health or any other person, firm or corporation occupying or utilizing any
55 single-family dwelling or single-family residence for the purposes specified in this
56 subsection from compliance with any ordinance or regulation relating to

occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160 shall affect the existence or validity of an ordinance which a county has adopted prior to March 4, 1991.

89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.

3. No person or entity shall contract or enter into a contract which would restrict group homes or their location as **[**defined**]** **described** in this section from and after September 28, 1985.

4. Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or

village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns and villages.

5. Should a single family dwelling or single family residence as defined in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.

6. For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the **children's** division **[**of family services**]** or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the **children's** division **[**of family services**]**, the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence.

7. Any city, town, or village that is granted zoning powers under this section and is located within a county that has adopted zoning regulations under chapter 64 may enact an ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own zoning regulations.

135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153;

(2) "Handicap", a mental, physical, or emotional impairment that

13 substantially limits one or more major life activities, whether the impairment is
14 congenital or acquired by accident, injury or disease, and where the impairment
15 is verified by medical findings;

16 (3) "Nonrecurring adoption expenses", reasonable and necessary adoption
17 fees, court costs, attorney fees, and other expenses which are directly related to
18 the legal adoption of a special needs child and which are not incurred in violation
19 of federal, state, or local law;

20 (4) "Special needs child", a child for whom it has been determined by the
21 **children's** division **[**of family services**]**, or by a child-placing agency licensed by
22 the state, or by a court of competent jurisdiction to be a child:

23 (a) That cannot or should not be returned to the home of his or her
24 parents; and

25 (b) Who has a specific factor or condition such as ethnic background, age,
26 membership in a minority or sibling group, medical condition, or handicap
27 because of which it is reasonable to conclude that such child cannot be easily
28 placed with adoptive parents;

29 (5) "State tax liability", any liability incurred by a taxpayer under the
30 provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive
31 of the provisions relating to the withholding of tax as provided for in sections
32 143.191 to 143.265 and related provisions.

135.335. In the year of adoption and in any year thereafter in which the
2 credit is carried forward pursuant to section 135.333, the credit shall be reduced
3 by an amount equal to the state's cost of providing care, treatment, maintenance
4 and services when:

5 (1) The special needs child is placed, with no intent to return to the
6 adoptive home, in foster care or residential treatment licensed or operated by the
7 **children's** division **[**of family services**]**, the division of youth services or the
8 department of mental health; or

9 (2) A juvenile court temporarily or finally relieves the adoptive parents
10 of custody of the special needs child.

135.339. The director of revenue, in consultation with the **children's**
2 division **[**of family services**]**, shall prescribe such rules and regulations necessary
3 to carry out the provisions of sections 135.325 to 135.339. No rule or portion of
4 a rule promulgated under the authority of sections 135.325 to 135.339 shall
5 become effective unless it has been promulgated pursuant to the provisions of
6 section 536.024.

143.782. As used in sections 143.782 to 143.788, unless the context clearly requires otherwise, the following terms shall mean and include:

(1) "Court", the supreme court, court of appeals, or any circuit court of the state;

(2) "Debt", any sum due and legally owed to any state agency which has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for that sum, court costs as defined in section 488.010, fines and fees owed, or any support obligation which is being enforced by the **family support** division **[**of family services**]** on behalf of a person who is receiving support enforcement services pursuant to section 454.425, or any claim for unpaid health care services which is being enforced by the department of health and senior services on behalf of a hospital or health care provider under section 143.790;

(3) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal entity owing a debt;

(4) "Department", the department of revenue of the state of Missouri;

(5) "Refund", the Missouri income tax refund which the department determines to be due any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not include any senior citizens property tax credit provided by sections 135.010 to 135.035 unless such refund is being offset for a delinquency or debt relating to individual income tax or a property tax credit; and

(6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri, including public community college districts and housing authorities as defined in section 99.020.

143.790. 1. Any hospital or health care provider who has provided health care services to an individual who was not covered by a health insurance policy or was not eligible to receive benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208 and the health insurance for uninsured children under sections 208.631 to 208.657 at the time such health care services were administered, and such person has failed to pay for such services for a period greater than ninety days, may submit a claim to the director of the department of health and senior services for the unpaid health care services. The director of the department of health and senior services shall review such claim. If the claim appears meritorious on its face, the claim

12 for the unpaid medical services shall constitute a debt of the department of health
13 and senior services for purposes of sections 143.782 to 143.788, and the director
14 may certify the debt to the department of revenue in order to set off the debtor's
15 income tax refund. Once the debt has been certified, the director of the
16 department of health and senior services shall submit the debt to the department
17 of revenue under the setoff procedure established under section 143.783.

18 2. At the time of certification, the director of the department of health and
19 senior services shall supply any information necessary to identify each debtor
20 whose refund is sought to be set off pursuant to section 143.784 and certify the
21 amount of the debt or debts owed by each such debtor.

22 3. If a debtor identified by the director of the department of health and
23 senior services is determined by the department of revenue to be entitled to a
24 refund, the department of revenue shall notify the department of health and
25 senior services that a refund has been set off on behalf of the department of
26 health and senior services for purposes of this section and shall certify the
27 amount of such setoff, which shall not exceed the amount of the claimed debt
28 certified. When the refund owed exceeds the claimed debt, the department shall
29 send the excess amount to the debtor within a reasonable time after such excess
30 is determined.

31 4. The department of revenue shall notify the debtor by certified mail the
32 taxpayer whose refund is sought to be set off that such setoff will be made. The
33 notice shall contain the provisions contained in subsection 3 of section **[**143.794**]**
34 **143.784**, including the opportunity for a hearing to contest the setoff provided
35 therein, and shall otherwise substantially comply with the provisions of
36 subsection 3 of section 143.784.

37 5. Once a debt has been set off and finally determined under the
38 applicable provisions of sections 143.782 to 143.788, and the department of health
39 and senior services has received the funds transferred from the department of
40 revenue, the department of health and senior services shall settle with each
41 hospital or health care provider for the amounts that the department of revenue
42 set off for such party. At the time of each settlement, each hospital or health care
43 provider shall be charged for administration expenses which shall not exceed
44 twenty percent of the collected amount.

45 6. Lottery prize payouts made under section 313.321 shall also be subject
46 to the setoff procedures established in this section and any rules and regulations
47 promulgated thereto.

48 7. The director of the department of revenue shall have priority to offset
49 any delinquent tax owed to the state of Missouri. Any remaining refund shall be
50 offset to pay a state agency debt or to meet a child support obligation that is
51 enforced by the **family support** division **[**of family services**]** on behalf of a
52 person who is receiving support enforcement services under section 454.425.

53 8. The director of the department of revenue and the director of the
54 department of health and senior services shall promulgate rules and regulations
55 necessary to administer the provisions of this section. Any rule or portion of a
56 rule, as that term is defined in section 536.010, that is created under the
57 authority delegated in this section shall become effective only if it complies with
58 and is subject to all of the provisions of chapter 536 and, if applicable, section
59 536.028. This section and chapter 536 are nonseverable and if any of the powers
60 vested with the general assembly pursuant to chapter 536 to review, to delay the
61 effective date, or to disapprove and annul a rule are subsequently held
62 unconstitutional, then the grant of rulemaking authority and any rule proposed
63 or adopted after August 28, 2007, shall be invalid and void.

143.1002. 1. In each tax year beginning on or after January 1, 1993, each
2 individual or corporation entitled to a tax refund in an amount sufficient to make
3 a designation pursuant to this section may designate that two dollars or any
4 amount in excess of two dollars on a single return, and four dollars or any
5 amount in excess of four dollars on a combined return, of the refund due be
6 credited to the elderly home-delivered meals trust fund, established in subsection
7 3 of this section. The contribution designation authorized by this section shall
8 be clearly and unambiguously printed on each income tax return form provided
9 by this state. If any individual or corporation which is not entitled to a tax
10 refund in an amount sufficient to make a designation pursuant to this section
11 wishes to make a contribution to the **[**division of aging**]** **department of health**
12 **and senior services** elderly home-delivered meals trust fund, such individual
13 or corporation may, by separate check, draft, or other negotiable instrument, send
14 in with the payment of taxes, or may send in separately, that amount, clearly
15 designated for the **[**division of aging**]** **department of health and senior**
16 **services** elderly home-delivered meals trust fund, the individual or corporation
17 wishes to contribute and the department of revenue shall forward such amount
18 to the state treasurer for deposit to the fund as provided in subsection 2 of this
19 section.

20 2. The director of revenue shall transfer at least monthly all contributions

21 designated by individuals or corporations pursuant to this section, less an amount
22 not to exceed five percent of such transferred contributions which is sufficient to
23 cover the cost of collection and handling by the department of revenue, to the
24 state treasurer for deposit in the state treasury to the credit of the elderly
25 home-delivered meals trust fund. A contribution designated pursuant to this
26 section shall only be transferred and deposited in the elderly home-delivered
27 meals trust fund after all other claims against the refund from which such
28 contribution is to be made have been satisfied.

29 3. There is hereby established in the state treasury the "Elderly
30 Home-Delivered Meals Trust Fund", which shall consist of all moneys deposited
31 in the fund pursuant to subsection 2 of this section. The state treasurer shall
32 administer the fund, and the moneys in the fund shall be used solely, upon
33 appropriation, by the department of health and senior services for assistance in
34 preparing and transporting meals to elderly persons in this state through a
35 program designed to meet such purposes. These funds shall be transferred by the
36 department to the area agencies on aging using the same formula as used for
37 distribution of federal Older Americans Act moneys and moneys from the general
38 revenue fund. Notwithstanding the provisions of section 33.080 to the contrary,
39 moneys in the elderly home-delivered meals trust fund at the end of any
40 biennium shall not be transferred to the credit of the general revenue fund.

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and

15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course

17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and
19 (3) Do not offer a general track of courses that, upon completion, can lead
20 to a high school diploma; and
21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and
24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed
29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon
35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.
38 3. A school district may participate in the program irrespective of its
39 accreditation classification by the state board of education, provided it meets all
40 other requirements.
41 4. By rule and regulation, the state board of education may determine a
42 local school district variable fund match requirement in order for a school or
43 schools in the district to receive a grant under the program. However, no school
44 in any district shall receive a grant under the program unless the district
45 designates a salaried employee to serve as the program coordinator, with the
46 district assuming a minimum of one-half the cost of the salary and other benefits
47 provided to the coordinator. Further, no school in any district shall receive a
48 grant under the program unless the district makes available facilities and
49 services for adult literacy training as specified by rule of the state board of
50 education.
51 5. For any school that meets the requirements for the approval of the
52 grants authorized by this section and specified in subsection 2 of this section for

53 three successive school years, by August first following the third such school year,
54 the commissioner of education shall present a plan to the superintendent of the
55 school district in which such school is located for the waiver of rules and
56 regulations to promote flexibility in the operations of the school and to enhance
57 and encourage efficiency in the delivery of instructional services in the
58 school. The provisions of other law to the contrary notwithstanding, the plan
59 presented to the superintendent shall provide a summary waiver, with no
60 conditions, for the pupil testing requirements pursuant to section 160.257 in the
61 school. Further, the provisions of other law to the contrary notwithstanding, the
62 plan shall detail a means for the waiver of requirements otherwise imposed on
63 the school related to the authority of the state board of education to classify
64 school districts pursuant to subdivision (9) of section 161.092 and such other rules
65 and regulations as determined by the commissioner of education, except such
66 waivers shall be confined to the school and not other schools in the school district
67 unless such other schools meet the requirements of this subsection. However, any
68 waiver provided to any school as outlined in this subsection shall be void on June
69 thirtieth of any school year in which the school fails to meet the requirements for
70 the approval of the grants authorized by this section as specified in subsection 2
71 of this section.

72 6. For any school year, grants authorized by subsections 1 to 3 of this
73 section shall be funded with the amount appropriated for this program, less those
74 funds necessary to reimburse eligible students pursuant to subsection 7 of this
75 section.

76 7. The **[**commissioner of**]** **department of higher** education shall, by rule
77 **[**and regulation of the state board of education and with the advice of the
78 coordinating board for higher education**]**, establish a procedure for the
79 reimbursement of the cost of tuition, books and fees to any public community
80 college or vocational or technical school or within the limits established in
81 subsection 9 of this section for any two-year private vocational or technical school
82 for any student:

83 (1) Who has attended a public high school in the state for at least three
84 years immediately prior to graduation that meets the requirements of subsection
85 2 of this section**[**,**]**; except that**,** students who are active duty military dependents,
86 and students who are dependants of retired military who relocate to Missouri
87 within one year of the date of the parent's retirement from active duty, who, in
88 the school year immediately preceding graduation, meet all other requirements

89 of this subsection and are attending a school that meets the requirements of
90 subsection 2 of this section shall be exempt from the three-year attendance
91 requirement of this subdivision; and

92 (2) Who has made a good faith effort to first secure all available federal
93 sources of funding that could be applied to the reimbursement described in this
94 subsection; and

95 (3) Who has earned a minimal grade average while in high school as
96 determined by rule of the **[**state board of**]** **department of higher** education, and
97 other requirements for the reimbursement authorized by this subsection as
98 determined by rule and regulation of said board.

99 8. The commissioner of education shall develop a procedure for evaluating
100 the effectiveness of the program described in this section. Such evaluation shall
101 be conducted annually with the results of the evaluation provided to the governor,
102 speaker of the house, and president pro tempore of the senate.

103 9. For a two-year private vocational or technical school to obtain
104 reimbursements under subsection 7 of this section, the following requirements
105 shall be satisfied:

106 (1) Such two-year private vocational or technical school shall be a member
107 of the North Central Association and be accredited by the Higher Learning
108 Commission as of July 1, 2008, and maintain such accreditation;

109 (2) Such two-year private vocational or technical school shall be
110 designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code
111 of 1986, as amended;

112 (3) No two-year private vocational or technical school shall receive tuition
113 reimbursements in excess of the tuition rate charged by a public community
114 college for course work offered by the private vocational or technical school within
115 the service area of such college; and

116 (4) The reimbursements provided to any two-year private vocational or
117 technical school shall not violate the provisions of Article IX, Section 8, or Article
118 I, Section 7, of the Missouri Constitution or the first amendment of the United
119 States Constitution.

160.700. 1. There is hereby established a pilot program for public middle
2 school students using military training and motivation methods. This program
3 shall be established jointly by the department of elementary and secondary
4 education, the department of social services and the National Guard.

5 2. The program may include and emphasize appropriate role model

examples, adventure training, codes of conduct and policies on discipline as necessary to train students to become personally disciplined.

3. Students in the seventh or eighth grade may apply to attend the program upon recommendation of their school administration, or upon recommendation by local **children's** division **[**of family services**]** counselors.

4. This program shall be a four-week residential program at a National Guard facility during which time military training instructors from the National Guard shall have overall responsibility for the students. Academic instruction shall be provided by the local school system and needed training for the families of the students shall be provided by school counselors or the department of social services.

5. There is hereby established in the state treasury the "National Guard Pilot Instruction Program Fund". The pilot program of public instruction established pursuant to this section shall be funded by moneys from this fund. The fund may receive any grants, gifts, donations and appropriations for the purpose of establishing and operating this program.

161.418. 1. The department of **[**elementary and secondary**]** **higher** education shall develop criteria, with input from teacher educators in this state, to select which of the eligible applicants shall receive the scholarships made available under sections 161.415 to 161.424.

2. Students making application for the scholarships provided under sections 161.415 to 161.424 shall indicate their first, second, and third preference as to which of the colleges and universities which have provided the necessary matching funds to participate in the scholarship program established under sections 161.415 to 161.424 they wish to attend. The department of **[**elementary and secondary**]** **higher** education, in conjunction with those colleges and universities which have provided the necessary matching funds, shall develop procedures for matching students eligible for the scholarships provided under sections 161.415 to 161.424 with such colleges and universities.

161.424. 1. Every student receiving scholarships under the provisions of sections 161.415 to 161.424 shall teach in an elementary or secondary public school in this state for a period of five years after receiving a degree or the scholarship shall be treated as a loan to the student and interest at the rate of nine and one-half percent per year shall be charged upon the unpaid balance of the amount received from the date the student ceases to teach until the amount received is paid back to the state. For each year that the student teaches up to

8 five years, one-fifth of the amount which was received under sections 161.415 to
9 161.424 shall be applied against the total amount received and shall not be
10 subject to the repayment requirement of this section.

11 2. The **[**state board of**]** **department of higher** education shall have the
12 power to and shall defer interest and principal payments under certain
13 circumstances, which shall include, but need not be limited to, the enrollment in
14 a graduate program, service in any branch of the armed forces of the United
15 States, or teaching in areas of critical need as defined by the state board **of**
16 **education**.

[191.850.**]** **161.900.** As used in sections **[**191.850 to 191.863**]** **161.900 to**
2 **161.945**, the following terms mean:

3 (1) "Accessibility", compliance with nationally accepted accessibility and
4 usability standards, such as those established in Section 255 of the
5 Telecommunications Act of 1996 and Section 508 of the Workforce Investment Act
6 of 1998;

7 (2) "Assistive technology device", any item, piece of equipment, or product
8 system, whether acquired commercially off the shelf, modified, or customized, that
9 is used to increase, maintain or improve functional capabilities of individuals
10 with disabilities;

11 (3) "Assistive technology service", any service that directly assists an
12 individual with a disability in the selection, acquisition or use of an assistive
13 technology device. Such term includes:

14 (a) The evaluation of the needs of an individual with a disability,
15 including a functional evaluation of the individual in the individual's customary
16 environment;

17 (b) Purchasing, leasing or otherwise providing for the acquisition of
18 assistive technology devices by individuals with disabilities;

19 (c) Selecting, designing, fitting, customizing, adapting, applying,
20 maintaining, repairing or replacing assistive technology devices;

21 (d) Coordinating and using other therapies, interventions or services with
22 assistive technology devices, such as those associated with existing education and
23 rehabilitation plans and programs;

24 (e) Training or technical assistance for an individual with disabilities, or,
25 where appropriate, the family of an individual with disabilities; and

26 (f) Training or technical assistance for professionals, including individuals
27 providing education and rehabilitation services, employers, or other individuals

28 who provide services to, who employ, or who are otherwise substantially involved
29 in the major life functions of individuals with disabilities;
30 (4) "Individual with disabilities", any individual who is considered to have
31 a disability or handicap for the purposes of any federal or Missouri law;
32 (5) "Information technology", any electronic information equipment or
33 interconnected system that is used in the acquisition, storage, manipulation,
34 management, movement, control, display, switching, interchange, transmission,
35 or reception of data or information, including audio, graphic and text;
36 (6) "State department or agency", each department, office, board, bureau,
37 commission, or other unit of the executive, legislative or judicial branch of state
38 government, including public four-year and two-year colleges and universities;
39 (7) "Undue burden", significant difficulty or expense, including, but not
40 limited to, difficulty or expense associated with technical feasibility.

[191.853.**]** **161.905.** 1. The "Missouri Assistive Technology Advisory
2 Council" is hereby established, as created pursuant to the Missouri state grant
3 under Title I of the Technology-Related Assistance for Individuals with
4 Disabilities Act of 1988, P.L. 100-407.
5 2. The voting membership of the advisory council shall be composed of
6 twenty-three members. **[**The members of the council that are serving on August
7 28, 1993, shall continue to serve in their normal capacities. The original
8 twenty-one members shall determine by lot which seven are to have a one-year
9 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 the **original** twenty-one
11 members shall serve a three-year term and until his **or her** successor is
12 appointed by the governor. The members appointed by the governor shall include
13 twelve consumer representatives, the group consisting of individuals with
14 disabilities, parents, spouses, or guardians of individuals with disabilities and
15 shall include a variety of types of disabilities across the age span from all
16 geographic areas of the state, and nine agency representatives, the group
17 consisting of one representative of the division of vocational rehabilitation, one
18 representative of the division of special education, one representative of the
19 department of insurance, financial institutions and professional registration, one
20 representative of rehabilitation services for the blind, one representative of the
21 **MO HealthNet** division **[**of medical services**]**, one representative of the
22 department of health and senior services, one representative of the department
23 of mental health, and two representatives of other agencies or organizations

24 responsible for the service delivery, policy implementation, and funding of
25 assistive technology. In addition, one member who is a member of the house of
26 representatives shall be appointed by the speaker of the house and one member
27 who is a member of the senate shall be appointed by the president pro tempore
28 of the senate. The appointment of individuals representing state agencies shall
29 be conditioned on their continued employment with their respective agencies.
30 3. A chairperson shall be elected by the council. The council shall meet
31 at the call of the chairperson, but not less often than four times each year.

[191.855.**] 161.910.** 1. The council shall adopt written bylaws to govern
2 its activities.
3 2. Members shall receive no additional compensation for their service to
4 the council, but shall be reimbursed for reasonable and necessary expenses
5 actually incurred in the performance of official duties.

[191.857.**] 161.915.** The Missouri assistive technology advisory council
2 is assigned to the lead agency for the Technology-Related Assistance for
3 Individuals with Disabilities Act as designated by the governor so long as funds
4 are available under such act.

[191.858.**] 161.920.** At such time that federal funds are no longer
2 provided pursuant to the Technology-Related Assistance for Individuals with
3 Disabilities Act, as amended, the council shall be assigned to the **[**office of
4 administration**] department of elementary and secondary education** as if
5 by a type III transfer, as this term is defined in paragraph (c) of subdivision (1)
6 of subsection 7 of section 1 of the omnibus state reorganization act of 1974. The
7 council may not take any official action after the assignment to the **[**office of
8 administration**] department of elementary and secondary education** unless
9 or until funds are specifically appropriated by line item to fund the actions of the
10 council and to provide the staff and expenses necessary to carry out the official
11 duties and responsibilities of the council.

[191.859.**] 161.925.** The council shall advocate for assistive technology
2 policies, regulations and programs, and shall establish a consumer-responsive,
3 comprehensive assistive technology service delivery system. The council shall:
4 (1) Promote awareness of the needs of individuals with disabilities for
5 assistive technology devices and services and the efficacy of providing such
6 devices and services to allow persons with disabilities to be productive and
7 independent;
8 (2) Gain an understanding of current policies, practices, and procedures

9 that facilitate or impede the availability or provision of assistive technology and
10 recommend methods to streamline such policies;
11 (3) Research and study data from the major public and private providers
12 of assistive technology regarding numbers and types of devices and services
13 delivered;
14 (4) Establish interagency coordination mechanisms among state agencies
15 and public and private entities that provide assistive technology devices and
16 services in an effort to eliminate gaps and reduce duplication of such services to
17 individuals with disabilities;
18 (5) Foster the capacity of public and private entities to provide assistive
19 technology devices and services so that individuals with disabilities of all ages
20 will, to the extent appropriate, be able to secure and maintain possession of
21 assistive technology as needed to function independently and productively;
22 (6) Recommend and implement specific methods and programs to increase
23 availability of and funding for assistive technology devices and assistive
24 technology services for individuals with disabilities;
25 (7) Employ staff necessary to implement assistive technology services and
26 programs assigned to the council, with all employees exempt from the state merit
27 system under chapter 36;
28 (8) Enter into grants or contracts with public or private agencies, schools,
29 or qualified individuals or organizations to deliver federally required or otherwise
30 necessary assistive technology programs and services, including but not limited
31 to assistive device demonstration programs, device recycling programs, device
32 loan programs, financial loan programs, and assistive technology assessments,
33 installation, and usage training for individuals with disabilities, with or without
34 utilizing the procurement procedures of the office of administration;
35 (9) Administer the assistive technology trust fund created in section
36 **[**191.861**]** **161.930**, including the formation of a not-for-profit corporation that
37 qualifies as a Section 501(c)(3) organization under the Internal Revenue Code of
38 1986, as amended;
39 (10) Accept, administer, and disburse federal moneys as the lead agency
40 for the federal Assistive Technology Act of 2004, P.L. 108-364, and any
41 amendments or successors thereto, as well as moneys from the assistive
42 technology trust fund created in section **[**191.861**]** **161.930**, and any other moneys
43 appropriated, granted, or given for the purpose of implementing assistive
44 technology programs and services; and

45 (11) Report annually by January first to the governor and the general
46 assembly on council activities and the results of its studies, programs, services,
47 and recommendations to increase access to assistive technology.

[191.861.**] 161.930.** 1. There is hereby created in the state treasury the
2 "Assistive Technology Trust Fund" which shall be a public/private partnership
3 fund administered by the advisory assistive technology council. The fund shall
4 consist of gifts, donations, grants, and bequests from individuals, private
5 organizations, foundations, or other sources granted or given for the specific
6 purpose of assistive technology, and moneys transferred or paid to the council in
7 return for goods and services provided by the council.

8 2. Upon appropriation, moneys in the fund shall be used to establish and
9 maintain assistive technology programs and services provided by the council
10 under section **[**191.859**] 161.925** and shall not be used to supplant any existing
11 program or service.

12 3. Notwithstanding the provisions of section 33.080 to the contrary, any
13 moneys remaining in the fund at the end of the biennium shall not revert to the
14 credit of the general revenue fund.

15 4. The state treasurer shall invest moneys in the fund in the same
16 manner as other funds are invested. Any interest and moneys earned on such
17 investments shall be credited to the fund.

[191.863.**] 161.935.** 1. The council shall work in conjunction with the
2 office of information technology **services division** to assure state compliance
3 with the provisions of Section 508 of the Workforce Investment Act of 1998
4 regarding accessibility of information technology for individuals with disabilities.

5 2. When developing, procuring, maintaining or using information
6 technology, or when administering contracts or grants that include the
7 procurement, development, or upgrading of information technology, each state
8 department or agency shall ensure, unless an undue burden would be imposed on
9 the department or agency, that the information technology allows employees,
10 program participants and members of the general public access to and use of
11 information and data that is comparable to the access by individuals without
12 disabilities.

13 3. To assure accessibility, the council and the office of information
14 technology **services division** shall:

15 (1) Adopt accessibility standards to be used by each state department or
16 agency in the procurement of information technology, and in the development and

17 implementation of custom-designed information technology systems, websites and
18 other emerging information technology systems;
19 (2) Establish and implement a review procedure to be used to evaluate the
20 accessibility of custom-designed information technology systems proposed by a
21 state department or agency prior to expenditure of state funds;
22 (3) Review and evaluate accessibility of information technology commonly
23 purchased by state departments and agencies, and provide accessibility reports
24 on such products to those responsible for purchasing decisions;
25 (4) Provide training and technical assistance for state departments and
26 agencies to assure procurement of information technology that meets adopted
27 accessibility standards;
28 (5) Involve individuals with disabilities in accessibility reviews of
29 information technology and in the delivery of training and technical assistance;
30 (6) Establish complaint procedures, consistent with Section 508 of the
31 Workforce Development Act of 1998 to be used by an individual with a disability
32 who alleges that a state department or agency fails to comply with the provisions
33 of this section.

[191.865.**]** **161.940.** 1. The Missouri assistive technology advisory
2 council, established in section **[**191.853**]** **161.905**, shall establish an assistive
3 technology loan program. The loan program shall be funded from the assistive
4 technology loan revolving fund established pursuant to section **[**191.867**]**
5 **161.945**. The fund shall receive any appropriation and grant moneys received
6 pursuant to subsection 2 of this section to provide loans for the purchase of
7 assistive technology devices and services, as defined in section **[**191.850**]** **161.900**.
8 2. The loan program shall provide loans for the first fiscal year following
9 appropriation. Any matching grant moneys received by the state pursuant to
10 Title III of the federal Assistive Technology Act of 1998 or through any other
11 applicable sources shall be used to fund the loan program. The state treasurer
12 shall provide the assistive technology advisory council with information on the
13 amount of moneys in the assistive technology loan revolving fund at the
14 beginning of each fiscal year. The council shall quarterly expend such moneys in
15 four equal shares to ensure that the loan program will provide loans throughout
16 the entire fiscal year. Any repayments or interest earned during a fiscal year
17 shall not be used for loans in the current fiscal year, but shall be carried over for
18 use in the next fiscal year.
19 3. The interest rates for loans shall be lower than comparable commercial

20 lending rates and shall be established by the council based on the borrower's
21 ability to pay. Loans may be made with no interest. Loan repayment periods
22 shall not exceed ten years.

23 4. The council shall:

24 (1) Promulgate rules relating to borrower eligibility, interest rates,
25 repayment terms and other matters necessary to implement the purpose of this
26 section, including limits on the number and amounts of loans to assure the
27 continued solvency of the fund; and

28 (2) File annual reports with the governor and general assembly which
29 shall include an accounting of the loans and repayments to the fund during the
30 preceding fiscal year.

31 5. The council may enter into contracts as necessary to carry out the
32 purposes of this section, including but not limited to contracts with disability
33 organizations and lending institutions.

34 6. By no later than January 1, 2001, the council shall submit a report to
35 the general assembly regarding any rules proposed or promulgated for the
36 implementation of this program.

37 7. No rule or portion of a rule promulgated pursuant to the authority of
38 this section shall become effective unless it has been promulgated pursuant to
39 chapter 536.

[191.867.**]** **161.945.** 1. In order to allow Missourians with disabilities to
2 take advantage of Title III of the federal Assistive Technology Act of 1998, there
3 is hereby created in the state treasury the "Assistive Technology Loan Revolving
4 Fund" which shall be administered by the Missouri assistive technology advisory
5 council and the state treasurer.

6 2. Moneys in the fund shall, upon appropriation, be used to establish and
7 maintain the assistive technology loan program established in section **[**191.865**]**
8 **161.940**.

9 3. The fund shall consist of any moneys appropriated to the fund,
10 repayments of principal and interest by qualified borrowers, and interest earned
11 on the moneys in the fund.

12 4. The fund may accept federal, state and other public funds, public or
13 private grants, contributions and loans to the fund with the approval of the
14 Missouri assistive technology advisory council.

15 5. Notwithstanding the provisions of section 33.080 to the contrary,
16 moneys in the fund shall not revert to the general revenue fund at the end of the

17 biennium.

167.034. 1. In any city not within a county where a child under the age
2 of seventeen required to attend school under section 167.031 accumulates fifteen
3 or more absences during any one school year, the child's school district shall
4 report such absences to the **[**division of family services,**]** children's division**[**,**]**
5 within ten business days of the fifteenth day of absence. Such notification, which
6 shall be in written form and retained in the student's school records, shall
7 include:

8 (1) The student's full name and parents' or guardians' full names;

9 (2) The addresses and phone numbers of the student and parents or
10 guardians;

11 (3) The student's date of birth and age;

12 (4) The student's current school and grade level;

13 (5) The student's current grades for all classes in which the student is
14 enrolled; and

15 (6) The total number of days missed and specific days missed from school.

16 2. Upon receipt of a report of the absences of a child under this section,
17 the children's division shall notify the child's parent or guardian that the child
18 has accumulated fifteen or more absences and such report may be subject to the
19 educational neglect provisions under section 210.145. The notification required
20 under this section is required regardless of whether a student's parent or
21 guardian contacted the school and approved of the absences.

167.122. 1. Notwithstanding any provisions of chapter 211 or chapter 610
2 to the contrary the juvenile officer or an employee of the **children's** division **[**of
3 family services**]** shall notify the school district that a child under judicial custody
4 pursuant to subsection 3 of section 211.031 is being enrolled in that district or
5 that a child already enrolled has been taken into judicial custody.

6 2. The notification shall be given to the superintendent of schools or a
7 designee, either orally or in writing, at the time of enrollment or no later than
8 five days following the court taking custody of the child under subsection 3 of
9 section 211.031. If the report is made orally, written notice shall follow in a
10 timely manner. The notification shall describe any conduct that involved physical
11 force with the intent to do serious bodily harm to another person but shall not
12 include the name of any victim other than the child.

13 3. The superintendent or a designee is authorized to share this
14 information with teachers and other school district employees with a need to

15 know while acting within the scope of their assigned duties pursuant to
16 subsection 2 of section 160.261. Any information received by school district
17 officials pursuant to this section shall be received in confidence and used for the
18 limited purposes of assuring that good order and discipline is maintained in the
19 school, or for intervention and counseling purposes for the benefit of the
20 child. The information shall not be part of the child's permanent record. The
21 information shall not be used as the sole basis for denying educational services
22 to a pupil.

167.123. 1. Notwithstanding any other provisions of this chapter, or
2 chapter 610, to the contrary, the juvenile officer or an employee of the **children's**
3 division **[**of family services**]** shall notify the superintendent of the school district
4 in which the child is enrolled, or the superintendent's designee, upon request by
5 the superintendent or designee regarding such child, when a case is active
6 regarding the child.

7 2. The notification shall be made orally or in writing, in a timely manner,
8 no later than five days following the request by the superintendent or designee.
9 If the report is made orally, written notice shall follow in a timely manner. The
10 notification shall include a complete description of the case involving the pupil,
11 the conduct the child is alleged to have committed, if any, and the dates the
12 conduct occurred but shall not include the name of any victim other than the
13 child.

14 3. The superintendent or the designee of the superintendent shall report
15 such information to teachers and other school district employees with a need to
16 know while acting within the scope of their assigned duties. Any information
17 received by school district officials pursuant to this section shall be received in
18 confidence and used for the limited purposes of assuring that good order and
19 discipline is maintained in the school, or for intervention and counseling purposes
20 for the benefit of the child. The information shall not be part of the child's
21 permanent record. The information shall not be used as the sole basis for not
22 providing educational services to a pupil.

169.520. Any funds created by sections 169.410 to 169.540 while in the
2 charge and custody of the board of trustees of such retirement system shall not
3 be subject to execution, garnishment, attachment or any other process whatsoever
4 and shall be unassignable except as in sections 169.410 to 169.540 specifically
5 provided or in the case of a proper order of child support issued through the
6 **family support** division **[**of child support enforcement**]**.

172.875. 1. The Missouri kidney program in the University of Missouri, a statewide program that provides treatment for renal disease, shall administer a separate program to provide assistance for immunosuppressive pharmaceuticals and other services for other organ transplant patients. The Missouri kidney program shall establish guidelines and eligibility requirements and procedures, similar to those established to serve eligible end-stage renal disease patients, for other organ transplant patients to receive assistance pursuant to this section.

2. Every person who receives assistance as a new participant in the Missouri kidney program pursuant to this section shall pay the administrative costs associated with such person's participation in the program.

3. The Missouri kidney program shall coordinate efforts with the divisions of family **[**services and medical services**]** **support and MO HealthNet** in the department of social services to provide the most efficient and cost-effective assistance to organ transplant patients.

4. From funds appropriated to provide assistance pursuant to this section, the priority shall be to provide pharmaceutical services. If other funds are available through the transplant program, other services for the treatment of organ transplant patients may be provided.

181.110. 1. For the purpose of providing the services described in this section, each agency shall have the following responsibilities and powers:

(1) To submit to the state library electronically each publication created by the agency in a manner consistent with the state's enterprise architecture;

(2) To determine the format used to publish;

(3) For those publications which the agency determines shall be printed and published in paper, to supply the number of copies for participating libraries as determined by the secretary of state;

(4) To assign a designee as a contact for the state publications access program and forward this information to the secretary of state annually.

2. For the purpose of providing the services described in this section, the secretary of state shall have the following responsibilities:

(1) **[**The secretary,**]** Through the state library, **[**shall**]** **to** provide a secure electronic repository of state publications. Access to the state publications in the repository shall be provided through multiple methods of access, including the statewide online library catalog and a publicly accessible electronic network;

(2) **[**The secretary shall**]** **To** create, in administrative rule, the criteria for selection of participating libraries and the responsibilities incumbent upon those

19 libraries in serving the citizens of Missouri;

20 (3) **[**The secretary shall**]** **To** set by administrative rule the electronic
21 formats acceptable for submission of publications to the electronic repository;

22 (4) **[**The secretary**]** May issue and promulgate rules to enforce, implement
23 and effectuate the powers and duties established in sections 181.100 to 181.130.

24 3. For the purpose of providing the services described in this section, the
25 state library shall have the following responsibilities, all to be performed in a
26 manner consistent with e-government:

27 (1) **[**The state library shall**]** **To** administer the electronic repository of
28 state publications for access by the citizens of Missouri, and receive and
29 distribute publications in other formats, which will be housed and made available
30 to the public by the participating libraries;

31 (2) **[**The state library shall**]** **To** ensure the organization and classification
32 of state publications regardless of formats and the distribution of materials in
33 additional formats to participating libraries;

34 (3) **[**The state library shall**]** **To** publish regularly a list of all publications
35 of the agencies, regardless of format.

36 4. For the purpose of providing the services described in this section, the
37 participating libraries shall have the following responsibilities:

38 (1) To ensure citizens who come to the library will be able to access
39 publications electronically;

40 (2) To maintain paper copies of those state publications that agencies
41 publish in paper that are designated by the secretary of state to be included in
42 the Missouri state publications access program;

43 (3) To maintain a collection of older state publications published by the
44 agencies in paper and designated by the secretary of state to be included in the
45 Missouri state publications access program;

46 (4) To provide training for staff of other libraries to assist the public in
47 the use of state publications;

48 (5) To assist agencies in the distribution of paper copies of state
49 publications to the public.

50 5. All responsibilities and powers set out in this section shall be carried
51 out consistent with the provisions of section **[**191.863**]** **161.935**.

52 6. Any rule or portion of a rule, as that term is defined in section 536.010,
53 that is created under the authority delegated in this chapter shall become
54 effective only if it complies with and is subject to all of the provisions of chapter

536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

186.019. 1. Prior to April first of each year, starting in 1992, the information described in subdivisions (1), (2), (3) and (4) of this subsection shall be delivered in report form to the Missouri women's council, the governor's office, the secretary of the senate, and the chief clerk of the house of representatives. The information shall apply only to activities which occurred during the previous calendar year. Reports shall be required from the following:

(1) The department of labor and industrial relations, and the division of **[**job development and training**]** **workforce development** of the department of economic development, who shall assemble all available data and report on all business start-ups and business failures which are fifty-one percent or more owned by women. The reports shall distinguish, as best as possible, those businesses which are sole proprietorships, partnerships, or corporations;

(2) The department of economic development, who shall assemble all available data and report on financial assistance or other incentives given to all businesses which are fifty-one percent or more owned by women. The report shall contain information relating to assistance or incentives awarded for the retention of existing businesses, the expansion of existing businesses, or the start-up of new businesses;

(3) The department of revenue, who shall assemble all available data and report on the number, gross receipts and net income of all businesses which are fifty-one percent or more owned by women. The reports shall distinguish those businesses which are sole proprietorships, partnerships or corporations;

(4) The division of purchasing of the office of administration, who shall assemble all available data and report on businesses which are fifty-one percent or more owned by women which are recipients of contracts awarded by the state of Missouri.

2. Prior to December first of each year, starting in 1990, the information described in subdivisions (1) and (2) of this subsection shall be delivered in report form to the Missouri women's council, the governor's office, the secretary of the senate, and the chief clerk of the house of representatives. The information shall

31 apply only to activities which occurred during the previous school year. Reports
32 shall be required from the following:
33 (1) The department of elementary and secondary education shall assemble
34 all available data from the Vocational and Education Data System (VEDS) on
35 class enrollments by Instruction Program Codes (CIP); by secondary and
36 postsecondary schools; and, secondary, postsecondary, and adult level classes; and
37 by gender. This data shall also be reported by classes of traditional and
38 nontraditional occupational areas.
39 (2) The coordinating board for higher education shall assemble all
40 available data and report on higher education degrees awarded by academic
41 discipline; type of degree; type of school; and gender. All available data shall also
42 be reported on salaries received upon completion of degree program and
43 subsequent hire, as well as any data available on follow-up salaries.

189.095. 1. Hospitals eligible for payments pursuant to the provisions of
2 sections 189.015 to 189.050, which also qualify as hospitals serving a
3 disproportionate number of low income patients pursuant to subdivision (1) of
4 section 208.152 and regulations issued thereunder, shall, because of such
5 qualification, become ineligible to receive payments under sections 189.015 to
6 189.050 during the period of such qualification.
7 2. Moneys which, but for the provisions of this section, would have been
8 paid to hospitals made ineligible by the provisions of this section shall be paid
9 over to the **MO HealthNet** division **[**of medical services**]** of the department of
10 social services and used, upon appropriation, by the **MO HealthNet** division **[**of
11 medical services**]** for payments to hospitals.
12 3. Notwithstanding the provisions of this section, any hospital determined
13 to be ineligible for payments pursuant to the provisions of sections 189.015 to
14 189.050, solely because of its qualification pursuant to subdivision (1) of section
15 208.152, may elect to reject such qualification by July fifteenth of any year and
16 accept its eligibility pursuant to sections 189.015 to 189.050.
17 4. The **MO HealthNet** division **[**of medical services**]** of the department
18 of social services may issue rules and regulations necessary to carry out the
19 provisions of this section.

191.737. 1. Notwithstanding the physician-patient privilege, any
2 physician or health care provider may refer to the department of health and
3 senior services families in which children may have been exposed to a controlled
4 substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced

5 by:

6 (1) Medical documentation of signs and symptoms consistent with
7 controlled substances or alcohol exposure in the child at birth; or

8 (2) Results of a confirmed toxicology test for controlled substances
9 performed at birth on the mother or the child; and

10 (3) A written assessment made or approved by a physician, health care
11 provider, or by the **children's** division **[**of family services**]** which documents the
12 child as being at risk of abuse or neglect.

13 2. Nothing in this section shall preclude a physician or other mandated
14 reporter from reporting abuse or neglect of a child as required pursuant to the
15 provisions of section 210.115.

16 3. Upon notification pursuant to subsection 1 of this section, the
17 department of health and senior services shall offer service coordination services
18 to the family. The department of health and senior services shall coordinate
19 social services, health care, mental health services, and needed education and
20 rehabilitation services. Service coordination services shall be initiated within
21 seventy-two hours of notification. The department of health and senior services
22 shall notify the department of social services and the department of mental
23 health within seventy-two hours of initial notification.

24 4. Any physician or health care provider complying with the provisions of
25 this section, in good faith, shall have immunity from any civil liability that might
26 otherwise result by reason of such actions.

27 5. Referral and associated documentation provided for in this section shall
28 be confidential and shall not be used in any criminal prosecution.

192.601. The department of health and senior services shall establish a
2 toll-free telephone number for the use of parents to access information about
3 health care providers and practitioners who provide health care services under
4 the maternal and child health block grant and the medical assistance program
5 and about other relevant health care providers, as required by 42 U.S.C.
6 705(a)(5)(E). Unless otherwise prohibited by federal law or regulation, the cost
7 of establishing and maintaining the cost of the toll-free telephone number,
8 including the cost of personnel to operate or support it, shall be appropriated
9 from the federal maternal and child health block grant. The **MO HealthNet**
10 division **[**of medical services**]** of the department of social services shall provide
11 the department of health and senior services with information it has otherwise
12 compiled concerning health care providers who participate in the medical

13 assistance program. The department of health and senior services shall
14 coordinate the operation of the toll-free telephone numbers operated by the
15 department so as to minimize duplication of administrative expense.

[660.050.**] 192.1000.** 1. The "Division of Aging" is hereby transferred
2 from the department of social services to the department of health and senior
3 services by a type I transfer as defined in the Omnibus State Reorganization Act
4 of 1974. The **[**division**] department** shall aid and assist the elderly and
5 low-income **[**handicapped**] disabled** adults living in the state of Missouri to
6 secure and maintain maximum economic and personal independence and
7 dignity. The **[**division**] department** shall regulate adult long-term care facilities
8 pursuant to the laws of this state and rules and regulations of federal and state
9 agencies, to safeguard the lives and rights of residents in these facilities.

10 2. In addition to its duties and responsibilities enumerated pursuant to
11 other provisions of law, the **[**division**] department** shall:

12 (1) Serve as advocate for the elderly by promoting a comprehensive,
13 coordinated service program through administration of Older Americans Act
14 (OAA) programs (Title III) P.L. 89-73, (42 U.S.C. 3001, et seq.), as amended;

15 (2) Assure that an information and referral system is developed and
16 operated for the elderly, including information on **[**the Missouri care options
17 program**] home and community based services**;

18 (3) Provide technical assistance, planning and training to local area
19 agencies on aging;

20 (4) Contract with the federal government to conduct surveys of long-term
21 care facilities certified for participation in the Title XVIII program;

22 (5) **[**Serve as liaison between the department of health and senior services
23 and the Federal Health Standards and Quality Bureau, as well as the Medicare
24 and Medicaid portions of the United States Department of Health and Human
25 Services;

26 (6)**]** Conduct medical review (inspections of care) activities such as
27 utilization reviews, independent professional reviews, and periodic medical
28 reviews to determine medical and social needs for the purpose of eligibility for
29 Title XIX, and for level of care determination;

30 **[**(7)**] (6)** Certify long-term care facilities for participation in the Title XIX
31 program;

32 **[**(8)**] (7)** Conduct a survey and review of compliance with P.L. 96-566 Sec.
33 505(d) for Supplemental Security Income recipients in long-term care facilities

34 and serve as the liaison between the Social Security Administration and the
35 department of health and senior services concerning Supplemental Security
36 Income beneficiaries;

37 **[**(9)**]** **(8)** Review plans of proposed long-term care facilities before they are
38 constructed to determine if they meet applicable state and federal construction
39 standards;

40 **[**(10)**]** **(9)** Provide consultation to long-term care facilities in all areas
41 governed by state and federal regulations;

42 **[**(11)**]** **(10)** Serve as the central state agency with primary responsibility
43 for the planning, coordination, development, and evaluation of policy, programs,
44 and services for elderly persons in Missouri consistent with the provisions of
45 subsection 1 of this section and serve as the designated state unit on aging, as
46 defined in the Older Americans Act of 1965;

47 **[**(12) With the advice of the governor's advisory council on aging,**]**
48 **(11)** Develop long-range state plans for programs, services, and activities for
49 elderly and handicapped persons. State plans should be revised annually and
50 should be based on area agency on aging plans, statewide priorities, and state
51 and federal requirements;

52 **[**(13)**]** **(12)** Receive and disburse all federal and state funds allocated to
53 the division and solicit, accept, and administer grants, including federal grants,
54 or gifts made to the division or to the state for the benefit of elderly persons in
55 this state;

56 **[**(14)**]** **(13)** Serve, within government and in the state at large, as an
57 advocate for elderly persons by holding hearings and conducting studies or
58 investigations concerning matters affecting the health, safety, and welfare of
59 elderly persons and by assisting elderly persons to assure their rights to apply
60 for and receive services and to be given fair hearings when such services are
61 denied;

62 **[**(15) Provide information and technical assistance to the governor's
63 advisory council on aging and keep the council continually informed of the
64 activities of the division;

65 (16) After consultation with the governor's advisory council on aging,
66 make recommendations for legislative action to the governor and to the general
67 assembly;

68 (17)**]** **(14)** Conduct research and other appropriate activities to determine
69 the needs of elderly persons in this state, including, but not limited to, their

70 needs for social and health services, and to determine what existing services and
71 facilities, private and public, are available to elderly persons to meet those needs;
72 **[**(18)**] (15)** Maintain and serve as a clearinghouse for up-to-date
73 information and technical assistance related to the needs and interests of elderly
74 persons and persons with Alzheimer's disease or related dementias, including
75 information on the **[**Missouri care options**] home and community based**
76 **services** program, dementia-specific training materials and dementia-specific
77 trainers. Such dementia-specific information and technical assistance shall be
78 maintained and provided in consultation with agencies, organizations and/or
79 institutions of higher learning with expertise in dementia care;
80 **[**(19)**] (16)** Provide area agencies on aging with assistance in applying for
81 federal, state, and private grants and identifying new funding sources;
82 **[**(20)**] (17)** Determine area agencies on aging annual allocations for Title
83 XX and Title III of the Older Americans Act expenditures;
84 **[**(21)**] (18)** Provide transportation services, home-delivered and
85 congregate meals, in-home services, counseling and other services to the elderly
86 and low-income handicapped adults as designated in the Social Services Block
87 Grant Report, through contract with other agencies, and shall monitor such
88 agencies to ensure that services contracted for are delivered and meet standards
89 of quality set by the division;
90 **[**(22)**] (19)** Monitor the process pursuant to the federal Patient
91 Self-determination Act, 42 U.S.C. 1396a (w), in long-term care facilities by which
92 information is provided to patients concerning durable powers of attorney and
93 living wills.
94 3. The **[**division director, subject to the supervision of the director of the
95 department of health and senior services, shall be the chief administrative officer
96 of the division and shall exercise for the division the powers and duties of an
97 appointing authority pursuant to chapter 36 to employ such administrative,
98 technical and other personnel as may be necessary for the performance of the
99 duties and responsibilities of the division.
100 4. The division**] department** may withdraw designation of an area
101 agency on aging only when it can be shown the federal or state laws or rules have
102 not been complied with, state or federal funds are not being expended for the
103 purposes for which they were intended, or the elderly are not receiving
104 appropriate services within available resources, and after consultation with the
105 director of the area agency on aging and the area agency board. Withdrawal of

106 any particular program of services may be appealed to the director of the
107 department of health and senior services and the governor. In the event that the
108 division withdraws the area agency on aging designation in accordance with the
109 Older Americans Act, the **[**division**]** **department** shall administer the services
110 to clients previously performed by the area agency on aging until a new area
111 agency on aging is designated.

112 **[**5.**]** **4.** Any person hired by the department of health and senior services
113 after August 13, 1988, to conduct or supervise inspections, surveys or
114 investigations pursuant to chapter 198 shall complete at least one hundred hours
115 of basic orientation regarding the inspection process and applicable rules and
116 statutes during the first six months of employment. Any such person shall
117 annually, on the anniversary date of employment, present to the department
118 evidence of having completed at least twenty hours of continuing education in at
119 least two of the following categories: communication techniques, skills
120 development, resident care, or policy update. The department of health and
121 senior services shall by rule describe the curriculum and structure of such
122 continuing education.

123 **[**6.**]** **5.** The **[**division**]** **department** may issue and promulgate rules to
124 enforce, implement and effectuate the powers and duties established in this
125 section and sections 198.070 and 198.090 and sections **[**660.250 and 660.300 to
126 660.320**]** **192.1080 and 192.1102 to 192.1112**. Any rule or portion of a rule, as
127 that term is defined in section 536.010, that is created under the authority
128 delegated in this section shall become effective only if it complies with and is
129 subject to all of the provisions of chapter 536 and, if applicable, section
130 536.028. This section and chapter 536 are nonseverable and if any of the powers
131 vested with the general assembly pursuant to chapter 536 to review, to delay the
132 effective date or to disapprove and annul a rule are subsequently held
133 unconstitutional, then the grant of rulemaking authority and any rule proposed
134 or adopted after August 28, 2001, shall be invalid and void.

135 **[**7. Missouri care options**]** **6. Home and community based services**
136 is a program, operated and coordinated by the **[**division of aging**]** **department**
137 **of health and senior services**, which informs individuals of the variety of care
138 options available to them when they may need long-term care.

139 **[**8.**]** **7.** The division shall**[**, by January 1, 2002, establish**]** **maintain**
140 minimum dementia-specific training requirements for employees involved in the
141 delivery of care to persons with Alzheimer's disease or related dementias who are

142 employed by skilled nursing facilities, intermediate care facilities, residential care
143 facilities, agencies providing in-home care services authorized by the division of
144 aging, adult day-care programs, independent contractors providing direct care to
145 persons with Alzheimer's disease or related dementias and the division of
146 aging. Such training shall be incorporated into new employee orientation and
147 ongoing in-service curricula for all employees involved in the care of persons with
148 dementia. The department of health and senior services shall**[**, by January 1,
149 2002, establish**]** **maintain** minimum dementia-specific training requirements for
150 employees involved in the delivery of care to persons with Alzheimer's disease or
151 related dementias who are employed by home health and hospice agencies
152 licensed by chapter 197. Such training shall be incorporated into the home health
153 and hospice agency's new employee orientation and ongoing in-service curricula
154 for all employees involved in the care of persons with dementia. The dementia
155 training need not require additional hours of orientation or ongoing
156 in-service. Training shall include at a minimum, the following:
157 (1) For employees providing direct care to persons with Alzheimer's
158 disease or related dementias, the training shall include an overview of
159 Alzheimer's disease and related dementias, communicating with persons with
160 dementia, behavior management, promoting independence in activities of daily
161 living, and understanding and dealing with family issues;
162 (2) For other employees who do not provide direct care for, but may have
163 daily contact with, persons with Alzheimer's disease or related dementias, the
164 training shall include an overview of dementias and communicating with persons
165 with dementia.
166 As used in this subsection, the term "employee" includes persons hired as
167 independent contractors. The training requirements of this subsection shall not
168 be construed as superceding any other laws or rules regarding dementia-specific
169 training.

[660.053.**]** **192.1002.** As used in **[**section 199.025 and sections 660.050 to
2 660.057 and 660.400 to 660.420**]** **sections 192.1000 to 192.1008 and 192.1040**
3 **to 192.1058**, the following terms mean:
4 (1) "Area agency on aging", the agency designated by the **[**division**]**
5 **department** in a planning and service area to develop and administer a plan
6 and administer available funds for a comprehensive and coordinated system of
7 services for the elderly and persons with disabilities who require similar services;
8 (2) "Area agency board", the local policy-making board which directs the

9 actions of the area agency on aging under state and federal laws and regulations;
10 (3) **"Department", the department of health and senior services;**
11 **(4)** "Director", the director of the **[**division of aging of the Missouri
12 department of social**] department of health and senior** services;
13 **[**(4) "Division", the division of aging of the Missouri department of social
14 services;**]**
15 (5) "Elderly" or "elderly persons", persons who are sixty years of age or
16 older;
17 (6) "Disability", a mental or physical impairment that substantially limits
18 one or more major life activities, whether the impairment is congenital or
19 acquired by accident, injury or disease, where such impairment is verified by
20 medical findings;
21 (7) "Local government", a political subdivision of the state whose authority
22 is general or a combination of units of general purpose local governments;
23 (8) "Major life activities", functions such as caring for one's self,
24 performing manual tasks, walking, seeing, hearing, speaking, breathing, learning,
25 and working;
26 (9) "Medicaid", medical assistance provided under section 208.151, et seq.,
27 in compliance with Title XIX, Public Law 89-97, 1965 amendments to the Social
28 Security Act (42 U.S.C. 301 et seq.), as amended;
29 (10) "Protective services", a service provided by the **[**Missouri division of
30 aging**] department of health and senior services** in response to the need for
31 protection from harm or neglect to eligible adults under sections **[**660.250 to
32 660.295**] 192.1080 to 192.1100**;
33 (11) "Registered caregiver", a person who provides primary long-term care
34 for an elderly person and wishes to receive information, services or support from
35 the shared care program;
36 (12) "Shared care", a program administered by the **[**division of aging**]**
37 **department of health and senior services** in which Missouri families who
38 provide primary long-term care for an elderly person and register as a shared
39 care member with the **[**division of aging**] department** shall receive access to
40 certain supportive services and may receive a state tax credit;
41 (13) "Shared care community project", a project in a community that offers
42 to help support shared care participation through development of programs;
43 (14) "Shared care member", a registered caregiver or shared care provider
44 who registers with the **[**division of aging**] department** in order to participate in

45 the shared care program;

46 (15) "Shared care provider", any state authorized long-term care provider
47 in the state, including, but not limited to, in-home, home health, hospice, adult
48 day care, residential care facility or assisted living facility, or nursing home, who
49 voluntarily registers with the **[**division of aging**] department** to be available as
50 a resource for the shared care program;

51 (16) "Shared care tax credit", a tax credit to registered caregivers who
52 meet the requirements of section **[**660.055**] 192.1006**.

[660.054.**] 192.1004.** 1. The **[**division of aging of the department of
2 social**] department of health and senior** services shall establish a program
3 to help families who provide the primary long-term care for an elderly
4 person. This program shall be known as "shared care" and has the following
5 goals:

6 (1) To provide services and support for families caring for an elderly
7 person;

8 (2) To increase awareness of the variety of privately funded services which
9 may be available to those persons caring for an elderly person;

10 (3) To increase awareness of the variety of government services which may
11 be available to those caring for an elderly person;

12 (4) Recognition on an annual basis by the governor for those families
13 participating in the shared care program and community project groups
14 participating in the shared care program;

15 (5) To provide a tax credit to members who meet the qualifications
16 pursuant to section **[**660.055**] 192.1006**; and

17 (6) To promote community involvement by:

18 (a) Providing local communities information about the shared care
19 program and to encourage the establishment of support groups where none are
20 available and to support existing support groups, and other programs for shared
21 care members and providers to share ideas, information and resources on caring
22 for an elderly person; and

23 (b) Encouraging local home care, adult day care or other long-term care
24 providers, who have regularly scheduled training sessions for paid caregivers, to
25 voluntarily invite shared care members to participate in education and training
26 sessions at no cost to the registered caregivers. Such providers shall not be held
27 liable in any civil or criminal action related to or arising out of the participation
28 or training of shared care members in such sessions.

29 2. To further the goals of the shared care program, the director shall:
30 (1) Promulgate specific rules and procedures for the shared care
31 program. Any rule or portion of a rule, as that term is defined in section 536.010,
32 that is created under the authority delegated in sections **[**660.050 to 660.057**]**
33 **192.1000 to 192.1008** shall become effective only if it complies with and is
34 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
35 All rulemaking authority delegated prior to August 28, 1999, is of no force and
36 effect and repealed. Nothing in this section shall be interpreted to repeal or
37 affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully
38 complied with all applicable provisions of law. This section and chapter 536 are
39 nonseverable and if any of the powers vested with the general assembly pursuant
40 to chapter 536 to review, to delay the effective date or to disapprove and annul
41 a rule are subsequently held unconstitutional, then the grant of rulemaking
42 authority and any rule proposed or adopted after August 28, 1999, shall be
43 invalid and void;
44 (2) Maintain a registry of names and addresses of shared care members
45 and shared care providers;
46 (3) Compile a list, updated annually, of public and private resources,
47 services and programs which may be available to assist and support the
48 registered caregiver with caring for the elderly. Such list shall be given to shared
49 care members along with information on shared care providers in their
50 community. Private organizations and providers shall be responsible for
51 providing information to the division of aging for inclusion on the list. The
52 **[**division of aging**]** **department** shall establish reporting procedures for private
53 organizations and publicly disseminate the division's guidelines statewide;
54 (4) Compile and distribute to shared care members information about the
55 services and benefits of the shared care program and a bibliography of resources
56 and materials with information helpful to such members. The bibliography will
57 give members an overview of available information and is not required to be
58 comprehensive;
59 (5) Encourage shared care providers, consumer groups, churches and other
60 philanthropic organizations to help local communities develop local support
61 systems where none are available and to support existing support groups for
62 persons caring for elderly persons and make **[**division**]** **department** staff
63 available, if possible;
64 (6) In conjunction with the director of revenue, develop a physician

65 certification for shared care tax credit form to be given to registered caregivers
66 upon request. The form shall require, but is not limited to:
67 (a) Identifying information about the registered caregiver for tax
68 purposes, and the signature of the registered caregiver certifying that he or she
69 qualifies for the shared care tax credit as provided in section **[**660.055**] 192.1006**;
70 (b) Identifying information about the elderly person receiving care for
71 verification purposes;
72 (c) Identifying information about and the signature of the physician
73 licensed pursuant to the provisions of chapter 334 for verification and
74 certification purposes;
75 (d) A description by such physician of the physical or mental condition of
76 the elderly person that makes them incapable of living alone and lists the care,
77 assistance with daily living and oversight needed at home in order to prevent
78 placement in a facility licensed pursuant to chapter 198; and
79 (e) A complete explanation of the shared care tax credit and its guidelines
80 and directions on completion of the form and how to file for the shared care tax
81 credit with the department of revenue; and
82 (7) In conjunction with the director of revenue, develop a **[**division of
83 aging**] department** certification for shared care tax credit form to be given at the
84 request of the registered caregivers when a **[**division of aging**] department**
85 assessment has been completed for other purposes. The form shall require, but
86 is not limited to:
87 (a) Identifying information about the registered caregiver for tax
88 purposes, and the signature of the registered caregiver certifying that he or she
89 qualifies for the shared care tax credit as provided in section **[**660.055**] 192.1006**;
90 (b) Identifying information about the elderly person receiving care for
91 verification purposes;
92 (c) Identifying information about and the signature of the **[**division of
93 aging**] department** staff for verification and certification purposes;
94 (d) A description by the **[**division of aging**] department** staff of the
95 physical or mental condition of the elderly person that makes them incapable of
96 living alone and lists the care, assistance with daily living and oversight needed
97 at home in order to prevent placement in a facility licensed pursuant to chapter
98 198; and
99 (e) A complete explanation of the shared care tax credit and its guidelines
100 and directions for completing the form and how to file for the shared care tax

101 credit with the department of revenue.

102 3. Funds appropriated for the shared care program shall be appropriated
103 to and administered by the department of **[**social**]** **health and senior** services.

[660.055.**]** **192.1006.** 1. Any registered caregiver who meets the
2 requirements of this section shall be eligible for a shared care tax credit in an
3 amount not to exceed five hundred dollars to defray the cost of caring for an
4 elderly person. In order to be eligible for a shared care tax credit, a registered
5 caregiver shall:

6 (1) Care for an elderly person, age sixty or older, who:

7 (a) Is physically or mentally incapable of living alone, as determined and
8 certified by his or her physician licensed pursuant to chapter 334, or by the
9 **[**division of aging**]** **department** staff when an assessment has been completed for
10 the purpose of qualification for other services; and

11 (b) Requires assistance with activities of daily living to the extent that
12 without care and oversight at home would require placement in a facility licensed
13 pursuant to chapter 198; and

14 (c) Under no circumstances, is able or allowed to operate a motor vehicle;
15 and

16 (d) Does not receive funding or services through Medicaid or social
17 services block grant funding;

18 (2) Live in the same residence to give protective oversight for the elderly
19 person meeting the requirements described in subdivision (1) of this subsection
20 for an aggregate of more than six months per tax year;

21 (3) Not receive monetary compensation for providing care for the elderly
22 person meeting the requirements described in subdivision (1) of this subsection;
23 and

24 (4) File the original completed and signed physician certification for
25 shared care tax credit form or the original completed and signed **[**division of
26 aging**]** **department** certification for shared care tax credit form provided for in
27 subsection 2 of section **[**660.054**]** **192.1004** along with such caregiver's Missouri
28 individual income tax return to the department of revenue.

29 2. The tax credit allowed by this section shall apply to any year beginning
30 after December 31, 1999.

31 3. Any rule or portion of a rule, as that term is defined in section 536.010,
32 that is created under the authority delegated in sections **[**660.050 to 660.057**]**
33 **192.1000 to 192.1008** shall become effective only if it complies with and is

34 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
35 All rulemaking authority delegated prior to August 28, 1999, is of no force and
36 effect and repealed. Nothing in this section shall be interpreted to repeal or
37 affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully
38 complied with all applicable provisions of law. This section and chapter 536 are
39 nonseverable and if any of the powers vested with the general assembly pursuant
40 to chapter 536 to review, to delay the effective date or to disapprove and annul
41 a rule are subsequently held unconstitutional, then the grant of rulemaking
42 authority and any rule proposed or adopted after August 28, 1999, shall be
43 invalid and void.

44 4. Any person who knowingly falsifies any document required for the
45 shared care tax credit shall be subject to the same penalties for falsifying other
46 tax documents as provided in chapter 143.

[660.057.**] 192.1008.** 1. On and after August 13, 1984, an area agency
2 on aging shall operate with local administrative responsibility for Title III of the
3 Older Americans Act, and other funds allocated to it by the **[**division**]**
4 **department**. The area agency board shall be responsible for all actions of an
5 area agency on aging in its jurisdiction, including, but not limited to, the
6 accountability for funds and compliance with federal and state laws and
7 rules. Such responsibility shall include all geographic areas in which the area
8 agency on aging is designated to operate. The respective area agency board shall
9 appoint a director of the area agency on aging in its jurisdiction. Beginning
10 January 1, 1995, the director of the area agency on aging shall submit an annual
11 performance report to the **[**division**] department** director, the speaker of the
12 house of representatives, the president pro tempore of the senate and the
13 governor. Such performance report shall give a detailed accounting of all funds
14 which were available to and expended by the area agency on aging from state,
15 federal and private sources.

16 2. Each area agency on aging shall have an area agency on aging advisory
17 council, which shall:

18 (1) Recommend basic policy guidelines for the administration of the
19 activities of the area agencies on aging on behalf of elderly persons and advise the
20 area agency on aging on questions of policy;

21 (2) Advise the area agency on aging with respect to the development of the
22 area plan and budget, and review and comment on the completed area plan and
23 budget before its transmittal to the division;

24 (3) Review and evaluate the effectiveness of the area agency on aging in
25 meeting the needs of elderly persons in the planning and service area;
26 (4) Meet at least quarterly, with all meetings being subject to sections
27 610.010 to 610.030.
28 3. Each area agency board shall:
29 (1) Conduct local planning functions for Title III and Title XX, and such
30 other funds as may be available;
31 (2) Develop a local plan for service delivery, subject to review and
32 approval by the division, that complies with federal and state requirements and
33 in accord with locally determined objectives consistent with the state policy on
34 aging;
35 (3) Assess the needs of elderly persons within the planning and service
36 delivery area for service for social and health services, and determine what
37 resources are currently available to meet those needs;
38 (4) Assume the responsibility of determining services required to meet the
39 needs of elderly persons, assure that such services are provided within the
40 resources available, and determine when such services are no longer needed;
41 (5) Endeavor to coordinate and expand existing resources in order to
42 develop within its planning and service area a comprehensive and coordinated
43 system for the delivery of social and health services to elderly persons;
44 (6) Serve as an advocate within government and within the community at
45 large for the interests of elderly persons within its planning and service area;
46 (7) Make grants to or enter into contracts with any public or private
47 agency for the provision of social or health services not otherwise sufficiently
48 available to elderly persons within the planning and service area;
49 (8) Monitor and evaluate the activities of its service providers to ensure
50 that the services being provided comply with the terms of the grant or
51 contract. Where a provider is found to be in breach of the terms of its grant or
52 contract, the area agency shall enforce the terms of the grant or contract;
53 (9) Conduct research, evaluation, demonstration or training activities
54 appropriate to the achievement of the goal of improving the quality of life for
55 elderly persons within its planning and service area;
56 (10) Comply with division requirements that have been developed in
57 consultation with the area agencies for client and fiscal information, and provide
58 to the division information necessary for federal and state reporting, program
59 evaluation, program management, fiscal control and research needs.

4. Beginning January 1, 1995, the records of each area agency on aging shall be audited at least every other year. All audits required by the Older Americans Act of 1965, as amended, shall satisfy this requirement.

[660.058.**] 192.1010.** 1. The **[**division of aging**] department** shall provide budget allotment tables to each area agency on aging by January first of each year. Each area agency on aging shall submit its area plan, area budget and service contracts to the **[**division of aging**] department** by March first of each year. Each April, the area agencies on aging shall present their plans to the **[**division of aging**] department** in a public hearing scheduled by the **[**division**] department** and held in the area served by the area agency on aging. Within thirty days of such hearing, the **[**division**] department** shall report findings and recommendations to the board of directors for the area agency on aging, the area agency on aging advisory council, the members of the senate budget committee and the members of the house appropriations committee **[**for social services and corrections**] assigned the department of health and senior services**.

2. Each area agency on aging shall include in its area plan performance measures and outcomes to be achieved for each year covered by the plan. Such measures and outcomes shall also be presented to the **[**division**] department** during the public hearing.

3. The **[**division of aging**] department** shall conduct on-site monitoring of each area agency on aging at least once a year. The **[**division of aging**] department** shall send all monitoring reports to the area agency on aging advisory council and the board of directors for the area agency which is the subject of the reports.

[660.062.**] 192.1012.** 1. There is hereby created a "State Board of Senior Services" which shall consist of seven members, who shall be appointed by the governor, by and with the advice and consent of the senate. No member of the state board of senior services shall hold any other office or employment under the state of Missouri other than in a consulting status relevant to the member's professional status, licensure or designation. Not more than four of the members of the state board of senior services shall be from the same political party.

2. Each member shall be appointed for a term of four years; except that of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, two for a term of three years and one for a term of four years. The successors of each shall be appointed for full terms of four years. No person may serve on the state board of senior services for more than two

13 terms. The terms of all members shall continue until their successors have been
14 duly appointed and qualified. One of the persons appointed to the state board of
15 senior services shall be a person currently working in the field of
16 gerontology. One of the persons appointed to the state board of senior services
17 shall be a physician with expertise in geriatrics. One of the persons appointed
18 to the state board of senior services shall be a person with expertise in
19 nutrition. One of the persons appointed to the state board of senior services shall
20 be a person with expertise in rehabilitation services of persons with
21 disabilities. One of the persons appointed to the state board of senior services
22 shall be a person with expertise in mental health issues. In making the two
23 remaining appointments, the governor shall give consideration to individuals
24 having a special interest in gerontology or disability-related issues, including
25 senior citizens. Four of the seven members appointed to the state board of senior
26 services shall be members of the governor's advisory council on aging. If a
27 vacancy occurs in the appointed membership, the governor may appoint a member
28 for the remaining portion of the unexpired term created by the vacancy. The
29 members shall receive actual and necessary expenses plus twenty-five dollars per
30 day for each day of actual attendance.

31 3. The board shall elect from among its membership a chairman and a
32 vice chairman, who shall act as chairman in his or her absence. The board shall
33 meet at the call of the chairman. The chairman may call meetings at such times
34 as he or she deems advisable, and shall call a meeting when requested to do so
35 by three or more members of the board.

36 4. The state board of senior services shall advise the department of health
37 and senior services in the:

38 (1) Promulgation of rules and regulations by the department of health and
39 senior services;

40 (2) Formulation of the budget for the department of health and senior
41 services; and

42 (3) Planning for and operation of the department of health and senior
43 services.

[660.067.**] 192.1020.** As used in sections **[**660.067 to 660.070**] 192.1020**
2 **to 192.1024**, the following terms shall mean:

3 (1) "Adult day care", a group program that emphasizes appropriate
4 services for persons eighteen years of age or older having Alzheimer's disease and
5 related disorders and that provides services for periods of less than twenty-four

6 hours but more than two hours per day in a place other than the adult's home;
7 (2) "Alzheimer's disease and related disorders", diseases resulting from
8 significant destruction of brain tissue and characterized by a decline of memory
9 and other intellectual functions. These diseases include but are not limited to
10 progressive, degenerative and dementing illnesses such as presenile and senile
11 dementias, Alzheimer's disease and other related disorders;
12 (3) "Appropriate services", services that emphasize surveillance, safety,
13 behavior management and other techniques used to assist persons having
14 Alzheimer's disease and related disorders;
15 (4) **"Department", the department of health and senior services;**
16 **(5)** "Director", the director of the **[**division of aging of the department of
17 social**] department of health and senior** services;
18 **[**(5) "Division", the division of aging of the department of social services;**]**
19 (6) "In-home companion", someone trained to provide appropriate services
20 to persons having Alzheimer's disease and related disorders and who provides
21 those services in the home;
22 (7) "Respite care", a program that provides temporary and short-term
23 residential care, sustenance, supervision and other appropriate services for
24 persons having Alzheimer's disease and related disorders who otherwise reside
25 in their own or in a family home.

[660.069.**] 192.1022.** 1. To encourage development of appropriate
2 services for persons having Alzheimer's disease and related disorders, the
3 **[**division**] department** may make grants to public and private entities for pilot
4 projects from funds specifically appropriated for this purpose. Pilot projects shall
5 have the following goals:
6 (1) To prevent or postpone institutionalization of persons having
7 Alzheimer's disease and related disorders who currently live in their own home
8 or in a family home;
9 (2) To offer services that emphasize safety, surveillance and behavior
10 management rather than, or in addition to, medical treatment, homemaker, chore
11 or personal care services;
12 (3) To temporarily relieve family members or others who have assumed
13 direct care responsibilities by offering services that allow care givers to leave the
14 home. These services shall include but not be limited to adult day care, in-home
15 companions and respite care;
16 (4) To test the practical and economic feasibility of providing services in

17 settings and at levels designed for varying needs; and
18 (5) To develop program models that can be adapted and operated by other
19 public and private entities.
20 2. The director, in accordance with chapter 536, shall promulgate rules
21 that establish procedures for grant application, review, selection, monitoring and
22 auditing of grants made pursuant to sections **[**660.067 to 660.070**] 192.1020 to**
23 **192.1024**.
24 3. The grants shall be limited to a duration of one year but may be
25 renewable for one additional year at the director's discretion and if funds are
26 appropriated for this purpose.

[660.070.**] 192.1024.** The commissioner of administration, in consultation
2 with the director of the **[**division of aging**] department**, shall promulgate rules
3 that establish procedures for contracting with grantees receiving funds under
4 sections **[**660.067 to 660.070**] 192.1020 to 192.1024**. No rule or portion of a rule
5 promulgated under the authority of sections **[**660.067 to 660.070**] 192.1020 to**
6 **192.1024** shall become effective unless it has been promulgated pursuant to the
7 provisions of section 536.024.

[660.225.**] 192.1030.** The **[**division of aging**] department** shall use the
2 services of community based, not-for-profit organizations including senior centers
3 for the provision of home delivered meals to qualified recipients prepared by such
4 organizations if such service is available at not more than seventy-five percent
5 of the cost currently incurred by the **[**division**] department** for the provision of
6 such service.

[660.400.**] 192.1040.** As used in sections **[**199.025 and 660.403 to
2 660.420**] 192.1040 to 192.1058**, unless the context clearly indicates otherwise,
3 the following terms mean:
4 (1) "Adult", an individual over the age of eighteen;
5 (2) "Adult day care program", a group program designed to provide care
6 and supervision to meet the needs of functionally impaired adults for periods of
7 less than twenty-four hours but more than two hours per day in a place other
8 than the adult's own home;
9 (3) "Adult day care provider", the person, corporation, partnership,
10 association or organization legally responsible for the overall operation of the
11 adult day care program;
12 (4) "Department", the department of **[**social**] health and senior** services;
13 (5) "Director", the director of the **[**division of aging**] department of**

14 **health and senior services**;

15 (6) **[**"Division", the division of aging;

16 (7)**]** "Functionally impaired adult", an adult who by reason of age or
17 infirmity requires care and supervision;

18 **[**(8)**] (7)** "License", the document issued by the **[**division**] department**
19 in accordance with the provisions of sections **[**199.025 and 660.403 to 660.420**]**
20 **192.1040 to 192.1058** to an adult day care program which authorizes the adult
21 day care provider to operate the program in accordance with the provisions of
22 sections **[**199.025 and 660.403 to 660.420**] 192.1040 to 192.1058** and the
23 applicable rules promulgated pursuant thereto;

24 **[**(9)**] (8)** "Participant", a functionally impaired adult who is enrolled in
25 an adult day care program;

26 **[**(10)**] (9)** "Person", any individual, firm, corporation, partnership,
27 association, agency, or an incorporated or unincorporated organization regardless
28 of the name used;

29 **[**(11)**] (10)** "Provisional license", the document issued by the **[**division**]**
30 **department** in accordance with the provisions of sections **[**199.025 and 660.403
31 to 660.420**] 192.1040 to 192.1058** to an adult day care provider which is not
32 currently meeting the requirements necessary to obtain a license;

33 **[**(12)**] (11)** "Related", any of the following by blood, marriage or adoption:
34 parent, child, grandchild, brother, sister, half-brother, half-sister, stepparent,
35 uncle, aunt, niece, nephew, or first cousin;

36 **[**(13)**] (12)** "Staff participant ratio", the number of adult care staff
37 required by the **[**division**] department** in relation to the number of adults being
38 cared for by such staff.

[660.403.**] 192.1042.** 1. It shall be unlawful for any person to establish,
2 maintain, or operate an adult day care program, or to advertise or hold himself
3 **or herself** out as being able to perform any adult day care service, unless he **or**
4 **she** has obtained the proper license.

5 2. All applications for licenses shall be made on forms provided by the
6 **[**division**] department** and in the manner prescribed by the **[**division**]**
7 **department**. All forms provided shall include a fee schedule.

8 3. The **[**division**] department** shall conduct an investigation of the adult
9 day care program, and the applicant, for which a license is sought in order to
10 determine if such program is complying with the following:

11 (1) Local fire safety requirements or fire safety requirements of the

12 **[**division**] department** if there are no local codes;
13 (2) Local or state sanitation requirements;
14 (3) Local building and zoning requirements, where applicable;
15 (4) Staff/adult ratios required by the **[**division**] department**; and
16 (5) Other applicable provisions of sections **[**199.025 and 660.403 to
17 660.420**] 192.1040 to 192.1058** and all applicable rules promulgated pursuant
18 thereto, including but not limited to:
19 (a) The applicant's ability to render adult day care;
20 (b) The proposed plan for providing adult day care;
21 (c) The proposed plan of operation of the adult day care program, so that,
22 in the judgment of the **[**division**] department**, minimum standards are being met
23 to insure the health and safety of the participants.
24 4. Following completion of its investigation made pursuant to subsection
25 3 of this section and a finding that the applicant for a license has complied with
26 all applicable rules promulgated pursuant to sections **[**199.025 and 660.403 to
27 660.420 the division**] 192.1040 to 192.1058, the department** shall issue a
28 license to such applicant. Such license shall be valid for the period designated
29 by the **[**division**] department**, which period shall not exceed two years from the
30 date of issuance, for the premises and persons named in the application.
31 5. Each license issued under sections **[**199.025 and 660.403 to 660.420**]**
32 **192.1040 to 192.1058** shall include the name of the provider, owner and
33 operator; the name of the adult day care program; the location of the adult day
34 care program; the hours of operations; the number and any limitations or the type
35 of participants who may be served; and the period for which such license is valid.
36 6. The **[**division**] department** may issue a provisional license to an adult
37 day care program that is not currently meeting requirements for a license but
38 which demonstrates the potential capacity to meet full requirements for license;
39 except that, no provisional license shall be issued unless the director is satisfied
40 that the operation of the adult day care program is not detrimental to the health
41 and safety of the participants being served. The provisional license shall be
42 nonrenewable and shall be valid for the period designated by the **[**division**]**
43 **department**, which period shall not exceed six months from the date of
44 issuance. Upon issuance of a regular license, a day care program's provisional
45 license shall immediately be null and void.

[660.405.**] 192.1044.** 1. The provisions of sections **[**199.025 and 660.403
2 to 660.420**] 192.1040 to 192.1058** shall not apply to the following:

3 (1) Any adult day care program operated by a person in which care is
4 offered for no more than two hours per day;
5 (2) Any adult day care program maintained or operated by the federal
6 government except where care is provided through a management contract;
7 (3) Any person who cares solely for persons related to the provider or who
8 has been designated as guardian of that person;
9 (4) Any adult day care program which cares for no more than four persons
10 unrelated to the provider;
11 (5) Any adult day care program licensed by the department of mental
12 health under chapter 630 which provides care, treatment and habilitation
13 exclusively to adults who have a primary diagnosis of mental disorder, mental
14 illness, mental retardation or developmental disability as defined;
15 (6) Any adult day care program administered or maintained by a religious
16 not-for-profit organization serving a social or religious function if the adult day
17 care program does not hold itself out as providing the prescription or usage of
18 physical or medical therapeutic activities or as providing or administering
19 medicines or drugs.
20 2. Nothing in this section shall prohibit any person listed in subsection
21 1 of this section from applying for a license or receiving a license if the adult day
22 care program owned or operated by such person conforms to the provisions of
23 sections **[**199.025 and 660.403 to 660.420**]** **192.1040 to 192.1058** and all
24 applicable rules promulgated pursuant thereto.

[660.407.**]** **192.1046.** 1. The director, or **[**his**]** **the director's** authorized
2 representative, shall have the right to enter the premises of an applicant for or
3 holder of a license at any time during the hours of operation of a center to
4 determine compliance with provisions of sections **[**199.025 and 660.403 to
5 660.420**]** **192.1040 to 192.1058** and applicable rules promulgated pursuant
6 thereto. Entry shall also be granted for investigative purposes involving
7 complaints regarding the operations of an adult day care program. The **[**division**]**
8 **department** shall make at least two inspections per year, at least one of which
9 shall be unannounced to the operator or provider. The **[**division**]** **department**
10 may make such other inspections, announced or unannounced, as it deems
11 necessary to carry out the provisions of sections **[**199.025 and 660.403 to 660.420**]**
12 **192.1040 to 192.1058**.
13 2. The applicant for or holder of a license shall cooperate with the
14 investigation and inspection by providing access to the adult day care program,

15 records and staff, and by providing access to the adult day care program to
16 determine compliance with the rules promulgated pursuant to sections **[**199.025
17 and 660.403 to 660.420**] 192.1040 to 192.1058**.
18 3. Failure to comply with any lawful request of the **[**division**]**
19 **department** in connection with the investigation and inspection is a ground for
20 refusal to issue a license or for the suspension or revocation of a license.
21 4. The **[**division**] department** may designate to act for it, with full
22 authority of law, any instrumentality of any political subdivision of the state of
23 Missouri deemed by the **[**division**] department** to be competent to investigate
24 and inspect applicants for or holders of licenses.

[660.409.**] 192.1048.** Each application for a license, or the renewal
2 thereof, issued pursuant to sections **[**199.025 and 660.403 to 660.420**] 192.1040**
3 **to 192.1058** shall be accompanied by a nonrefundable fee in the amount required
4 by the **[**division**] department**. The fee, to be determined by the director **[**of the
5 division**]**, shall not exceed one hundred dollars and shall be based on the licensed
6 capacity of the applicant.

[660.411.**] 192.1050.** The **[**division**] department** shall offer technical
2 assistance or consultation to assist applicants for or holders of licenses or
3 provisional licenses in meeting the requirements of sections **[**199.025 and 660.403
4 to 660.420**] 192.1040 to 192.1058**, staff qualifications, and other aspects
5 involving the operation of an adult day care program, and to assist in the
6 achievement of programs of excellence related to the provision of adult day care.

[660.414.**] 192.1052.** 1. Whenever the **[**division**] department** is advised
2 or has reason to believe that any person is operating an adult day care program
3 without a license, or provisional license, or that any holder of license, or
4 provisional license is not in compliance with the provisions of sections **[**199.025
5 and 660.403 to 660.420**] 192.1040 to 192.1058**, the **[**division**] department** shall
6 make an investigation and inspection to ascertain the facts. If the **[**division**]**
7 **department** is not permitted access to the adult day care program in question,
8 the **[**division**] department** may apply to the circuit court of the county in which
9 the program is located for an order authorizing entry for inspection. The court
10 shall issue the order if it finds reasonable grounds necessitating the inspection.
11 2. If the **[**division**] department** finds that the adult day care program is
12 being operated in violation of sections **[**199.025 and 660.403 to 660.420**] 192.1040**
13 **to 192.1058**, it may seek, among other remedies, injunctive relief against the
14 adult day care program.

[660.416.**] 192.1054.** 1. Any person aggrieved by an official action of the **[**division**] department** either refusing to issue a license or revoking or suspending a license may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, et seq.; except that, the petition must be filed with the administrative hearing commission within thirty days after the mailing or delivery of notice to the applicant for or holder of such license or certificate. When the notification of the official action is mailed to the applicant for or holder of such a license, there shall be included in the notice a statement of the procedure whereby the applicant for or holder of such license may appeal the decision of the **[**division**] department** before the administrative hearing commission. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing or exhaust any other procedure within the **[**division**] department**.

2. The administrative hearing commission may stay the revocation or suspension of such certificate or license, pending the commission's findings and determination in the cause, upon such conditions as the commission deems necessary and appropriate including the posting of bond or other security; except that, the commission shall not grant a stay or if a stay has already been entered shall set aside its stay, if, upon application of the **[**division**] department**, the commission finds reason to believe that continued operation of the facility to which the certificate or license in question applies pending the commission's final determination would present an imminent danger to the health, safety or welfare of any person or a substantial probability that death or serious physical harm would result. In any case in which the **[**division**] department** has refused to issue a certificate or license, the commission shall have no authority to stay or to require the issuance of a license pending final determination by the commission.

3. The administrative hearing commission shall make the final decision as to the issuance, suspension, or revocation of a license. Any person aggrieved by a final decision of the administrative hearing commission, including the **[**division**] department**, may seek judicial review of such decision by filing a petition for review in the court of appeals for the district in which the adult day care program to which the license in question applies is located. Review shall be had in accordance with the provisions of sections 161.337 and 161.338.

[660.418.**] 192.1056.** The director of the **[**division**] department** shall have the authority to promulgate rules pursuant to this section and chapter 536 in order to carry out the provisions of sections **[**199.025 and 660.403 to 660.420**]**

192.1040 to 192.1058. No rule or portion of a rule promulgated under the authority of section **[**199.025 and sections 660.403 to 660.420**] 192.1040 to 192.1058** shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

[660.420.**] 192.1058.** 1. Any person who violates any provision of sections **[**199.025 and 660.403 to 660.420**] 192.1040 to 192.1058**, or who, for himself or for any other person, makes materially false statements in order to obtain a certificate or license, or the renewal thereof, issued pursuant to sections **[**199.025 and 660.403 to 660.420**] 192.1040 to 192.1058**, shall be guilty of a class A misdemeanor.

2. Any person who is convicted pursuant to this section shall, in addition to all other penalties provided by law, have any license issued to him **or her** under sections **[**199.025 and 660.403 to 660.420**] 192.1040 to 192.1058** revoked, and shall not operate, nor hold any license to operate, any adult day care program, or other entity governed by the provisions of sections **[**199.025 and 660.403 to 660.420**] 192.1040 to 192.1058** for a period of three years after such conviction.

[660.600.**] 192.1060.** As used in sections **[**660.600 to 660.608**] 192.1060 to 192.1066**, the following terms mean:

(1) **[**"Division", the division of aging of the department of social services**] "Department", the department of health and senior services**;

(2) "Long-term care facility", any facility licensed pursuant to chapter 198 and long-term care facilities connected with hospitals licensed pursuant to chapter 197;

(3) "Office", the office of the state ombudsman for long-term care facility residents;

(4) "Ombudsman", the state ombudsman for long-term care facility residents;

(5) "Regional ombudsman coordinators", designated individuals working for, or under contract with, the area agencies on aging, and who are so designated by the area agency on aging and certified by the ombudsman as meeting the qualifications established by the **[**division**] department**;

(6) "Resident", any person who is receiving care or treatment in a long-term care facility.

[660.603.**] 192.1062.** 1. There is hereby established within the department of health and senior services the "Office of State Ombudsman for

3 Long-Term Care Facility Residents", for the purpose of helping to assure the
4 adequacy of care received by residents of long-term care facilities and to improve
5 the quality of life experienced by them, in accordance with the federal Older
6 Americans Act, 42 U.S.C. 3001, et seq.

7 2. The office shall be administered by the state ombudsman, who shall
8 devote his or her entire time to the duties of his or her position.

9 3. The office shall establish and implement procedures for receiving,
10 processing, responding to, and resolving complaints made by or on behalf of
11 residents of long-term care facilities relating to action, inaction, or decisions of
12 providers, or their representatives, of long-term care services, of public agencies
13 or of social service agencies, which may adversely affect the health, safety,
14 welfare or rights of such residents.

15 4. The department shall establish and implement procedures for
16 resolution of complaints. The ombudsman or representatives of the office shall
17 have the authority to:

18 (1) Enter any long-term care facility and have access to residents of the
19 facility at a reasonable time and in a reasonable manner. The ombudsman shall
20 have access to review resident records, if given permission by the resident or the
21 resident's legal guardian. Residents of the facility shall have the right to request,
22 deny, or terminate visits with an ombudsman;

23 (2) Make the necessary inquiries and review such information and records
24 as the ombudsman or representative of the office deems necessary to accomplish
25 the objective of verifying these complaints.

26 5. The office shall acknowledge complaints, report its findings, make
27 recommendations, gather and disseminate information and other material, and
28 publicize its existence.

29 6. The ombudsman may recommend to the relevant governmental agency
30 changes in the rules and regulations adopted or proposed by such governmental
31 agency which do or may adversely affect the health, safety, welfare, or civil or
32 human rights of any resident in a facility. The office shall analyze and monitor
33 the development and implementation of federal, state and local laws, regulations
34 and policies with respect to long-term care facilities and services in the state and
35 shall recommend to the department changes in such laws, regulations and
36 policies deemed by the office to be appropriate.

37 7. The office shall promote community contact and involvement with
38 residents of facilities through the use of volunteers and volunteer programs

39 directed by the regional ombudsman coordinators.

40 8. The office shall develop and establish by regulation of the department
41 statewide policies and standards for implementing the activities of the
42 ombudsman program, including the qualifications and the training of regional
43 ombudsman coordinators and ombudsman volunteers.

44 9. The office shall develop and propose programs for use, training and
45 coordination of volunteers in conjunction with the regional ombudsman
46 coordinators and may:

47 (1) Establish and conduct recruitment programs for volunteers;

48 (2) Establish and conduct training seminars, meetings and other programs
49 for volunteers; and

50 (3) Supply personnel, written materials and such other reasonable
51 assistance, including publicizing their activities, as may be deemed necessary.

52 10. The regional ombudsman coordinators and ombudsman volunteers
53 shall have the authority to report instances of abuse and neglect to the
54 ombudsman hotline operated by the department.

55 11. If the regional ombudsman coordinator or volunteer finds that a
56 nursing home administrator is not willing to work with the ombudsman program
57 to resolve complaints, the state ombudsman shall be notified. The department
58 shall establish procedures by rule in accordance with chapter 536 for
59 implementation of this subsection.

60 12. The office shall prepare and distribute to each facility written notices
61 which set forth the address and telephone number of the office, a brief
62 explanation of the function of the office, the procedure to follow in filing a
63 complaint and other pertinent information.

64 13. The administrator of each facility shall ensure that such written
65 notice is given to every resident or the resident's guardian upon admission to the
66 facility and to every person already in residence, or to his **or her** guardian. The
67 administrator shall also post such written notice in a conspicuous, public place
68 in the facility in the number and manner set forth in the regulations adopted by
69 the department.

70 14. The office shall inform residents, their guardians or their families of
71 their rights and entitlements under state and federal laws and rules and
72 regulations by means of the distribution of educational materials and group
73 meetings.

[660.605.**]** **192.1064.** 1. Any files maintained by the ombudsman

program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(1) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(2) Such disclosure is required by court order.

2. Any representative of the office conducting or participating in any examination of a complaint who shall knowingly and willfully disclose to any person other than the office, or those authorized by the office to receive it, the name of any witness examined or any information obtained or given upon such examination, shall be guilty of a class A misdemeanor. However, the ombudsman conducting or participating in any examination of a complaint shall disclose the final result of the examination to the facility with the consent of the resident.

3. Any statement or communication made by the office relevant to a complaint received by, proceedings before or activities of the office and any complaint or information made or provided in good faith by any person, shall be absolutely privileged and such person shall be immune from suit.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections **[**660.600 to 660.608**] 192.1060 to 192.1066**, or where otherwise required by court order.

[660.608.**] 192.1066.** 1. Any regional coordinator or local program staff, whether an employee or an unpaid volunteer, shall be treated as a representative of the office. No representative of the office shall be held liable for good faith performance of his **or her** official duties under the provisions of sections **[**660.600 to 660.608**] 192.1060 to 192.1066** and shall be immune from suit for the good faith performance of such duties. Every representative of the office shall be considered a state employee under section 105.711.

2. No reprisal or retaliatory action shall be taken against any resident or employee of a long-term care facility for any communication made or information given to the office. Any person who knowingly or willfully violates the provisions of this subsection shall be guilty of a class A misdemeanor. Any person who serves or served on a quality assessment and assurance committee required under 42 U.S.C. sec. 1396r(b)(1)(B) and 42 CFR sec. 483.75(r), or as amended, shall be immune from civil liability only for acts done directly as a member of such

15 committee so long as the acts are performed in good faith, without malice and are
16 required by the activities of such committee as defined in 42 CFR sec. 483.75(r).

[660.250.**]** **192.1080.** As used in sections **[**660.250 to 660.321**]** **192.1080**
2 **to 192.1114**, the following terms mean:

3 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm
4 including financial exploitation by any person, firm or corporation;

5 (2) "Court", the circuit court;

6 (3) "Department", the department of health and senior services;

7 (4) "Director", director of the department of health and senior services or
8 his or her designees;

9 (5) "Eligible adult", a person sixty years of age or older who is unable to
10 protect his or her own interests or adequately perform or obtain services which
11 are necessary to meet his or her essential human needs or an adult with a
12 disability, as defined in section **[**660.053**]** **192.1002**, between the ages of eighteen
13 and fifty-nine who is unable to protect his or her own interests or adequately
14 perform or obtain services which are necessary to meet his or her essential
15 human needs;

16 (6) "Home health agency", the same meaning as such term is defined in
17 section 197.400;

18 (7) "Home health agency employee", a person employed by a home health
19 agency;

20 (8) "Home health patient", an eligible adult who is receiving services
21 through any home health agency;

22 (9) "In-home services client", an eligible adult who is receiving services in
23 his or her private residence through any in-home services provider agency;

24 (10) "In-home services employee", a person employed by an in-home
25 services provider agency;

26 (11) "In-home services provider agency", a business entity under contract
27 with the department or with a Medicaid participation agreement, which employs
28 persons to deliver any kind of services provided for eligible adults in their private
29 homes;

30 (12) "Least restrictive environment", a physical setting where protective
31 services for the eligible adult and accommodation is provided in a manner no
32 more restrictive of an individual's personal liberty and no more intrusive than
33 necessary to achieve care and treatment objectives;

34 (13) "Likelihood of serious physical harm", one or more of the following:

35 (a) A substantial risk that physical harm to an eligible adult will occur
36 because of his or her failure or inability to provide for his or her essential human
37 needs as evidenced by acts or behavior which has caused such harm or which
38 gives another person probable cause to believe that the eligible adult will sustain
39 such harm;
40 (b) A substantial risk that physical harm will be inflicted by an eligible
41 adult upon himself or herself, as evidenced by recent credible threats, acts, or
42 behavior which has caused such harm or which places another person in
43 reasonable fear that the eligible adult will sustain such harm;
44 (c) A substantial risk that physical harm will be inflicted by another upon
45 an eligible adult as evidenced by recent acts or behavior which has caused such
46 harm or which gives another person probable cause to believe the eligible adult
47 will sustain such harm;
48 (d) A substantial risk that further physical harm will occur to an eligible
49 adult who has suffered physical injury, neglect, sexual or emotional abuse, or
50 other maltreatment or wasting of his or her financial resources by another
51 person;
52 (14) "Neglect", the failure to provide services to an eligible adult by any
53 person, firm or corporation with a legal or contractual duty to do so, when such
54 failure presents either an imminent danger to the health, safety, or welfare of the
55 client or a substantial probability that death or serious physical harm would
56 result;
57 (15) "Protective services", services provided by the state or other
58 governmental or private organizations or individuals which are necessary for the
59 eligible adult to meet his or her essential human needs.

[660.255.**] 192.1082.** 1. Any person having reasonable cause to suspect
2 that an eligible adult presents a likelihood of suffering serious physical harm and
3 is in need of protective services shall report such information to the department.
4 2. The report shall be made orally or in writing. It shall include, if
5 known:
6 (1) The name, age, and address of the eligible adult;
7 (2) The name and address of any person responsible for the eligible adult's
8 care;
9 (3) The nature and extent of the eligible adult's condition; and
10 (4) Other relevant information.
11 3. Reports regarding persons determined not to be eligible adults as

defined in section **[**660.250**] 192.1080** shall be referred to the appropriate state or local authorities.

4. The department shall maintain a statewide toll free phone number for receipt of reports.

[660.260.**] 192.1084.** Upon receipt of a report, the department shall make a prompt and thorough investigation to determine whether or not an eligible adult is facing a likelihood of serious physical harm and is in need of protective services. The department shall provide for any of the following:

(1) Identification of the eligible adult and determination that the eligible adult is eligible for services;

(2) Evaluation and diagnosis of the needs of eligible adults;

(3) Provision of social casework, counseling or referral to the appropriate local or state authority;

(4) Assistance in locating and receiving alternative living arrangements as necessary;

(5) Assistance in locating and receiving necessary protective services; or

(6) The coordination and cooperation with other state agencies and public and private agencies in exchange of information and the avoidance of duplication of services.

[660.261.**] 192.1086.** Upon receipt of a report that an eligible adult between the ages of eighteen and fifty-nine is facing a likelihood of serious physical harm, the department shall:

(1) Investigate or refer the report to appropriate law enforcement or state agencies; and

(2) Provide services or refer to local community or state agencies.

[660.263.**] 192.1088.** 1. Reports made pursuant to sections **[**660.250 to 660.295**] 192.1080 to 192.1100** shall be confidential and shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or chapter 610.

2. Such reports shall be accessible for examination and copying only to the following persons or offices, or to their designees:

(1) The department or any person or agency designated by the department;

(2) The attorney general;

(3) The department of mental health for persons referred to that department;

12 (4) Any appropriate law enforcement agency; and
13 (5) The eligible adult or **[**his**]** **such adult's** legal guardian.
14 3. The name of the reporter shall not be disclosed unless:
15 (1) Such reporter specifically authorizes disclosure of his **or her** name;
16 and
17 (2) The department determines that disclosure of the name of the reporter
18 is necessary in order to prevent further harm to an eligible adult.
19 4. Any person who violates the provisions of this section, or who permits
20 or encourages the unauthorized dissemination of information contained in the
21 central registry and in reports and records made pursuant to sections **[**660.250
22 to 660.295**]** **192.1080 to 192.1100**, shall be guilty of a class A misdemeanor.
23 5. The department shall maintain a central registry capable of receiving
24 and maintaining reports received in a manner that facilitates rapid access and
25 recall of the information reported, and of subsequent investigations and other
26 relevant information. The department shall electronically record any telephone
27 report of suspected abuse and neglect received by the department and such
28 recorded reports shall be retained by the department for a period of one year after
29 recording.
30 6. Although reports to the central registry may be made anonymously, the
31 department shall in all cases, after obtaining relevant information regarding the
32 alleged abuse or neglect, attempt to obtain the name and address of any person
33 making a report.

[660.265.**]** **192.1090.** When an eligible adult gives consent to receive
2 protective services, the department shall assist the adult in locating and
3 arranging for necessary services in the least restrictive environment reasonably
4 available.

[660.270.**]** **192.1092.** When the department receives a report that there
2 has been abuse or neglect, or that there otherwise is a likelihood of serious
3 physical harm to an eligible adult and that he or she is in need of protective
4 services and the department is unable to conduct an investigation because access
5 to the eligible adult is barred by any person, the director may petition the
6 appropriate court for a warrant or other order to enter upon the described
7 premises and investigate the report or to produce the information. The
8 application for the warrant or order shall identify the eligible adult and the facts
9 and circumstances which require the issuance of the warrant or order. The
10 director may also seek an order to enjoin the person from barring access to an

11 eligible adult or from interfering with the investigation. If the court finds that,
12 based on the report and relevant circumstances and facts, probable cause exists
13 showing that the eligible adult faces abuse or neglect, or otherwise faces a
14 likelihood of serious physical harm and is in need of protective services and the
15 director has been prevented by another person from investigating the report, the
16 court may issue the warrant or enjoin the interference with the investigation or
17 both.

[660.275.**] 192.1094.** If an eligible adult gives consent to receive
2 protective services and any other person interferes with or prevents the delivery
3 of such services, the director may petition the appropriate court for an order to
4 enjoin the interference with the delivery of the services. The petition shall allege
5 the consent of the eligible adult and shall allege specific facts sufficient to show
6 that the eligible adult faces a likelihood of serious physical harm and is in need
7 of the protective services and that delivery is barred by the person named in the
8 petition. If the court finds upon a preponderance of evidence that the allegations
9 in the petition are true, the court may issue an order enjoining the interference
10 with the delivery of the protective services and may establish such conditions and
11 restrictions on the delivery as the court deems necessary and proper under the
12 circumstances.

[660.280.**] 192.1096.** When an eligible adult facing the likelihood of
2 serious physical harm and in need of protective services is unable to give consent
3 because of incapacity or legal disability and the guardian of the eligible adult
4 refuses to provide the necessary services or allow the provision of such services,
5 the director shall inform the court having supervisory jurisdiction over the
6 guardian of the facts showing that the eligible adult faces the likelihood of serious
7 physical harm and is in need of protective services and that the guardian refuses
8 to provide the necessary services or allow the provision of such services under the
9 provisions of sections **[**660.250 to 660.295**] 192.1080 to 192.1100**. Upon receipt
10 of such information, the court may take such action as it deems necessary and
11 proper to insure that the eligible adult is able to meet his **or her** essential
12 human needs.

[660.285.**] 192.1097.** 1. If the director determines after an investigation
2 that an eligible adult is unable to give consent to receive protective services and
3 presents a likelihood of serious physical harm, the director may initiate
4 proceedings pursuant to chapter 202 or chapter 475, if appropriate.

5 2. In order to expedite adult guardianship and conservatorship cases, the

department may retain, within existing funding sources of the department, legal counsel on a case-by-case basis.

[660.290.**] 192.1098.** 1. When a peace officer has probable cause to believe that an eligible adult will suffer an imminent likelihood of serious physical harm if not immediately placed in a medical facility for care and treatment, that the adult is incapable of giving consent, and that it is not possible to follow the procedures in section **[**660.285**] 192.1097**, the officer may transport, or arrange transportation for, the eligible adult to an appropriate medical facility which may admit the eligible adult and shall notify the next of kin, if known, and the director.

2. Where access to the eligible adult is barred and a substantial likelihood exists of serious physical harm resulting to the eligible adult if **[**he**] such eligible adult** is not immediately afforded protective services, the peace officer may apply to the appropriate court for a warrant to enter upon the described premises and remove the eligible adult. The application for the warrant shall identify the eligible adult and the circumstances and facts which require the issuance of the warrant.

3. If immediately upon admission to a medical facility, a person who is legally authorized to give consent for the provision of medical treatment for the eligible adult, has not given or refused to give such consent, and it is the opinion of the medical staff of the facility that treatment is necessary to prevent serious physical harm, the director or the head of the medical facility shall file a petition in the appropriate court for an order authorizing specific medical treatment. The court shall hold a hearing and issue its decision forthwith. Notwithstanding the above, if a licensed physician designated by the facility for such purpose examines the eligible adult and determines that the treatment is immediately or imminently necessary and any delay occasioned by the hearing provided in this subsection would jeopardize the life of the person affected, the medical facility may treat the eligible adult prior to such court hearing.

4. The court shall conduct a hearing pursuant to chapter 475 forthwith and, if the court finds the eligible adult incapacitated, it shall appoint a guardian ad litem for the person of the eligible adult to determine the nature and extent of the medical treatment necessary for the benefit of the eligible adult and to supervise the rendition of such treatment. The guardian ad litem shall promptly report the completion of treatment to the court, who shall thereupon conduct a restoration hearing or a hearing to appoint a permanent guardian.

5. The medical care under this section may not be rendered in a mental health facility unless authorized pursuant to the civil commitment procedures in chapter 632.

6. Nothing contained in this section or in any other section of sections **[**660.250 to 660.295**]** **192.1080 to 192.1100** shall be construed as requiring physician or medical care or hospitalization of any person who, because of religious faith or conviction, relies on spiritual means or prayer to cure or prevent disease or suffering nor shall any provision of sections **[**660.250 to 660.295**]** **192.1080 to 192.1100** be construed so as to designate any person as an eligible adult who presents a likelihood of suffering serious physical harm and is in need of protective services solely because such person, because of religious faith or conviction, relies on spiritual means or prayer to cure or prevent disease or suffering.

[660.295.**]** **192.1100.** If an eligible adult does not consent to the receipt of reasonable and necessary protective services, or if an eligible adult withdraws previously given consent, the protective services shall not be provided or continued; except that, if the director has reasonable cause to believe that the eligible adult lacks the capacity to consent, the director may seek a court order pursuant to the provisions of section **[**660.285**]** **192.1097**.

[660.300.**]** **192.1102.** 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

18 2. When a report of deteriorating physical condition resulting in possible
19 abuse or neglect of an in-home services client is received by the department, the
20 client's case manager and the department nurse shall be notified. The client's
21 case manager shall investigate and immediately report the results of the
22 investigation to the department nurse. The department may authorize the
23 in-home services provider nurse to assist the case manager with the investigation.
24 3. If requested, local area agencies on aging shall provide volunteer
25 training to those persons listed in subsection 1 of this section regarding the
26 detection and report of abuse and neglect pursuant to this section.
27 4. Any person required in subsection 1 of this section to report or cause
28 a report to be made to the department who fails to do so within a reasonable time
29 after the act of abuse or neglect is guilty of a class A misdemeanor.
30 5. The report shall contain the names and addresses of the in-home
31 services provider agency, the in-home services employee, the in-home services
32 client, the home health agency, the home health agency employee, information
33 regarding the nature of the abuse or neglect, the name of the complainant, and
34 any other information which might be helpful in an investigation.
35 6. In addition to those persons required to report under subsection 1 of
36 this section, any other person having reasonable cause to believe that an in-home
37 services client or home health patient has been abused or neglected by an
38 in-home services employee or home health agency employee may report such
39 information to the department.
40 7. If the investigation indicates possible abuse or neglect of an in-home
41 services client or home health patient, the investigator shall refer the complaint
42 together with his or her report to the department director or his or her designee
43 for appropriate action. If, during the investigation or at its completion, the
44 department has reasonable cause to believe that immediate action is necessary
45 to protect the in-home services client or home health patient from abuse or
46 neglect, the department or the local prosecuting attorney may, or the attorney
47 general upon request of the department shall, file a petition for temporary care
48 and protection of the in-home services client or home health patient in a circuit
49 court of competent jurisdiction. The circuit court in which the petition is filed
50 shall have equitable jurisdiction to issue an ex parte order granting the
51 department authority for the temporary care and protection of the in-home
52 services client or home health patient, for a period not to exceed thirty days.
53 8. Reports shall be confidential, as provided under section **[**660.320**]**

54 **192.1112.**

55 9. Anyone, except any person who has abused or neglected an in-home
56 services client or home health patient, who makes a report pursuant to this
57 section or who testifies in any administrative or judicial proceeding arising from
58 the report shall be immune from any civil or criminal liability for making such
59 a report or for testifying except for liability for perjury, unless such person acted
60 negligently, recklessly, in bad faith, or with malicious purpose.

61 10. Within five working days after a report required to be made under this
62 section is received, the person making the report shall be notified in writing of
63 its receipt and of the initiation of the investigation.

64 11. No person who directs or exercises any authority in an in-home
65 services provider agency or home health agency shall harass, dismiss or retaliate
66 against an in-home services client or home health patient, or an in-home services
67 employee or a home health agency employee because he **or she** or any member
68 of his or her family has made a report of any violation or suspected violation of
69 laws, standards or regulations applying to the in-home services provider agency
70 or home health agency or any in-home services employee or home health agency
71 employee which he **or she** has reasonable cause to believe has been committed
72 or has occurred.

73 12. Any person who abuses or neglects an in-home services client or home
74 health patient is subject to criminal prosecution under section 565.180, 565.182,
75 or 565.184. If such person is an in-home services employee and has been found
76 guilty by a court, and if the supervising in-home services provider willfully and
77 knowingly failed to report known abuse by such employee to the department, the
78 supervising in-home services provider may be subject to administrative penalties
79 of one thousand dollars per violation to be collected by the department and the
80 money received therefor shall be paid to the director of revenue and deposited in
81 the state treasury to the credit of the general revenue fund. Any in-home services
82 provider which has had administrative penalties imposed by the department or
83 which has had its contract terminated may seek an administrative review of the
84 department's action pursuant to chapter 621. Any decision of the administrative
85 hearing commission may be appealed to the circuit court in the county where the
86 violation occurred for a trial de novo. For purposes of this subsection, the term
87 "violation" means a determination of guilt by a court.

88 13. The department shall establish a quality assurance and supervision
89 process for clients that requires an in-home services provider agency to conduct

90 random visits to verify compliance with program standards and verify the
91 accuracy of records kept by an in-home services employee.

92 14. The department shall maintain the employee disqualification list and
93 place on the employee disqualification list the names of any persons who have
94 been finally determined by the department, pursuant to section **[**660.315**]**
95 **192.1108**, to have recklessly, knowingly or purposely abused or neglected an
96 in-home services client or home health patient while employed by an in-home
97 services provider agency or home health agency. For purposes of this section
98 only, "knowingly" and "recklessly" shall have the meanings that are ascribed to
99 them in this section. A person acts "knowingly" with respect to the person's
100 conduct when a reasonable person should be aware of the result caused by his or
101 her conduct. A person acts "recklessly" when the person consciously disregards
102 a substantial and unjustifiable risk that the person's conduct will result in
103 serious physical injury and such disregard constitutes a gross deviation from the
104 standard of care that a reasonable person would exercise in the situation.

105 15. At the time a client has been assessed to determine the level of care
106 as required by rule and is eligible for in-home services, the department shall
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,
108 and environmental capacity. The department shall develop the safe at home
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe
110 at home evaluation is to assure that each client has the appropriate level of
111 services and professionals involved in the client's care. The plan of service or
112 care for each in-home services client shall be authorized by a nurse. The
113 department may authorize the licensed in-home services nurse, in lieu of the
114 department nurse, to conduct the assessment of the client's condition and to
115 establish a plan of services or care. The department may use the expertise,
116 services, or programs of other departments and agencies on a case-by-case basis
117 to establish the plan of service or care. The department may, as indicated by the
118 safe at home evaluation, refer any client to a mental health professional, as
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120 16. Authorized nurse visits shall occur at least twice annually to assess
121 the client and the client's plan of services. The provider nurse shall report the
122 results of his or her visits to the client's case manager. If the provider nurse
123 believes that the plan of service requires alteration, the department shall be
124 notified and the department shall make a client evaluation. All authorized nurse
125 visits shall be reimbursed to the in-home services provider. All authorized nurse

126 visits shall be reimbursed outside of the nursing home cap for in-home services
127 clients whose services have reached one hundred percent of the average statewide
128 charge for care and treatment in an intermediate care facility, provided that the
129 services have been preauthorized by the department.

130 17. All in-home services clients shall be advised of their rights by the
131 department or the department's designee at the initial evaluation. The rights
132 shall include, but not be limited to, the right to call the department for any
133 reason, including dissatisfaction with the provider or services. The department
134 may contract for services relating to receiving such complaints. The department
135 shall establish a process to receive such nonabuse and neglect calls other than the
136 elder abuse and neglect hotline.

137 18. Subject to appropriations, all nurse visits authorized in sections
138 **[**660.250 to 660.300**]** **192.1080 to 192.1102** shall be reimbursed to the in-home
139 services provider agency.

[660.305.**]** **192.1104.** 1. Any person having reasonable cause to believe
2 that a misappropriation of an in-home services client's property or funds, or the
3 falsification of any documents verifying service delivery to the in-home services
4 client has occurred, may report such information to the department.

5 2. For each report the department shall attempt to obtain the names and
6 addresses of the in-home services provider agency, the in-home services employee,
7 the in-home services client, information regarding the nature of the
8 misappropriation or falsification, the name of the complainant, and any other
9 information which might be helpful in an investigation.

10 3. Any in-home services provider agency or in-home services employee who
11 puts to his or her own use or the use of the in-home services provider agency or
12 otherwise diverts from the in-home services client's use any personal property or
13 funds of the in-home services client, or falsifies any documents for service
14 delivery, is guilty of a class A misdemeanor.

15 4. Upon receipt of a report, the department shall immediately initiate an
16 investigation and report information gained from such investigation to
17 appropriate law enforcement authorities.

18 5. If the investigation indicates probable misappropriation of property or
19 funds, or falsification of any documents for service delivery of an in-home services
20 client, the investigator shall refer the complaint together with the investigator's
21 report to the department director or the director's designee for appropriate action.

22 6. Reports shall be confidential, as provided under section **[**660.320**]**

23 **192.1112**.

24 7. Anyone, except any person participating in or benefitting from the
25 misappropriation of funds, who makes a report pursuant to this section or who
26 testifies in any administrative or judicial proceeding arising from the report shall
27 be immune from any civil or criminal liability for making such a report or for
28 testifying except for liability for perjury, unless such person acted negligently,
29 recklessly, in bad faith, or with malicious purpose.

30 8. Within five working days after a report required to be made under this
31 section is received, the person making the report shall be notified in writing of
32 its receipt and of the initiation of the investigation.

33 9. No person who directs or exercises any authority in an in-home services
34 provider agency shall harass, dismiss or retaliate against an in-home services
35 client or employee because he or she or any member of his or her family has made
36 a report of any violation or suspected violation of laws, ordinances or regulations
37 applying to the in-home services provider agency or any in-home services
38 employee which he or she has reasonable cause to believe has been committed or
39 has occurred.

40 10. The department shall maintain the employee disqualification list and
41 place on the employee disqualification list the names of any persons who are or
42 have been employed by an in-home service provider agency and who have been
43 finally determined by the department to, pursuant to section **[**660.315**]** **192.1108**,
44 have misappropriated any property or funds, or falsified any documents for
45 service delivery of an in-home services client and who came to be known to the
46 person, directly, or indirectly while employed by an in-home services provider
47 agency.

[660.310.**]** **192.1106.** 1. Notwithstanding any other provision of law, if
2 the department of health and senior services proposes to deny, suspend, place on
3 probation, or terminate an in-home services provider agency contract, the
4 department of health and senior services shall serve upon the applicant or
5 contractor written notice of the proposed action to be taken. The notice shall
6 contain a statement of the type of action proposed, the basis for it, the date the
7 action will become effective, and a statement that the applicant or contractor
8 shall have thirty days from the date of mailing or delivery of the notice to file a
9 complaint requesting a hearing before the administrative hearing
10 commission. The administrative hearing commission may consolidate an
11 applicant's or contractor's complaint with any proceeding before the

12 administrative hearing commission filed by such contractor or applicant pursuant
13 to subsection 3 of section 208.156 involving a common question of law or
14 fact. Upon the filing of the complaint, the provisions of sections 621.110, 621.120,
15 621.125, 621.135, and 621.145 shall apply. With respect to cases in which the
16 department has denied a contract to an in-home services provider agency, the
17 administrative hearing commission shall conduct a hearing to determine the
18 underlying basis for such denial. However, if the administrative hearing
19 commission finds that the contract denial is supported by the facts and the law,
20 the case need not be returned to the department. The administrative hearing
21 commission's decision shall constitute affirmation of the department's contract
22 denial.

23 2. The department of health and senior services may issue letters of
24 censure or warning without formal notice or hearing.

25 3. The administrative hearing commission may stay the suspension or
26 termination of an in-home services provider agency's contract, or the placement
27 of the contractor on probation, pending the commission's findings and
28 determination in the cause, upon such conditions, with or without the agreement
29 of the parties, as the commission deems necessary and appropriate, including the
30 posting of bond or other security except that the commission shall not grant a
31 stay, or if a stay has already been entered shall set aside its stay, unless the
32 commission finds that the contractor has established that servicing the
33 **[**department's**]** **MO HealthNet's** clients pending the commission's final
34 determination would not present an imminent danger to the health, safety, or
35 welfare of any client or a substantial probability that death or serious physical
36 harm would result. The commission may remove the stay at any time that it
37 finds that the contractor has violated any of the conditions of the stay. Such stay
38 shall remain in effect, unless earlier removed by the commission, pending the
39 decision of the commission and any subsequent departmental action at which
40 time the stay shall be removed. In any case in which the department has refused
41 to issue a contract, the commission shall have no authority to stay or to require
42 the issuance of a contract pending final determination by the commission.

43 4. Stays granted to contractors by the administrative hearing commission
44 shall, as a condition of the stay, require at a minimum that the contractor under
45 the stay operate under the same contractual requirements and regulations as are
46 in effect, from time to time, as are applicable to all other contractors in the
47 program.

5. The administrative hearing commission shall make its final decision based upon the circumstances and conditions as they existed at the time of the action of the department and not based upon circumstances and conditions at the time of the hearing or decision of the commission.

6. In any proceeding before the administrative hearing commission pursuant to this section, the burden of proof shall be on the contractor or applicant seeking review.

7. Any person, including the department, aggrieved by a final decision of the administrative hearing commission may seek judicial review of such decision as provided in section 621.145.

[660.315.**] 192.1108.** 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the

27 department shall either remove the name from the list or grant a hearing and set
28 a date therefor.

29 5. Any hearing shall be conducted in the county of the person's residence
30 by the director of the department or the director's designee. The provisions of
31 chapter 536 for a contested case except those provisions or amendments which are
32 in conflict with this section shall apply to and govern the proceedings contained
33 in this section and the rights and duties of the parties involved. The person
34 appealing such an action shall be entitled to present evidence, pursuant to the
35 provisions of chapter 536, relevant to the allegations.

36 6. Upon the record made at the hearing, the director of the department
37 or the director's designee shall determine all questions presented and shall
38 determine whether the person shall be listed on the employee disqualification
39 list. The director of the department or the director's designee shall clearly state
40 the reasons for his or her decision and shall include a statement of findings of
41 fact and conclusions of law pertinent to the questions in issue.

42 7. A person aggrieved by the decision following the hearing shall be
43 informed of his or her right to seek judicial review as provided under chapter 536.
44 If the person fails to appeal the director's findings, those findings shall constitute
45 a final determination that the person shall be placed on the employee
46 disqualification list.

47 8. A decision by the director shall be inadmissible in any civil action
48 brought against a facility or the in-home services provider agency and arising out
49 of the facts and circumstances which brought about the employment
50 disqualification proceeding, unless the civil action is brought against the facility
51 or the in-home services provider agency by the department of health and senior
52 services or one of its divisions.

53 9. The length of time the person's name shall appear on the employee
54 disqualification list shall be determined by the director of the department of
55 health and senior services or the director's designee, based upon the following:

56 (1) Whether the person acted recklessly or knowingly, as defined in
57 chapter 562;

58 (2) The degree of the physical, sexual, or emotional injury or harm; or the
59 degree of the imminent danger to the health, safety or welfare of a resident or
60 in-home services client;

61 (3) The degree of misappropriation of the property or funds, or
62 falsification of any documents for service delivery of an in-home services client;

63 (4) Whether the person has previously been listed on the employee
64 disqualification list;
65 (5) Any mitigating circumstances;
66 (6) Any aggravating circumstances; and
67 (7) Whether alternative sanctions resulting in conditions of continued
68 employment are appropriate in lieu of placing a person's name on the employee
69 disqualification list. Such conditions of employment may include, but are not
70 limited to, additional training and employee counseling. Conditional employment
71 shall terminate upon the expiration of the designated length of time and the
72 person's submitting documentation which fulfills the department of health and
73 senior services' requirements.
74 10. The removal of any person's name from the list under this section
75 shall not prevent the director from keeping records of all acts finally determined
76 to have occurred under this section.
77 11. The department shall provide the list maintained pursuant to this
78 section to other state departments upon request and to any person, corporation,
79 organization, or association who:
80 (1) Is licensed as an operator under chapter 198;
81 (2) Provides in-home services under contract with the department **of**
82 **social services or its divisions**;
83 (3) Employs nurses and nursing assistants for temporary or intermittent
84 placement in health care facilities;
85 (4) Is approved by the department to issue certificates for nursing
86 assistants training;
87 (5) Is an entity licensed under chapter 197;
88 (6) Is a recognized school of nursing, medicine, or other health profession
89 for the purpose of determining whether students scheduled to participate in
90 clinical rotations with entities described in subdivision (1), (2), or (5) of this
91 subsection are included in the employee disqualification list; or
92 (7) Is a consumer reporting agency regulated by the federal Fair Credit
93 Reporting Act that conducts employee background checks on behalf of entities
94 listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer
95 reporting agency shall conduct the employee disqualification list check only upon
96 the initiative or request of an entity described in subdivisions (1), (2), (5), or (6)
97 of this subsection when the entity is fulfilling its duties required under this
98 section. The information shall be disclosed only to the requesting entity.

99 The department shall inform any person listed above who inquires of the
100 department whether or not a particular name is on the list. The department may
101 require that the request be made in writing. No person, corporation,
102 organization, or association who is entitled to access the employee disqualification
103 list may disclose the information to any person, corporation, organization, or
104 association who is not entitled to access the list. Any person, corporation,
105 organization, or association who is entitled to access the employee disqualification
106 list who discloses the information to any person, corporation, organization, or
107 association who is not entitled to access the list shall be guilty of an infraction.
108 12. No person, corporation, organization, or association who received the
109 employee disqualification list under subdivisions (1) to (7) of subsection 11 of this
110 section shall knowingly employ any person who is on the employee
111 disqualification list. Any person, corporation, organization, or association who
112 received the employee disqualification list under subdivisions (1) to (7) of
113 subsection 11 of this section, or any person responsible for providing health care
114 service, who declines to employ or terminates a person whose name is listed in
115 this section shall be immune from suit by that person or anyone else acting for
116 or in behalf of that person for the failure to employ or for the termination of the
117 person whose name is listed on the employee disqualification list.
118 13. Any employer or vendor as defined in sections 197.250, 197.400,
119 198.006, 208.900, or 660.250 required to deny employment to an applicant or to
120 discharge an employee, provisional or otherwise, as a result of information
121 obtained through any portion of the background screening and employment
122 eligibility determination process under section 210.903, or subsequent, periodic
123 screenings, shall not be liable in any action brought by the applicant or employee
124 relating to discharge where the employer is required by law to terminate the
125 employee, provisional or otherwise, and shall not be charged for unemployment
126 insurance benefits based on wages paid to the employee for work prior to the date
127 of discharge, pursuant to section 288.100, if the employer terminated the
128 employee because the employee:
129 (1) Has been found guilty, pled guilty or nolo contendere in this state or
130 any other state of a crime as listed in subsection 6 of section 660.317;
131 (2) Was placed on the employee disqualification list under this section
132 after the date of hire;
133 (3) Was placed on the employee disqualification registry maintained by
134 the department of mental health after the date of hire;

135 (4) Has a disqualifying finding under this section, section 660.317, or is
136 on any of the background check lists in the family care safety registry under
137 sections 210.900 to 210.936; or
138 (5) Was denied a good cause waiver as provided for in subsection 10 of
139 section 660.317.
140 14. Any person who has been listed on the employee disqualification list
141 may request that the director remove his or her name from the employee
142 disqualification list. The request shall be written and may not be made more
143 than once every twelve months. The request will be granted by the director upon
144 a clear showing, by written submission only, that the person will not commit
145 additional acts of abuse, neglect, misappropriation of the property or funds, or the
146 falsification of any documents of service delivery to an in-home services
147 client. The director may make conditional the removal of a person's name from
148 the list on any terms that the director deems appropriate, and failure to comply
149 with such terms may result in the person's name being relisted. The director's
150 determination of whether to remove the person's name from the list is not subject
151 to appeal.

[660.317.**] 192.1110.** 1. For the purposes of this section, the term
2 "provider" means any person, corporation or association who:
3 (1) Is licensed as an operator pursuant to chapter 198;
4 (2) Provides in-home services under contract with the department **of**
5 **social services or its divisions**;
6 (3) Employs nurses or nursing assistants for temporary or intermittent
7 placement in health care facilities;
8 (4) Is an entity licensed pursuant to chapter 197;
9 (5) Is a public or private facility, day program, residential facility or
10 specialized service operated, funded or licensed by the department of mental
11 health; or
12 (6) Is a licensed adult day care provider.
13 2. For the purpose of this section "patient or resident" has the same
14 meaning as such term is defined in section 43.540.
15 3. Prior to allowing any person who has been hired as a full-time,
16 part-time or temporary position to have contact with any patient or resident the
17 provider shall, or in the case of temporary employees hired through or contracted
18 for an employment agency, the employment agency shall prior to sending a
19 temporary employee to a provider:

20 (1) Request a criminal background check as provided in section 43.540.
21 Completion of an inquiry to the highway patrol for criminal records that are
22 available for disclosure to a provider for the purpose of conducting an employee
23 criminal records background check shall be deemed to fulfill the provider's duty
24 to conduct employee criminal background checks pursuant to this section; except
25 that, completing the inquiries pursuant to this subsection shall not be construed
26 to exempt a provider from further inquiry pursuant to common law requirements
27 governing due diligence. If an applicant has not resided in this state for five
28 consecutive years prior to the date of his or her application for employment, the
29 provider shall request a nationwide check for the purpose of determining if the
30 applicant has a prior criminal history in other states. The fingerprint cards and
31 any required fees shall be sent to the highway patrol's central repository. The
32 first set of fingerprints shall be used for searching the state repository of criminal
33 history information. If no identification is made, the second set of fingerprints
34 shall be forwarded to the Federal Bureau of Investigation, Identification Division,
35 for the searching of the federal criminal history files. The patrol shall notify the
36 submitting state agency of any criminal history information or lack of criminal
37 history information discovered on the individual. The provisions relating to
38 applicants for employment who have not resided in this state for five consecutive
39 years shall apply only to persons who have no employment history with a licensed
40 Missouri facility during that five-year period. Notwithstanding the provisions of
41 section 610.120, all records related to any criminal history information discovered
42 shall be accessible and available to the provider making the record request; and
43 (2) Make an inquiry to the department of health and senior services
44 whether the person is listed on the employee disqualification list as provided in
45 section **[**660.315**] 192.1108**.
46 4. When the provider requests a criminal background check pursuant to
47 section 43.540, the requesting entity may require that the applicant reimburse
48 the provider for the cost of such record check. When a provider requests a
49 nationwide criminal background check pursuant to subdivision (1) of subsection
50 3 of this section, the total cost to the provider of any background check required
51 pursuant to this section shall not exceed five dollars which shall be paid to the
52 state. State funding and the obligation of a provider to obtain a nationwide
53 criminal background check shall be subject to the availability of appropriations.
54 5. An applicant for a position to have contact with patients or residents
55 of a provider shall:

56 (1) Sign a consent form as required by section 43.540 so the provider may
57 request a criminal records review;
58 (2) Disclose the applicant's criminal history. For the purposes of this
59 subdivision "criminal history" includes any conviction or a plea of guilty to a
60 misdemeanor or felony charge and shall include any suspended imposition of
61 sentence, any suspended execution of sentence or any period of probation or
62 parole; and
63 (3) Disclose if the applicant is listed on the employee disqualification list
64 as provided in section **[**660.315**] 192.1108**.
65 6. An applicant who knowingly fails to disclose his or her criminal history
66 as required in subsection 5 of this section is guilty of a class A misdemeanor. A
67 provider is guilty of a class A misdemeanor if the provider knowingly hires or
68 retains a person to have contact with patients or residents and the person has
69 been convicted of, pled guilty to or nolo contendere in this state or any other state
70 or has been found guilty of a crime, which if committed in Missouri would be a
71 class A or B felony violation of chapter 565, 566 or 569, or any violation of
72 subsection 3 of section 198.070 or section 568.020.
73 7. Any in-home services provider agency or home health agency shall be
74 guilty of a class A misdemeanor if such agency knowingly employs a person to
75 provide in-home services or home health services to any in-home services client
76 or home health patient and such person either refuses to register with the family
77 care safety registry or is listed on any of the background check lists in the family
78 care safety registry pursuant to sections 210.900 to 210.937.
79 8. The highway patrol shall examine whether protocols can be developed
80 to allow a provider to request a statewide fingerprint criminal records review
81 check through local law enforcement agencies.
82 9. A provider may use a private investigatory agency rather than the
83 highway patrol to do a criminal history records review check, and alternatively,
84 the applicant pays the private investigatory agency such fees as the provider and
85 such agency shall agree.
86 10. Except for the hiring restriction based on the department of health
87 and senior services employee disqualification list established pursuant to section
88 **[**660.315**] 192.1108**, the department of health and senior services shall
89 promulgate rules and regulations to waive the hiring restrictions pursuant to this
90 section for good cause. For purposes of this section, "good cause" means the
91 department has made a determination by examining the employee's prior work

92 history and other relevant factors that such employee does not present a risk to
93 the health or safety of residents.

[660.320.**] 192.1112.** 1. Reports confidential under section 198.070 and
2 sections **[**660.300 to 660.315**] 192.1102 to 192.1108** shall not be deemed a public
3 record and shall not be subject to the provisions of section 109.180 or chapter
4 610. The name of the complainant or any person mentioned in the reports shall
5 not be disclosed unless:

6 (1) The complainant, resident or the in-home services client mentioned
7 agrees to disclosure of his or her name;

8 (2) The department determines that disclosure is necessary in order to
9 prevent further abuse, neglect, misappropriation of property or funds, or
10 falsification of any documents verifying service delivery to an in-home services
11 client;

12 (3) Release of a name is required for conformance with a lawful subpoena;

13 (4) Release of a name is required in connection with a review by the
14 administrative hearing commission in accordance with section 198.039;

15 (5) The department determines that release of a name is appropriate
16 when forwarding a report of findings of an investigation to a licensing authority;
17 or

18 (6) Release of a name is requested **[**by the division of family services**]** for
19 the purpose of licensure under chapter 210.

20 2. The department shall, upon request, provide to the division of
21 employment security within the department of labor and industrial relations
22 copies of the investigative reports that led to an employee being placed on the
23 disqualification list.

[660.321.**] 192.1114.** Notwithstanding any other provision of law, the
2 department shall not disclose personally identifiable medical, social, personal, or
3 financial records of any eligible adult being served by the division of senior
4 services except when disclosed in a manner that does not identify the eligible
5 adult, or when ordered to do so by a court of competent jurisdiction. Such records
6 shall be accessible without court order for examination and copying only to the
7 following persons or offices, or to their designees:

8 (1) The department or any person or agency designated by the department
9 for such purposes as the department may determine;

10 (2) The attorney general, to perform his or her constitutional or statutory
11 duties;

12 (3) The department of mental health for residents placed through that
13 department, to perform its constitutional or statutory duties;
14 (4) Any appropriate law enforcement agency, to perform its constitutional
15 or statutory duties;
16 (5) The eligible adult, his or her legal guardian or any other person
17 designated by the eligible adult; and
18 (6) The department of social services for individuals who receive Medicaid
19 benefits, to perform its constitutional or statutory duties.

193.075. 1. The forms of certificates and reports required by sections
2 193.005 to 193.325 or by regulations adopted hereunder shall include as a
3 minimum the items recommended by the federal agency responsible for national
4 vital statistics.
5 2. Each certificate, report, and other document required by sections
6 193.005 to 193.325 shall be on a form or in a format prescribed by the state
7 registrar.
8 3. All vital records shall contain the date received for registration.
9 4. Information required in certificates or reports authorized by sections
10 193.005 to 193.325 may be filed and registered by photographic, electronic, or
11 other means as prescribed by the state registrar.
12 5. In addition to other personal data required by the registrar to be
13 entered on a birth certificate, each parent shall furnish to the registrar the Social
14 Security account number, or numbers if applicable, issued to the parent unless
15 the registrar finds good cause for not requiring the furnishing of such number or
16 numbers. Good cause shall be determined in accordance with regulations
17 established by the Secretary of the United States Department of Health and
18 Human Services. The registrar shall make numbers furnished under this section
19 available to the **family support** division **[**of child support enforcement**]** of the
20 department of social services. Such numbers shall not be recorded on the birth
21 certificate. The **family support** division **[**of child support enforcement**]** shall not
22 use any Social Security number furnished under the section for any purpose other
23 than for the establishment and enforcement of child support obligations, and the
24 confidentiality provisions and penalties contained in section 454.440 shall
25 apply. Nothing in this section shall be construed to prohibit the department of
26 health and senior services from using Social Security numbers for statistical
27 purposes.

193.215. 1. A certificate or report registered pursuant to sections 193.005

to 193.325 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations adopted by the department.

2. A certificate or report that is amended pursuant to this section shall be marked "Amended" except as otherwise provided in this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made part of the record.

3. Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name. The court order shall include such facts as are necessary to locate and identify the certificate of birth of the person whose name is being changed.

4. When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action and the applicant's right of appeal to a court of competent jurisdiction.

5. When a certificate or report is amended pursuant to this section, the state registrar shall report the amendment to any other custodians of the vital record and their record shall be amended accordingly.

6. Upon written request of both parents and receipt of a sworn acknowledgment of paternity notarized and signed by both parents of a child born out of wedlock, the state registrar shall amend the certificate of birth to show such paternity. The acknowledgment affidavit form shall be developed by the state registrar and shall include the minimum requirements prescribed by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. Section 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the surname of the child and such surname shall be changed on the birth record if the parents elect to change the child's surname. The signature of the parents shall be notarized or the signature shall be witnessed by at least two disinterested adults whose signatures and addresses shall be plainly written thereon. The form shall be accompanied by oral notice, which may be provided through the use of video or audio equipment, and written notice to the mother and putative father of:

38 (1) The alternatives to, the legal consequences of, and the rights and
39 responsibilities that arise from signing the acknowledgment;
40 (2) The benefits of having the child's paternity established; and
41 (3) The availability of paternity establishment and child support
42 enforcement services. A rescission of acknowledgment form shall be filed with the
43 bureau of vital records pursuant to section 210.823 to vacate the legal finding of
44 paternity. The bureau shall file all rescissions and forward a copy of each to the
45 **family support** division **[**of child support enforcement**]**. The birth record shall
46 only be changed pursuant to this subsection upon an order of the court or the
47 **family support** division **[**of child support enforcement**]**.
48 7. The department shall offer voluntary paternity establishment services.
49 8. Upon receipt of a certified copy of an order of a court of competent
50 jurisdiction changing the name of a person born in this state and upon request
51 of such person or such person's parents, guardian or legal representative, the
52 state registrar shall amend the certificate of birth to show the new name.
53 9. Upon receipt of a certified copy of an order of a court of competent
54 jurisdiction indicating the sex of an individual born in this state has been
55 changed by surgical procedure and that such individual's name has been changed,
56 the certificate of birth of such individual shall be amended.

196.1103. The management, governance, and control of moneys
2 appropriated from the life sciences research trust fund shall be vested in the "Life
3 Sciences Research Board" which is hereby created in the **[**office of administration**]**
4 **department of economic development** as a type III **[**division**]** **agency** and
5 which shall consist of seven members. The following provisions shall apply to the
6 life sciences research board and its members:
7 (1) Each member shall be appointed by the governor with the advice and
8 consent of the senate pursuant to the procedures herein set forth for a term of
9 four years; except that, of the initial members of the board appointed, three shall
10 be appointed for two-year terms and four shall be appointed to four-year terms;
11 (2) The members of the board shall be generally familiar with the life
12 sciences and current research trends and developments with either technical or
13 scientific expertise in life sciences and with an understanding of the application
14 of the results of life sciences research. The appointment of a person to the life
15 sciences research committee created by Executive Order 01-10 issued by the
16 governor on July 23, 2001, shall not disqualify a person from serving as a
17 member, either contemporaneously or later, on the life sciences research board;

18 (3) No member of the life sciences research board shall serve more than
19 two consecutive full four-year terms;
20 (4) The members of the life sciences research board shall receive no salary
21 or other compensation for their services as a member of the board, but shall
22 receive reimbursement for their actual and necessary expenses incurred in
23 performance of their duties as members of the board.

197.312. A certificate of need shall not be required for any institution
2 previously owned and operated for or in behalf of a city not within a county which
3 chooses to be licensed as a facility defined under subdivision **[**(21) or**]** (22) **or (23)**
4 of section 198.006 for a facility of ninety beds or less that is owned or operated
5 by a not-for-profit corporation which is exempt from federal income tax as an
6 organization described in section 501(c)(3) of the Internal Revenue Code of 1986,
7 which is controlled directly by a religious organization and which has received
8 approval by the **[**division of aging**] department of health and senior services**
9 of plans for construction of such facility by August 1, 1995, and is licensed by the
10 **[**division of aging**] department of health and senior services** by July 1, 1996,
11 as a facility defined under subdivision **[**(21) or**]** (22) **or (23)** of section 198.006 or
12 for a facility, serving exclusively mentally ill, homeless persons, of sixteen beds
13 or less that is owned or operated by a not-for-profit corporation which is exempt
14 from federal income tax which is described in section 501(c)(3) of the Internal
15 Revenue Code of 1986, which is controlled directly by a religious organization and
16 which has received approval by the **[**division of aging**] department of health**
17 **and senior services** of plans for construction of such facility by May 1, 1996,
18 and is licensed by the **[**division of aging**] department of health and senior**
19 **services** by July 1, 1996, as a facility defined under subdivision **[**(21) or**]** (22) **or**
20 **(23)** of section 198.006 or an assisted living facility located in a city not within
21 a county operated by a not for profit corporation which is exempt from federal
22 income tax which is described in section 501(c)(3) of the Internal Revenue Code
23 of 1986, which is controlled directly by a religious organization and which is
24 licensed for one hundred beds or less on or before August 28, 1997.

197.318. 1. As used in this section, the term "licensed and available"
2 means beds which are actually in place and for which a license has been issued.
3 2. The committee shall review all letters of intent and applications for
4 long-term care hospital beds meeting the requirements described in 42 CFR,
5 Section 412.23(e) under its criteria and standards for long-term care beds.
6 3. Sections 197.300 to 197.366 shall not be construed to apply to litigation

7 pending in state court on or before April 1, 1996, in which the Missouri health
8 facilities review committee is a defendant in an action concerning the application
9 of sections 197.300 to 197.366 to long-term care hospital beds meeting the
10 requirements described in 42 CFR, Section 412.23(e).

11 4. Notwithstanding any other provision of this chapter to the contrary:

12 (1) A facility licensed pursuant to chapter 198 may increase its licensed
13 bed capacity by:

14 (a) Submitting a letter of intent to expand to the **[**division of aging**]**
15 **department of health and senior services** and the health facilities review
16 committee;

17 (b) Certification from the **[**division of aging**] department of health and**
18 **senior services** that the facility:

19 a. Has no patient care class I deficiencies within the last eighteen months;
20 and

21 b. Has maintained a ninety-percent average occupancy rate for the
22 previous six quarters;

23 (c) Has made an effort to purchase beds for eighteen months following the
24 date the letter of intent to expand is submitted pursuant to paragraph (a) of this
25 subdivision. For purposes of this paragraph, an "effort to purchase" means a copy
26 certified by the offeror as an offer to purchase beds from another licensed facility
27 in the same licensure category; and

28 (d) If an agreement is reached by the selling and purchasing entities, the
29 health facilities review committee shall issue a certificate of need for the
30 expansion of the purchaser facility upon surrender of the seller's license; or

31 (e) If no agreement is reached by the selling and purchasing entities, the
32 health facilities review committee shall permit an expansion for:

33 a. A facility with more than forty beds may expand its licensed bed
34 capacity within the same licensure category by twenty-five percent or thirty beds,
35 whichever is greater, if that same licensure category in such facility has
36 experienced an average occupancy of ninety-three percent or greater over the
37 previous six quarters;

38 b. A facility with fewer than forty beds may expand its licensed bed
39 capacity within the same licensure category by twenty-five percent or ten beds,
40 whichever is greater, if that same licensure category in such facility has
41 experienced an average occupancy of ninety-two percent or greater over the
42 previous six quarters;

43 c. A facility adding beds pursuant to subparagraphs a. or b. of this
44 paragraph shall not expand by more than fifty percent of its then licensed bed
45 capacity in the qualifying licensure category;
46 (2) Any beds sold shall, for five years from the date of relicensure by the
47 purchaser, remain unlicensed and unused for any long-term care service in the
48 selling facility, whether they do or do not require a license;
49 (3) The beds purchased shall, for two years from the date of purchase,
50 remain in the bed inventory attributed to the selling facility and be considered
51 by the department of social services as licensed and available for purposes of this
52 section;
53 (4) Any residential care facility licensed pursuant to chapter 198 may
54 relocate any portion of such facility's current licensed beds to any other facility
55 to be licensed within the same licensure category if both facilities are under the
56 same licensure ownership or control, and are located within six miles of each
57 other;
58 (5) A facility licensed pursuant to chapter 198 may transfer or sell
59 individual long-term care licensed beds to facilities qualifying pursuant to
60 paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which
61 transfers or sells licensed beds shall not expand its licensed bed capacity in that
62 licensure category for a period of five years from the date the licensure is
63 relinquished.
64 5. Any existing licensed and operating health care facility offering
65 long-term care services may replace one-half of its licensed beds at the same site
66 or a site not more than thirty miles from its current location if, for at least the
67 most recent four consecutive calendar quarters, the facility operates only fifty
68 percent of its then licensed capacity with every resident residing in a private
69 room. In such case:
70 (1) The facility shall report to the **[**division of aging**] health and senior**
71 **services** vacant beds as unavailable for occupancy for at least the most recent
72 four consecutive calendar quarters;
73 (2) The replacement beds shall be built to private room specifications and
74 only used for single occupancy; and
75 (3) The existing facility and proposed facility shall have the same owner
76 or owners, regardless of corporate or business structure, and such owner or
77 owners shall stipulate in writing that the existing facility beds to be replaced will
78 not later be used to provide long-term care services. If the facility is being

79 operated under a lease, both the lessee and the owner of the existing facility shall
80 stipulate the same in writing.
81 6. Nothing in this section shall prohibit a health care facility licensed
82 pursuant to chapter 198 from being replaced in its entirety within fifteen miles
83 of its existing site so long as the existing facility and proposed or replacement
84 facility have the same owner or owners regardless of corporate or business
85 structure and the health care facility being replaced remains unlicensed and
86 unused for any long-term care services whether they do or do not require a license
87 from the date of licensure of the replacement facility.

197.367. Upon application for renewal by any residential care facility or
2 assisted living facility which on the effective date of this act has been licensed for
3 more than five years, is licensed for more than fifty beds and fails to maintain for
4 any calendar year its occupancy level above thirty percent of its then licensed
5 beds, the **[**division of aging**]** **department of health and senior services** shall
6 license only fifty beds for such facility.

198.018. 1. Applications for a license shall be made to the department by
2 the operator upon such forms and including such information and documents as
3 the department may reasonably require by rule or regulation for the purposes of
4 administering sections 198.003 to 198.186, section 198.200, and sections 208.030
5 and 208.159.
6 2. The applicant shall submit all documents required by the department
7 under this section attesting by signature that the statements contained in the
8 application are true and correct to the best of the applicant's knowledge and
9 belief, and that all required documents are either included with the application
10 or are currently on file with the department.
11 3. The application shall be accompanied by a license fee in an amount
12 established by the department. The fee established by the department shall not
13 exceed six hundred dollars, and shall be a graduated fee based on the licensed
14 capacity of the applicant and the duration of the license. A fee of not more than
15 fifty dollars shall be charged for any amendments to a license initiated by an
16 applicant. In addition, facilities certified to participate in the Medicaid or
17 Medicare programs shall pay a certification fee of up to one thousand dollars
18 annually, payable on or before October first of each year. The amount remitted
19 for the license fee, fee for amendments to a license, or certification fee shall be
20 deposited in the state treasury to the credit of the "Nursing Facility Quality of
21 Care Fund", which is hereby created. All investment earnings of the nursing

22 facility quality of care fund shall be credited to such fund. All moneys in the
23 nursing facility quality of care fund shall, upon appropriation, be used by the
24 **[**division of aging**] department of health and senior services** for conducting
25 inspections and surveys, and providing training and technical assistance to
26 facilities licensed under the provisions of this chapter. The unexpended balance
27 in the nursing facility quality of care fund at the end of the biennium is exempt
28 from the provisions of sections 33.080. The unexpended balance in the nursing
29 facility quality of care fund shall not revert to the general revenue fund, but shall
30 accumulate in the nursing facility quality of care fund from year to year.

31 4. Within ten working days of the effective date of any document that
32 replaces, succeeds, or amends any of the documents required by the department
33 to be filed pursuant to this section, an operator shall file with the department a
34 copy of such document. The operator shall attest by signature that the document
35 is true and correct. If the operator knowingly fails to file a required document or
36 provide any information amending any document within the time provided for in
37 this section, a circuit court may, upon application of the department or the
38 attorney general, assess a penalty of up to fifty dollars per document for each day
39 past the required date of filing.

40 5. If an operator fails to file documents or amendments to documents as
41 required pursuant to this section and such failure is part of a pattern or practice
42 of concealment, such failure shall be sufficient grounds for revocation of a license
43 or disapproval of an application for a license.

44 6. Any facility defined in subdivision **[**(8), (15), (16) or (17)**] (6), (14), (22),**
45 **or (23)** of section 198.006 that is licensed by the state of Missouri pursuant to
46 the provisions of section 198.015 may not be licensed, certified or registered by
47 any other political subdivision of the state of Missouri whether or not it has
48 taxing power, provided, however, that nothing in this subsection shall prohibit a
49 county or city, otherwise empowered under law, to inspect such facility for
50 compliance with local ordinances of food service or fire safety.

198.026. 1. Whenever a duly authorized representative of the department
2 finds upon an inspection of a facility that it is not in compliance with the
3 provisions of sections 198.003 to 198.096 and the standards established
4 thereunder, the operator or administrator shall be informed of the deficiencies in
5 an exit interview conducted with the operator or administrator**,** or his **or her**
6 designee. The department shall inform the operator or administrator, in writing,
7 of any violation of a class I standard at the time the determination is made. A

8 written report shall be prepared of any deficiency for which there has not been
9 prompt remedial action, and a copy of such report and a written correction order
10 shall be sent to the operator or administrator by certified mail or other delivery
11 service that provides a dated receipt of delivery at the facility address within ten
12 working days after the inspection, stating separately each deficiency and the
13 specific statute or regulation violated.

14 2. The operator or administrator shall have five working days following
15 receipt of a written report and correction order regarding a violation of a class I
16 standard and ten working days following receipt of the report and correction
17 order regarding violations of class II or class III standards to request any
18 conference and to submit a plan of correction for the department's approval which
19 contains specific dates for achieving compliance. Within five working days after
20 receiving a plan of correction regarding a violation of a class I standard and
21 within ten working days after receiving a plan of correction regarding a violation
22 of a class II or III standard, the department shall give its written approval or
23 rejection of the plan. If there was a violation of any class I standard, immediate
24 corrective action shall be taken by the operator or administrator and a written
25 plan of correction shall be submitted to the department. The department shall
26 give its written approval or rejection of the plan and if the plan is acceptable, a
27 reinspection shall be conducted within twenty calendar days of the exit interview
28 to determine if deficiencies have been corrected. If there was a violation of any
29 class II standard and the plan of correction is acceptable, an unannounced
30 reinspection shall be conducted between forty and ninety calendar days from the
31 date of the exit conference to determine the status of all previously cited
32 deficiencies. If there was a violation of class III standards sufficient to establish
33 that the facility was not in substantial compliance, an unannounced reinspection
34 shall be conducted within one hundred twenty days of the exit interview to
35 determine the status of previously identified deficiencies.

36 3. If, following the reinspection, the facility is found not in substantial
37 compliance with sections 198.003 to 198.096 and the standards established
38 thereunder or the operator is not correcting the noncompliance in accordance with
39 the approved plan of correction, the department shall issue a notice of
40 noncompliance, which shall be sent by certified mail or other delivery service that
41 provides a dated receipt of delivery to each person disclosed to be an owner or
42 operator of the facility, according to the most recent information or documents on
43 file with the department.

4. The notice of noncompliance shall inform the operator or administrator that the department may seek the imposition of any of the sanctions and remedies provided for in section 198.067, or any other action authorized by law.

5. At any time after an inspection is conducted, the operator may choose to enter into a consent agreement with the department to obtain a probationary license. The consent agreement shall include a provision that the operator will voluntarily surrender the license if substantial compliance is not reached in accordance with the terms and deadlines established under the agreement. The agreement shall specify the stages, actions and time span to achieve substantial compliance.

6. Whenever a notice of noncompliance has been issued, the operator shall post a copy of the notice of noncompliance and a copy of the most recent inspection report in a conspicuous location in the facility, and the department shall send a copy of the notice of noncompliance to the **[**division of family services of the**]** department of social services, the department of mental health, and any other concerned federal, state or local governmental agencies.

198.029. The provisions of section 198.026 notwithstanding, whenever a duly authorized representative of the department finds upon inspection of a licensed facility, and the director of the department finds upon review, that the facility or the operator is not in substantial compliance with a standard or standards the violations of which would present either an imminent danger to the health, safety or welfare of any resident or a substantial probability that death or serious physical harm would result and which is not immediately corrected, the department shall:

(1) Give immediate written notice of the noncompliance to the operator, administrator or person managing or supervising the conduct of the facility at the time the noncompliance is found;

(2) Make public the fact that a notice of noncompliance has been issued to the facility. Copies of the notice shall be sent to appropriate hospitals and social service agencies;

(3) Send a copy of the notice of noncompliance to the **[**division of family services of the**]** department of social services, the department of mental health, and any other concerned federal, state or local government agencies. The facility shall post in a conspicuous location in the facility a copy of the notice of noncompliance and a copy of the most recent inspection report.

198.077. For any residential care facility, assisted living facility,

intermediate care facility or skilled nursing facility, if the department of **[**social**]** **health and senior** services maintains records of site inspections and violations of statutes, rules, or the terms or conditions of any license issued to such facility, the department shall also maintain records of compliance with such statutes, rules, or terms or conditions of any license, and shall specifically record in such records any actions taken by the facility that are above and beyond what is minimally required for compliance.

198.080. The **[**division of aging**]** **department of health and senior services** shall develop flexible assessment procedures for individuals in long-term care and those considering long-term care services which follow the individual through the continuum of care, including periodic reassessment. By January 1, 2002, the **[**division of aging**]** **department of health and senior services** shall promulgate rules and regulations to implement the new assessment system and shall make a report to the appropriate house and senate committees of the general assembly regarding the new assessment system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

198.087. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of **[**social**]** **health and senior** services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process, and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process

14 for the region, state, or individual inspector or surveyor, as needed;
15 (3) In addition to the provisions of subdivisions (1) and (2) of this section,
16 the department shall develop a single uniform comprehensive and mandatory
17 course of instruction for inspectors/surveyors on the practical application of
18 enforcement of statutes, rules and regulations. Such course shall also be open to
19 attendance by administrators and staff of facilities licensed pursuant to this
20 chapter;
21 (4) **[**With the full cooperation of and in conjunction with the department
22 of health and senior services,**]** Evaluate the implementation and compliance of
23 the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules,
24 requirements, regulations and standards pursuant to section 197.080 for assisted
25 living facilities, intermediate care facilities and skilled nursing facilities attached
26 to an acute care hospital are consistent with the intent of this chapter; and
27 (5) **[**With the full cooperation and in conjunction with the department of
28 health and senior services,**]** Develop rules and regulations requiring the exchange
29 of information, including regulatory violations, between the **[**departments**]**
30 **department and the department of social services** to ensure the protection
31 of individuals who are served by health care providers regulated by either the
32 department **[**of health and senior services or the department of social services**]**.
198.090. 1. An operator may make available to any resident the service
2 of holding in trust personal possessions and funds of the resident and shall, as
3 authorized by the resident, expend the funds to meet the resident's personal
4 needs. In providing this service the operator shall:
5 (1) At the time of admission, provide each resident or **[**his**] such**
6 **resident's** next of kin or legal guardian with a written statement explaining the
7 resident's rights regarding personal funds;
8 (2) Accept funds and personal possessions from or for a resident for
9 safekeeping and management, only upon written authorization by the resident or
10 by **[**his**] such resident's** designee, or guardian in the case of an adjudged
11 incompetent;
12 (3) Deposit any personal funds received from or on behalf of a resident in
13 an account separate from the facility's funds, except that an amount to be
14 established by rule of the **[**division of aging**] department of health and senior**
15 **services** may be kept in a petty cash fund for the resident's personal needs;
16 (4) Keep a written account, available to a resident and **[**his**] such**
17 **resident's** designee or guardian, maintained on a current basis for each resident,

18 with written receipts, for all personal possessions and funds received by or
19 deposited with the facility and for all disbursements made to or on behalf of the
20 resident;

21 (5) Provide each resident or **[**his**]** **such resident's** designee or guardian
22 with a quarterly accounting of all financial transactions made on behalf of the
23 resident;

24 (6) Within five days of the discharge of a resident, provide the resident,
25 or **[**his**]** **such resident's** designee or guardian, with an up-to-date accounting of
26 the resident's personal funds and return to the resident the balance of his **or her**
27 funds and all his **or her** personal possessions;

28 (7) Upon the death of a resident who has been a recipient of aid,
29 assistance, care, services, or who has had moneys expended on **[**his**]** **such**
30 **resident's** behalf by the department of social services, provide the department
31 a complete account of all the resident's personal funds within sixty days from the
32 date of death. The total amount paid to the decedent or expended upon **[**his**]**
33 **such decedent's** behalf by the department shall be a debt due the state and
34 recovered from the available funds upon the department's claim on such
35 funds. The department shall make a claim on the funds within sixty days from
36 the date of the accounting of the funds by the facility. The nursing facility shall
37 pay the claim made by the department of social services from the resident's
38 personal funds within sixty days. Where the name and address are reasonably
39 ascertainable, the department of social services shall give notice of the debt due
40 the state to the person whom the recipient had designated to receive the
41 quarterly accounting of all financial transactions made under this section, or the
42 resident's guardian or conservator or the person or persons listed in nursing home
43 records as a responsible party or the fiduciary of the resident's estate. If any
44 funds are available after the department's claim, the remaining provisions of this
45 section shall apply to the balance, unless the funds belonged to a person other
46 than the resident, in which case the funds shall be paid to that person;

47 (8) Upon the death of a resident who has not been a recipient of aid,
48 assistance, care, services, or who has not had moneys expended on **[**his**]** **such**
49 **resident's** behalf by the department of social services or the department has not
50 made a claim on the funds, provide the fiduciary of resident's estate, at the
51 fiduciary's request, a complete account of all the resident's personal funds and
52 possessions and deliver to the fiduciary all possessions of the resident and the
53 balance of the resident's funds. If, after one year from the date of death, no

54 fiduciary makes claim upon such funds or possessions, the operator shall notify
55 the department that the funds remain unclaimed. Such unclaimed funds or
56 possessions shall be disposed of as follows:

57 (a) If the unclaimed funds or possessions have a value totaling one
58 hundred and fifty dollars or less, the funds or the proceeds of the sale of the
59 possessions may be deposited in a fund to be used for the benefit of all residents
60 of the facility by providing the residents social or educational activities. The
61 facility shall keep an accounting of the acquisitions and expenditure of these
62 funds; or

63 (b) If the unclaimed funds or possessions have a value greater than one
64 hundred and fifty dollars, the funds or possessions shall be immediately
65 presumed to be abandoned property under sections 447.500 to 447.585 and the
66 procedures provided for in those sections shall apply notwithstanding any other
67 provisions of those sections which require a period greater than two years for a
68 presumption of abandonment;

69 (9) Upon ceasing to be the operator of a facility, all funds and property
70 held in trust pursuant to this section shall be transferred to the new operator in
71 accordance with sound accounting principles, and a closeout report signed by both
72 the outgoing operator and the successor operator shall be prepared. The closeout
73 report shall include a list of current balances of all funds held for residents
74 respectively and an inventory of all property held for residents respectively. If
75 the outgoing operator refuses to sign the closeout report, **[**he**]** **such operator**
76 shall state in writing the specific reasons for his **or her** failure to so sign, and
77 the successor operator shall complete the report and attach an affidavit stating
78 that the information contained therein is true to the best of his **or her** knowledge
79 and belief. Such report shall be retained with all other records and accounts
80 required to be maintained under this section;

81 (10) Not be required to invest any funds received from or on behalf of a
82 resident, nor to increase the principal of any such funds.

83 2. Any owner, operator, manager, employee, or affiliate of an owner or
84 operator who receives any personal property or anything else of value from a
85 resident, shall, if the thing received has a value of ten dollars or more, make a
86 written statement giving the date it was received, from whom it was received, and
87 its estimated value. Statements required to be made pursuant to this subsection
88 shall be retained by the operator and shall be made available for inspection by
89 the department, or by the department of mental health when the resident has

90 been placed by that department, and by the resident, and **[**his**]** **such resident's**
91 designee or legal guardian. Any person who fails to make a statement required
92 by this subsection is guilty of a class C misdemeanor.
93 3. No owner, operator, manager, employee, or affiliate of an owner or
94 operator shall in one calendar year receive any personal property or anything else
95 of value from the residents of any facility which have a total estimated value in
96 excess of one hundred dollars.
97 4. Subsections 2 and 3 of this section shall not apply if the property or
98 other thing of value is held in trust in accordance with subsection 1 of this
99 section, is received in payment for services rendered or pursuant to the terms of
100 a lawful contract, or is received from a resident who is related to the recipient
101 within the fourth degree of consanguinity or affinity.
102 5. Any operator who fails to maintain records or who fails to maintain any
103 resident's personal funds in an account separate from the facility's funds as
104 required by this section shall be guilty of a class C misdemeanor.
105 6. Any operator, or any affiliate or employee of an operator, who puts to
106 his **or her** own use or the use of the facility or otherwise diverts from the
107 resident's use any personal funds of the resident shall be guilty of a class A
108 misdemeanor.
109 7. Any person having reasonable cause to believe that a misappropriation
110 of a resident's funds or property has occurred may report such information to the
111 department.
112 8. For each report the division shall attempt to obtain the name and
113 address of the facility, the name of the facility employee, the name of the
114 resident, information regarding the nature of the misappropriation, the name of
115 the complainant, and any other information which might be helpful in an
116 investigation.
117 9. Upon receipt of a report, the department shall initiate an investigation.
118 10. If the investigation indicates probable misappropriation of property
119 or funds of a resident, the investigator shall refer the complaint together with his
120 **or her** report to the department director or **[**his**]** **the director's** designee for
121 appropriate action.
122 11. Reports shall be confidential, as provided under section **[**660.320**]**
123 **192.1112**.
124 12. Anyone, except any person participating in or benefitting from the
125 misappropriation of funds, who makes a report pursuant to this section or who

126 testifies in any administrative or judicial proceeding arising from the report shall
127 be immune from any civil or criminal liability for making such a report or for
128 testifying except for liability for perjury, unless such person acted negligently,
129 recklessly, in bad faith, or with malicious purpose.

130 13. Within five working days after a report required to be made under this
131 section is received, the person making the report shall be notified in writing of
132 its receipt and of the initiation of the investigation.

133 14. No person who directs or exercises any authority in a facility shall
134 evict, harass, dismiss or retaliate against a resident or employee because he **or**
135 **she** or any member of his **or her** family has made a report of any violation or
136 suspected violation of laws, ordinances or regulations applying to the facility
137 which he **or she** has reasonable cause to believe has been committed or has
138 occurred.

139 15. The department shall maintain the employee disqualification list and
140 place on the employee disqualification list the names of any persons who have
141 been finally determined by the department, pursuant to section **[**660.315**]**
142 **192.1108**, to have misappropriated any property or funds of a resident while
143 employed in any facility.

198.189. The department of social services, **MO HealthNet** division **[**of
2 medical services**],** and the department of health and senior services, division of
3 senior and disability services shall work together to implement a new Medicaid
4 payment system for assisted living facilities defined in section 198.006. The
5 departments shall look at possible options including but not limited to federal
6 Medicaid waivers, state plan amendments, and provisions of the federal Deficit
7 Reduction Act of 2005 that will allow a tiered rate system via a bundled monthly
8 rate for all services not included in the room and board function of the facility,
9 including but not limited to: adult day care/socialization activities, escort
10 services, essential shopping, health maintenance activities, housekeeping
11 activities, meal preparation, laundry services, medication assistance (set-up and
12 administration), personal care services, assistance with activities of daily living
13 and instrumental activities of daily living, transportation services, nursing
14 supervision, health promotion and exercise programming, emergency call systems,
15 incontinence supplies, and companion services. The amount of the personal funds
16 allowance for the Medicaid recipient residing in an assisted living facility shall
17 include enough money for over-the-counter medications and co-payments for
18 Medicaid and Medicare Part D services. The departments shall work with

19 assisted living facility provider groups in developing this new payment
20 system. The department of social services shall submit all necessary applications
21 for implementing this new system singularly or within a multiservice state
22 Medicaid waiver application to the secretary of the federal Department of Health
23 and Human Services by July 1, 2007.

198.421. 1. A nursing facility reimbursement allowance period as
2 provided in sections 198.401 to 198.436 shall be from the first day of October to
3 the thirtieth day of September. The department shall notify each nursing facility
4 with a balance due on the thirtieth day of September of each year the amount of
5 such balance due. If any nursing home fails to pay its nursing facility
6 reimbursement allowance within thirty days of such notice, the reimbursement
7 allowance shall be delinquent. The reimbursement allowance may remain unpaid
8 during an appeal or as allowed in section 198.412.

9 2. Except as otherwise provided in this section, if any reimbursement
10 allowance imposed under the provision of section 198.401 for a previous
11 reimbursement allowance period is unpaid and delinquent, the department of
12 social services may proceed to enforce the state's lien against the property of the
13 nursing facility and to compel the payment of such reimbursement allowance in
14 the circuit court having jurisdiction in the county where the nursing facility is
15 located. In addition, the director of the department of social services or the
16 director's designee may cancel or refuse to issue, extend or reinstate a Medicaid
17 provider agreement to any nursing facility which fails to pay such delinquent
18 reimbursement allowance required by section 198.401 unless under appeal as
19 allowed in section 198.412.

20 3. Except as otherwise provided in this section, failure to pay a delinquent
21 reimbursement allowance imposed under section 198.401 shall be grounds for
22 denial, suspension or revocation of a license granted under this chapter. The
23 director of the department of **[**social**]** **health and senior** services may deny,
24 suspend or revoke the license of any nursing facility which fails to pay a
25 delinquent reimbursement allowance unless under appeal as allowed in section
26 198.412.

198.428. If the **family support** division **[**of family services**]** is unable to
2 make a determination regarding Medicaid eligibility for a resident within sixty
3 days of the submission of a completed application for medical assistance for
4 nursing facility services, the patient shall be Medicaid eligible until the
5 application is approved or denied. However, in no event shall benefits be

6 construed to commence prior to the date of application.

198.510. 1. Any facility which offers to provide or provides care for
2 persons with Alzheimer's disease by means of an Alzheimer's special care unit or
3 Alzheimer's special care program shall be required to disclose the form of care or
4 treatment provided that distinguishes that unit or program as being especially
5 applicable, or suitable for persons with Alzheimer's or dementia. The disclosure
6 shall be made to the department which licenses the facility, agency or center
7 giving the special care. At the time of admission of a patient requiring treatment
8 rendered by the Alzheimer's special care program, a copy of the disclosure made
9 to the department shall be delivered by the facility to the patient and the
10 patient's next of kin, designee, or guardian. The licensing department shall
11 examine all such disclosures in the department's records and verify the
12 information on the disclosure for accuracy as part of the facility's regular license
13 renewal procedure.

14 2. The **[**department of social services and the**]** department of health and
15 senior services shall develop a single disclosure form to be completed by the
16 facility, agency or center giving the special care. The information required to be
17 disclosed by subsection 1 of this section on this form shall include, if applicable,
18 an explanation of how the care is different from the rest of the facility in the
19 following areas:

20 (1) The Alzheimer's special care unit's or program's written statement of
21 its overall philosophy and mission which reflects the need of residents afflicted
22 with dementia;

23 (2) The process and criteria for placement in, transfer or discharge from,
24 the unit or program;

25 (3) The process used for assessment and establishment of the plan of care
26 and its implementation, including the method by which the plan of care evolves
27 and is responsive to changes in condition;

28 (4) Staff training and continuing education practices;

29 (5) The physical environment and design features appropriate to support
30 the functioning of cognitively impaired adult residents;

31 (6) The frequency and types of resident activities;

32 (7) The involvement of families and the availability of family support
33 programs;

34 (8) The costs of care and any additional fees; and

35 (9) Safety and security measures.

198.515. Any facility which offers to provide or provides care for persons with Alzheimer's disease by means of an Alzheimer's special care unit or Alzheimer's special care program shall be required to provide an informational document developed by or approved by the [division of aging] **department of health and senior services**. The document shall include but is not limited to updated information on selecting an Alzheimer's special care unit or Alzheimer's special care program. The document shall be given to any person seeking information about or placement in an Alzheimer's special care unit or Alzheimer's special care program. The distribution of this document shall be verified by the licensing department as part of the facility's regular license renewal procedure.

205.960. The **family support** division of [family services] **the department of social services** by itself, or upon the application of the county commission, or the governing body of any county or city not within a county, may establish and put into effect in any county or any city not within a county a program for the distribution of federally donated commodities or for the sale and issuance of federal food stamps or coupons to needy persons and participating families pursuant to any act of Congress of the United States; and may execute agreements necessary to maintain the eligibility of this state to receive surplus food commodities and to distribute federal food stamps or coupons, including agreements with banking corporations, counties and other agencies of this state, in carrying into effect the provisions of sections 205.960 to 205.966. Payment of the expenses of any program instituted under sections 205.960 to 205.966 shall be made pursuant to those sections only during the times when federal and state funds are provided and made available for such purposes.

205.961. The **family support** division [of family services] shall make and promulgate necessary and reasonable rules and regulations for the administration of the programs established pursuant to section 205.960, and when required by federal law or regulation the **family support** division [of family services] shall be the certifying agency responsible for certifying individuals or households as eligible to receive surplus agricultural commodities or for the issuance of federal food stamps.

205.962. 1. The **family support** division [of family services] shall enter into a written agreement with the county commission or governing body of any county which desires to participate in a program for the distribution of agricultural commodities within such county. Any agreement shall cover the responsibility of the parties thereto for the administration of the program and

shall contain such terms and conditions as are required by regulations prescribed under federal laws governing distribution of such commodities as well as regulations of the **family support** division **[**of family services**]**. No county commission or governing body of a county shall participate in the administration of such program unless it has an agreement with the **family support** division **[**of family services**]** under this section. Expenses incurred in connection with a federally donated agricultural commodities food distribution program, including sums expended for the acquisition, warehousing, cold storage, safekeeping, maintenance of proper records and distribution of surplus agricultural commodities shall be paid by the county and **family support** division **[**of family services**]** in pursuance of the agreement entered into under this section or, in the absence of such agreement, by the **family support** division **[**of family services**]**. A county commission which has an agreement for distributing food commodities with the **family support** division **[**of family services**]** shall not be required to pay over fifteen percent of the total distribution costs in its county.

2. For the payment of expenses incurred in connection with the sale and distribution of federal food stamps in any county the **family support** division **[**of family services**]** may enter into agreements with banking corporations and with the county for the purpose of establishing and maintaining a food stamp distribution program in the county, and may accept moneys, services or quarters as a contribution toward the support and maintenance of such program. Any funds so received shall be payable to the director of revenue and deposited in the proper special account in the state treasury and become and be a part of the state funds appropriated for the use of the **family support** division **[**of family services**]**.

205.964. Any loss for which this state or its agencies or counties may be liable to reimburse the federal government in accordance with federal laws, rules and regulations applicable to federal food stamp plans or federal surplus agricultural commodities distribution programs shall be paid from funds appropriated to the **family support** division **[**of family services**]** for the administration of these programs. Any loss in a county in which a program of surplus agricultural commodities distribution is in effect, and with respect to which loss is incurred, shall be paid by the county to the **family support** division **[**of family services**]** in the amount payable to the federal government under this section. The payment for any loss by the state or county shall not relieve any person of any civil or criminal liability to this state.

205.965. 1. Counties, state agencies, issuing agencies, retail food outlets, wholesale food concerns, banks and all persons who participate in or administer any part of the distribution program of surplus agricultural commodities or a food stamp plan shall comply with all state and federal laws, rules and regulations applicable to such program or plans and shall be subject to inspection and audit by the **family support** division **[**of family services**]** with respect to the operation of the program or plan.

2. To the extent authorized by federal law, all food stamp vendors shall be approved and licensed by the **family support** division **[**of family services**]**. The division may promulgate rules and regulations necessary to administer the provisions of this section. The division shall set the amount of the fees for licensing food stamp vendors at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of this section. An action may be brought by the department to temporarily or permanently enjoin or restrain any violation of this subsection or the regulations applicable thereto. Any action brought under the provisions of this subsection shall be heard by the court within no more than twenty days after the action has been filed and service made upon the vendor. Any person who in any way conducts business as a food stamp vendor without approval and license by the **family support** division **[**of family services**]** shall be guilty of a class A misdemeanor. A second offense within five years after the first conviction shall be a class D felony.

3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

207.010. The **[**division of family services is**]** **children's division, family support division, MO HealthNet division, division of youth services, division of legal services, division of finance and administrative services, and the state technical support team are** an integral part of the department of social services and shall have and exercise all the powers and duties necessary to carry out fully and effectively the purposes assigned to **[**it**]** **them** by **the director of the department of social services and by** law and **the department of social services** shall be the state agency to:

(1) Administer state plans and laws involving aid to dependent children;

(2) Aid or relief in case of public calamity;

(3) Aid for direct relief;

12 (4) Child welfare services;
13 (5) Social services to families and adults;
14 (6) Pensions and services for the blind; and
15 (7) Any other duties relating to public assistance and social services which
16 may be imposed upon the department of social services.

207.020. 1. In addition to the powers, duties and functions vested in the
2 **children's** division **[**of family services**]** by other provisions of this chapter or by
3 other laws of this state, the division **[**of family services**]** shall have the power:
4 (1) To sue and be sued;
5 (2) To make contracts and carry out the duties imposed upon it by this or
6 any other law;
7 (3) To administer, disburse, dispose of and account for funds, commodities,
8 equipment, supplies or services, and any kind of property given, granted, loaned,
9 advanced to or appropriated by the state of Missouri for any of the purposes
10 herein;
11 (4) To administer oaths, issue subpoenas for witnesses, examine such
12 witnesses under oath, and make and keep a record of same;
13 (5) To adopt, amend and repeal rules and regulations necessary or
14 desirable to carry out the provisions of this chapter and which are not
15 inconsistent with the constitution or laws of this state;
16 (6) To cooperate with the United States government in matters of mutual
17 concern pertaining to any duties wherein the **children's** division **[**of family
18 services**]** is acting as a state agency, including the adoption of such methods of
19 administration as are found by the United States government to be necessary for
20 the efficient operation of state plans hereunder;
21 (7) To make such reports in such form and containing such information
22 as the United States government may, from time to time, require, and comply
23 with such provisions as the United States government may, from time to time,
24 find necessary to assure the correctness and verification of such reports;
25 (8) To establish, extend and strengthen child welfare services for the
26 protection and care of homeless, dependent and neglected children and children
27 in danger of becoming delinquent;
28 (9) To expend child welfare service funds for payment of part of the cost
29 of district, county or other local child welfare services;
30 (10) To administer state child welfare activities and develop state services
31 for the encouragement and assistance of adequate methods of community child

32 welfare organizations;

33 (11) To appoint, when and if it may deem necessary, advisory committees
34 to provide professional or technical consultation in respect to welfare problems
35 and welfare administration. The members of such advisory committees shall
36 receive no compensation for their services other than expenses actually incurred
37 in the performance of their official duties. The number of members of each such
38 advisory committee shall be determined by the **children's** division **[**of family
39 services**]**, and such advisory committees shall consult with and advise the
40 **children's** division **[**of family services**]** in respect to problems and policies
41 incident to the administration of the particular function germane to the
42 respective field of competence;

43 (12) To initiate or cooperate with other agencies in developing measures
44 for the prevention of dependency and the rehabilitation of **[**needy persons**]**
45 **children**;

46 (13) To collect statistics, make special fact-finding studies and publish
47 reports in reference to **[**public welfare**] its duties**;

48 (14) To establish or cooperate in research or demonstration projects
49 relative to the welfare program, such as those relating to the prevention and
50 reduction of dependency and economic distress, or which will aid in effecting
51 coordination of planning between private and public welfare agencies, or which
52 will help improve the administration and effectiveness of programs carried on or
53 assisted under the federal Social Security Act and the programs related thereto;

54 (15) To provide appropriate public welfare services to promote, safeguard
55 and protect the social well-being and general welfare of children and to help
56 maintain and strengthen family life, and to provide such public welfare services
57 to aid **[**needy persons who can be so helped to become self-supporting or capable
58 of self-care**] children and their families as may be authorized by law**;

59 (16) Upon request, to cooperate with the juvenile court and furnish social
60 studies and reports to the court with respect to children as to whom adoption**,**
61 **abuse,** or neglect petitions have been filed;

62 (17) To accept for social services and care, homeless, dependent or
63 neglected children in all counties where legal custody is vested in the **children's**
64 division **[**of family services**]** by the juvenile court where the juvenile court has
65 acquired jurisdiction pursuant to subdivision (1) or (2) of subsection 1 of section
66 211.031; provided that prior to legal custody being vested in the **children's**
67 division **[**of family services**]**, the **children's** division **[**of family services**]** shall

68 conduct an evaluation of the child, examine the child and investigate all pertinent
69 circumstances of his **or her** background for the purpose of determining
70 appropriate services and a treatment plan for the child. This evaluation shall
71 involve local division staff and consultation with the juvenile officer or **[**his**] such**
72 **officer's** designee, appropriate state agencies, including but not limited to the
73 department of mental health and the department of elementary and secondary
74 education, or private practitioners who are knowledgeable of the child or
75 programs or services appropriate to the needs of the child and shall be completed
76 within thirty days. Temporary custody may be placed with the **children's**
77 division **[**of family services**]** while the evaluation is being conducted. A report of
78 such proceedings and findings shall be submitted in writing to the appropriate
79 court:

80 (a) The **children's** division may, at any time, if it finds the child placed
81 in its custody is in need of care or treatment other than that which it can provide,
82 apply to the court which placed such child for an order relieving it of custody of
83 such child. The court must make a determination within ten days and the court
84 shall be vested with full power to make such disposition of the child as is
85 authorized by law, including continued custody;

86 (b) However, no payments for care shall be made:

87 a. To facilities with which the **children's** division **[**of family services**]** has
88 no contract to provide such care, or to facilities in the state of Missouri which are
89 not licensed by the state of Missouri unless exempt from such licensure;

90 b. To any facility outside the state of Missouri unless the **children's**
91 division **[**of family services**]** determines that there is no facility in the state of
92 Missouri which can provide substantially equivalent care, except that this
93 limitation shall not apply to any facility outside the state of Missouri if that
94 facility is the closest available facility to the child's home or the **children's**
95 division **[**of family services**]** determines that such placement is in the child's best
96 interest; nor

97 c. To any facility outside the state of Missouri which is not licensed or
98 exempted from licensure by the state in which it is located, or which cannot
99 document that it meets requirements which would be necessary for licensure in
100 the state of Missouri. The term "care" shall include room, board, clothing,
101 medical care, dental care, social services and incidentals;

102 (18) To accept gifts and grants of any property, real or personal, and to
103 sell said property and expend such gifts or grants not inconsistent with the

104 administration of this chapter and within the limitations imposed by the donor
105 thereof;
106 (19) To make periodic surveys of cost-of-living factors in relation to the
107 **[**needs of recipients of public assistance**]** **duties and responsibilities of the**
108 **division**, and establish standards or budgetary guides for determining minimum
109 costs of meeting such requirements, and amend such standards from time to time
110 as circumstances may require.
111 2. All powers and duties of the **children's** division **[**of family services**]**
112 shall, so far as applicable, apply to the administration of any other law or state
113 law wherein duties are imposed upon the **children's** division **[**of family services**]**
114 acting as a state agency.

207.022. 1. In addition to the powers, duties and functions vested
2 **in the family support division by other provisions of this chapter or by**
3 **other laws of this state, the family support division shall have the**
4 **power:**
5 **(1) To sue and be sued;**
6 **(2) To make contracts and carry out the duties imposed upon it**
7 **by this or any other law;**
8 **(3) To administer, disburse, dispose of and account for funds,**
9 **commodities, equipment, supplies or services, and any kind of property**
10 **given, granted, loaned, advanced to or appropriated by the state of**
11 **Missouri for any of the purposes herein;**
12 **(4) To administer oaths, issue subpoenas for witnesses, examine**
13 **such witnesses under oath, and make and keep a record of same;**
14 **(5) To adopt, amend and repeal rules and regulations necessary**
15 **or desirable to carry out the provisions of this chapter and which are**
16 **not inconsistent with the constitution or laws of this state;**
17 **(6) To cooperate with the United States government in matters**
18 **of mutual concern pertaining to any duties wherein the family support**
19 **division is acting as a state agency, including the adoption of such**
20 **methods of administration as are found by the United States**
21 **government to be necessary for the efficient operation of state plans**
22 **hereunder;**
23 **(7) To make such reports in such form and containing such**
24 **information as the United States government may, from time to time,**
25 **require, and comply with such provisions as the United States**

government may, from time to time, find necessary to assure the correctness and verification of such reports;

(8) To appoint, when and if it may deem necessary, advisory committees to provide professional or technical consultation in respect to welfare problems and welfare administration. The members of such advisory committees shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties. The number of members of each such advisory committee shall be determined by the family support division and such advisory committees shall consult with and advise the family support division in respect to problems and policies incident to the administration of the particular function germane to the respective field of competence;

(9) To initiate or cooperate with other agencies in developing measures for the prevention of dependency and the rehabilitation of needy persons;

(10) To collect statistics, make special fact-finding studies and publish reports in reference to public welfare;

(11) To establish or cooperate in research or demonstration projects relative to the welfare program, such as those relating to the prevention and reduction of dependency and economic distress, or which will aid in effecting coordination of planning between private and public welfare agencies, or which will help improve the administration and effectiveness of programs carried on or assisted under the federal Social Security Act and the programs related thereto;

(12) To provide appropriate public welfare services to promote, safeguard and protect the social well-being and general welfare of children and to help maintain and strengthen family life, and to provide such public welfare services to aid needy persons who can be so helped to become self-supporting or capable of self-care;

(13) To accept gifts and grants of any property, real or personal, and to sell said property and expend such gifts or grants not inconsistent with the administration of this chapter and within the limitations imposed by the donor thereof;

(14) To make periodic surveys of cost-of-living factors in relation to the needs of recipients of public assistance, and establish standards

or budgetary guides for determining minimum costs of meeting such requirements, and amend such standards from time to time as circumstances may require;

(15) To accept gifts and grants of any property, real or personal, and to sell said property and expend such gifts or grants not inconsistent with the administration of this chapter and within the limitations imposed by the donor thereof.

2. All powers and duties of the family support division shall, so far as applicable, apply to the administration of any other law or state law wherein duties are imposed upon the family support division acting as a state agency.

207.030. The **[**chief administrative officer of the division of family services shall be a director of family services, who shall be a person**] directors of the family support division and children's division shall be persons** qualified by education and experience to supervise the work of **[**the division of family services**] such divisions** and shall be **[**a citizen and taxpayer**] citizens and taxpayers** of Missouri. Before entering upon his **or her** duties **[**the**], each** director shall subscribe an oath or affirmation to support the Constitution of the United States and of the state of Missouri and to faithfully demean himself **or herself** in office. **[**He**] Each director** shall enter into good and sufficient bond, payable to the state of Missouri, conditioned upon the faithful discharge and performance of official duties, and upon accountability for all property and funds coming under **[**his**] such director's** administration and control, said bond to be approved by the attorney general as to form, and by the governor as to its sufficiency, the premium on said bond to be paid by the state. The governor may remove the director of the **children's** division **[**of family services**] and the director of the family support division** for incompetence, misconduct, or neglect of duty.

207.070. 1. The **[**division of family services in the**]** department of social services is hereby authorized to elect, under the provisions of section 287.030, to come under the provisions of chapter 287, governing workers' compensation, and such law is hereby extended to include all employees of the **[**division of family services**] department** under any contract of hire, express or implied, oral or written, or under any appointment or election. The state of Missouri shall be a self-insurer and assume all liability imposed by chapter 287, in respect to the **[**division of family services**] department** employees without insurance. The

9 attorney general shall appear on behalf of and defend the state in all actions,
10 when the state is a self-insurer, brought by employees of the **[**division of family
11 services**]** **department** referred to herein under the provisions of the workers'
12 compensation law.

13 2. Any persons assigned to perform work on welfare work projects
14 initiated or sponsored by any state agency in carrying out a cooperative
15 agreement with the United States government under the Federal Economic
16 Opportunity Act of 1964, or any amendment thereto, shall be deemed to be
17 employees of the **[**division of family**]** **department of social** services only for the
18 purpose of affording such employees workers' compensation coverage under
19 chapter 287. The workers' compensation coverage may be provided by the
20 purchase of insurance or by the deposit in the commissioner of administration's
21 office of a fund from which workers' compensation benefits to such employees
22 shall be paid. Purchase of the insurance or the deposit of a fund shall be made
23 only from funds granted by the federal government.

24 3. The **[**division of family**]** **department of social** services shall adopt
25 rules classifying the employees mentioned herein who may be eligible for
26 compensation under this section, and its classification shall be decisive as to
27 whether or not an employee falls within the definition of an employee eligible for
28 workers' compensation coverage under this section.

29 4. The director of the **[**division of family**]** **department of social** services
30 is authorized to perform such duties as may be necessary to carry out effectively
31 the purposes of this section.

207.080. The extension of chapter 287 to include employees of the
2 **[**division of family**]** **department of social** services shall not be construed as
3 acknowledging or creating any liability in tort, or as incurring other obligations
4 or duties except only the duty and obligation of complying with the provisions of
5 chapter 287 so long as the **[**division of family services**]** **department** may elect to
6 remain under the provisions of chapter 287.

208.015. 1. The **family support** division **[**of family services**]** shall grant
2 general relief benefits to those persons determined to be eligible under this
3 chapter and the applicable rules of the division. The director may adopt such
4 additional requirements for eligibility for general relief, not inconsistent with this
5 chapter, which **[**he**]** **the director** deems appropriate.

6 2. General relief shall not be granted to any person:

7 (1) Who has been approved for federal supplemental security income and

8 was not on the general relief rolls in December, 1973; or
9 (2) Who is a recipient of:
10 (a) Aid to families with dependent children benefits;
11 (b) Aid to the blind benefits;
12 (c) Blind pension benefits; or
13 (d) Supplemental aid to the blind benefits.
14 3. A person shall not be considered unemployable, under this section, if
15 unemployability is due to school attendance.
16 4. Persons receiving general relief in December, 1973, and who qualify for
17 supplemental security income shall continue to receive a general relief grant if
18 necessary to prevent a reduction in the total cash income received by such person
19 in December, 1973, which general relief grant shall not exceed the amount of
20 general relief provided by law.
21 5. In providing benefits to persons applying for or receiving general relief,
22 benefits shall not be provided to any member of a household if the claimant is
23 employable as defined by rule of the **family support** division **[**of family
24 services**]**; or if certain specified relatives living in the household of the claimant
25 are employed and have income sufficient to support themselves and their legal
26 dependents and to meet the needs of the claimant as defined by rule of the
27 division. "Specified relatives" shall be defined as the spouse, mother, father,
28 sister, brother, son, daughter, and grandparents of the claimant, as well as the
29 spouses of these relatives, if living in the home.
30 6. General relief paid to an unemployable person shall not exceed one
31 hundred dollars a month.

208.030. 1. The **family support** division **[**of family services**]** shall make
2 monthly payments to each person who was a recipient of old age assistance, aid
3 to the permanently and totally disabled, and aid to the blind and who:
4 (1) Received such assistance payments from the state of Missouri for the
5 month of December, 1973, to which they were legally entitled; and
6 (2) Is a resident of Missouri.
7 2. The amount of supplemental payment made to persons who meet the
8 eligibility requirements for and receive federal supplemental security income
9 payments shall be in an amount, as established by rule and regulation of the
10 **family support** division **[**of family services**]**, sufficient to, when added to all
11 other income, equal the amount of cash income received in December, 1973;
12 except, in establishing the amount of the supplemental payments, there shall be

13 disregarded cost-of-living increases provided for in Titles II and XVI of the federal
14 Social Security Act and any benefits or income required to be disregarded by an
15 act of Congress of the United States or any regulation duly promulgated
16 thereunder. As long as the recipient continues to receive a supplemental security
17 income payment, the supplemental payment shall not be reduced. The minimum
18 supplemental payment for those persons who continue to meet the December,
19 1973, eligibility standards for aid to the blind shall be in an amount which, when
20 added to the federal supplemental security income payment, equals the amount
21 of the blind pension grant as provided for in chapter 209.

22 3. The amount of supplemental payment made to persons who do not meet
23 the eligibility requirements for federal supplemental security income benefits, but
24 who do meet the December, 1973, eligibility standards for old age assistance,
25 permanent and total disability and aid to the blind or less restrictive
26 requirements as established by rule or regulation of the **family support** division
27 **[**of family services**]**, shall be in an amount established by rule and regulation of
28 the **family support** division **[**of family services**]** sufficient to, when added to all
29 other income, equal the amount of cash income received in December, 1973;
30 except, in establishing the amount of the supplemental payment, there shall be
31 disregarded cost-of-living increases provided for in Titles II and XVI of the federal
32 Social Security Act and any other benefits or income required to be disregarded
33 by an act of Congress of the United States or any regulation duly promulgated
34 thereunder. The minimum supplemental payments for those persons who
35 continue to meet the December, 1973, eligibility standards for aid to the blind
36 shall be a blind pension payment as prescribed in chapter 209.

37 4. The **family support** division **[**of family services**]** shall make monthly
38 payments to persons meeting the eligibility standards for the aid to the blind
39 program in effect December 31, 1973, who are bona fide residents of the state of
40 Missouri. The payment shall be in the amount prescribed in subsection 1 of
41 section 209.040, less any federal supplemental security income payment.

42 5. The **family support** division **[**of family services**]** shall make monthly
43 payments to persons age twenty-one or over who meet the eligibility requirements
44 in effect on December 31, 1973, or less restrictive requirements as established by
45 rule or regulation of the **family support** division **[**of family services**]**, who were
46 receiving old age assistance, permanent and total disability assistance, general
47 relief assistance, or aid to the blind assistance lawfully, who are not eligible for
48 nursing home care under the Title XIX program, and who reside in a licensed

49 residential care facility, a licensed assisted living facility, a licensed intermediate
50 care facility or a licensed skilled nursing facility in Missouri and whose total cash
51 income is not sufficient to pay the amount charged by the facility; and to all
52 applicants age twenty-one or over who are not eligible for nursing home care
53 under the Title XIX program who are residing in a licensed residential care
54 facility, a licensed assisted living facility, a licensed intermediate care facility or
55 a licensed skilled nursing facility in Missouri, who make application after
56 December 31, 1973, provided they meet the eligibility standards for old age
57 assistance, permanent and total disability assistance, general relief assistance,
58 or aid to the blind assistance in effect on December 31, 1973, or less restrictive
59 requirements as established by rule or regulation of the **family support** division
60 **[**of family services**]**, who are bona fide residents of the state of Missouri, and
61 whose total cash income is not sufficient to pay the amount charged by the
62 facility. Until July 1, 1983, the amount of the total state payment for home care
63 in licensed residential care facilities shall not exceed one hundred twenty dollars
64 monthly, for care in licensed intermediate care facilities or licensed skilled
65 nursing facilities shall not exceed three hundred dollars monthly, and for care in
66 licensed assisted living facilities shall not exceed two hundred twenty-five dollars
67 monthly. Beginning July 1, 1983, for fiscal year 1983-1984 and each year
68 thereafter, the amount of the total state payment for home care in licensed
69 residential care facilities shall not exceed one hundred fifty-six dollars monthly,
70 for care in licensed intermediate care facilities or licensed skilled nursing
71 facilities shall not exceed three hundred ninety dollars monthly, and for care in
72 licensed assisted living facilities shall not exceed two hundred ninety-two dollars
73 and fifty cents monthly. No intermediate care or skilled nursing payment shall
74 be made to a person residing in a licensed intermediate care facility or in a
75 licensed skilled nursing facility unless such person has been determined, by his
76 **or her** own physician or doctor, to medically need such services subject to review
77 and approval by the department. Residential care payments may be made to
78 persons residing in licensed intermediate care facilities or licensed skilled
79 nursing facilities. Any person eligible to receive a monthly payment pursuant to
80 this subsection shall receive an additional monthly payment equal to the
81 Medicaid vendor nursing facility personal needs allowance. The exact amount of
82 the additional payment shall be determined by rule of the department. This
83 additional payment shall not be used to pay for any supplies or services, or for
84 any other items that would have been paid for by the **family support** division

85 **[**of family services**]** if that person would have been receiving medical assistance
86 benefits under Title XIX of the federal Social Security Act for nursing home
87 services pursuant to the provisions of section 208.159. Notwithstanding the
88 previous part of this subsection, the person eligible shall not receive this
89 additional payment if such eligible person is receiving funds for personal
90 expenses from some other state or federal program.

208.041. 1. Notwithstanding the provisions of subdivision (2) of section
2 208.050, the provisions of section 208.040 shall also apply to a needy child who
3 has been deprived of parental support or care by reason of the unemployment of
4 a parent as such term "unemployment" is defined and determined by the **family**
5 **support** division **[**of family services pursuant to**]** **under** applicable federal law
6 and regulations. The unemployed parent, for whose child or children benefits
7 may be received, is eligible for payments and under this section must:

8 (1) Be physically present in Missouri, living in the home with the child or
9 children, actively seeking employment, and complying with requirements made
10 by the **family support** division **[**of family services pursuant to**]** **under**
11 applicable state and federal requirements for registration with the United States
12 Secretary of Labor or his **or her** representative regarding employment, training,
13 work incentive and special work projects;

14 (2) Have been unemployed for at least thirty days prior to receiving
15 benefits under this section and must apply for and receive any unemployment
16 benefits to which he or she is entitled, such benefits to be considered as unearned
17 income in determining eligibility for aid to families with dependent children;

18 (3) Not have refused without good cause, within such thirty-day period
19 prior to the receipt of such aid, any bona fide offer of employment which he or she
20 is physically able to perform and otherwise qualified to engage in;

21 (4) Not have refused, without good cause, vocational rehabilitation,
22 education, training, work incentive or special work projects offered;

23 (5) (a) Have six or more quarters of work within any
24 thirteen-calendar-quarter period ending within one year prior to the application
25 for such aid or have received or have been qualified to receive unemployment
26 compensation within such one-year period;

27 (b) A "quarter of work" with respect to any individual shall mean a period
28 of three consecutive calendar months ending on March thirty-first, June thirtieth,
29 September thirtieth, or December thirty-first in which he or she received earned
30 income of not less than fifty dollars or in which he or she participated in a

31 community work and training program or the work incentive program;
32 (c) An individual shall be deemed "qualified" for unemployment
33 compensation under the state's unemployment compensation law if he or she
34 would have been eligible to receive such benefits upon filing application, or he or
35 she performed work not covered by such law which, if it has been covered, would,
36 together with any covered work he or she performed, have made him or her
37 eligible to receive such benefits upon filing application; and
38 (6) Be the natural or adoptive parent of the child or children or legally
39 responsible for the support of the child or children.
40 2. The **family support** division **[**of family services**]** shall enter into a
41 cooperative agreement with the state department of elementary and secondary
42 education and the coordinating board for higher education for use of public
43 vocational rehabilitation and education services and facilities in respect to the
44 unemployed parent to the end that those capable of assimilating and utilizing the
45 same may be trained or retrained.
46 3. The **family support** division **[**of family services**]** shall enter into an
47 agreement with the division of employment security for registration and
48 reregistration of unemployed parents, and shall refer them to the United States
49 Secretary of Labor or his **or her** representative, within thirty days of receiving
50 assistance, for the purpose of providing employment, training, work incentive and
51 special work projects for all eligible unemployed parents as provided in section
52 208.042.
53 4. Payments shall be prorated within the limits of the appropriations, and
54 shall not exceed the amount of the appropriations made therefor.
55 5. This section shall not become effective until June 16, 1983.

208.042. 1. In households containing recipients of aid to families with
2 dependent children benefits, each appropriate child, relative or other eligible
3 individual sixteen years of age or over shall be referred by the **family support**
4 division **[**of family services**]** to the United States Secretary of Labor or his **or her**
5 representative for participation in employment, training, work incentive or special
6 work projects when established and operated by the secretary, to afford such
7 individuals opportunities to work in the regular economy and to attain
8 independence through gainful employment.
9 2. The **family support** division **[**of family services**]**, pursuant to
10 applicable federal law and regulations, shall determine the standards and
11 procedures for the referral of individuals for employment, training, work incentive

12 and special work projects, which shall not be refused by such individuals without
13 good cause; but no recipient or other eligible individual in the household shall be
14 required to participate in such work programs if the person is
15 (1) Ill, incapacitated, or of advanced age;
16 (2) So remote from the location of any work or training project or program
17 that he **or she** cannot effectively participate;
18 (3) A child attending school full time;
19 (4) A person whose presence in the household on a substantially
20 continuous basis is required because of illness or incapacity of another member
21 of the household.
22 3. The **family support** division **[**of family services**]** shall pay to the
23 United States Secretary of Labor or his **or her** representative up to twenty
24 percent of the total cost, in cash or in kind, of the work incentive programs
25 operated for the benefit of the eligible persons referred by the **family support**
26 division **[**of family services**]**; and the **family support** division **[**of family services**]**
27 shall pay an amount to the secretary for eligible persons referred to and
28 participating in special work projects not to exceed the maximum monthly
29 payments authorized under sections 208.041 and 208.150 for recipients of public
30 assistance benefits. An allowance in addition to the maximum fixed by section
31 208.150 may also be made by the **family support** division **[**of family services**]**
32 for the reasonable expenses of any needy child or needy eligible relative which are
33 attributable to his **or her** participating in a work training or work incentive
34 program.
35 4. If an eligible child or relative refuses without good cause to participate
36 in any work training or work incentive program to which he **or she** has been
37 referred, payment to or on behalf of the child or relative may be continued for not
38 more than sixty days thereafter, but in such cases payments shall be made
39 pursuant to subsection 2 of section 208.180. If a relative has refused to so
40 participate, payments on behalf of the eligible children cared for by the relative
41 shall be made pursuant to subsection 2 of section 208.180.
42 5. The **family support** division **[**of family services**]** is authorized to
43 expend funds to provide child day care services, when appropriate, for the care
44 of children required by the absence of adult persons from the household due to
45 referral and participation in employment, training, work incentive programs or
46 special work projects.

208.047. 1. Notwithstanding the provisions of section 208.040, aid to

2 dependent children benefits may be granted to a dependent child:
3 (1) Who would meet the requirements of section 208.040, except for his **or**
4 **her** removal from the home of a relative as a result of a judicial determination
5 to the effect that continuation therein would be contrary to the welfare of such
6 child;
7 (2) For whose placement and care the **children's** division **[**of family
8 services**]** is responsible;
9 (3) Who has been placed in a foster family home or nonprofit private
10 child-care institution as a result of such determination; and
11 (4) Who (a) received aid to dependent children benefits in and for the
12 month in which court proceedings leading to such determination were initiated;
13 or (b) would have received aid in or for that month if application had been made
14 therefor; or (c) in the case of a child who had been living with a relative specified
15 in section 208.040 within six months prior to the month in which such
16 proceedings were initiated, would have received aid in and for such month, if in
17 such month he **or she** had been living with, and removed from the home of, such
18 a relative and application had been made therefor.
19 2. Monthly aid to dependent children benefits on behalf of a child placed
20 in a foster family home or nonprofit private child-care institution shall not exceed
21 one hundred dollars for each child and in the event that federal aid to states for
22 dependent children placed in a nonprofit private child-care institution is
23 withdrawn, benefit payments under this section shall be terminated on behalf of
24 a dependent child in a nonprofit private child-care institution.

208.050. Aid to families with dependent children benefits shall not be
2 granted or continued:
3 (1) Unless the benefits granted are used to meet the needs of the child
4 and the needy eligible relative caring for a dependent child;
5 (2) To any person when benefits are claimed by reason of his **or her**
6 physical or mental incapacity, and such person refuses to accept vocational
7 rehabilitation services or training or medical or other legal healing treatment
8 necessary to improve or restore his **or her** capacity to support himself **or herself**
9 and his **or her** dependents, and it is certified by competent medical authority
10 designated by the **family support** division **[**of family services**]** that such physical
11 or mental incapacity can be removed, corrected or substantially improved;
12 provided, however, the **family support** division **[**of family services**]** may in its
13 discretion waive this requirement, taking into consideration the age of the

14 individual, nature and extent of training and treatment, or whether he **or she**
15 endangers the health of others in his **or her** refusal, whether the training or
16 treatment is such that a reasonably prudent person would accept it, and all other
17 facts and circumstances in the individual case;

18 (3) To a household that receives in any month an amount of income which
19 together with all other income for that month, not excluded or disregarded by the
20 division, exceeds the standard of need applicable to the family:

21 (a) Such amount of income shall be considered income to the individual
22 in the month received, and the household of which such person is a member shall
23 be ineligible for the whole number of months that equals the sum of such amount
24 and all other income received in such month, not excluded or disregarded by the
25 division, divided by the standard of need applicable to the family;

26 (b) Any income remaining shall be treated as income received in the first
27 month following the period of ineligibility specified in paragraph (a);

28 (c) For the purposes of this subdivision, where consistent with federal law
29 or regulation, "income" shall not include the proceeds of any life insurance policy,
30 or prearranged funeral or burial contract, provided that such proceeds are
31 actually used to pay for the funeral or burial expenses of the deceased family
32 member.

208.060. Application for any benefits under any law of this state
2 administered by the **family support** division **[**of family services**]** acting as a
3 state agency shall be filed in the county office. Application for aid to dependent
4 children shall be made by the person with whom the child will live while
5 receiving aid. All applications shall be in writing, or reduced to writing, upon
6 blank forms furnished by the **family support** division **[**of family services**]**, and
7 shall contain such information as may be required by the **family support**
8 division **[**of family services**]** or by any federal authority under the Social Security
9 law and amendments thereto. The term "benefits" as used herein or in this law
10 shall be construed to mean:

11 (1) Aid to dependent children;

12 (2) Aid or public relief to individuals in cases of public calamity;

13 (3) Money or services available for child welfare services;

14 (4) Any other grant, aid, pension or assistance administered by the
15 **family support** division **[**of family services**]**.

208.070. 1. The department shall permit any individual who wants to
2 apply for assistance pursuant to the temporary assistance or any other public

assistance program administered or supervised by the department to so apply. Such public assistance shall be furnished with reasonable promptness in accordance with statute and rules of the department.

2. A request for assistance may be made at a county office of the **family support** division **[**of family services**]** in person, by telephone or by mail.

3. Whenever the division receives a request for assistance an investigation and record shall be promptly made of the circumstances of the applicant by the division in order to ascertain the facts supporting the application. Upon the completion of such investigation the director of the **family support** division **[**of family services**]**, or someone designated by the director, shall decide whether the applicant is eligible for benefits and if entitled to benefits determine the amount thereof and the date on which such benefits shall begin. The division shall notify the applicant of the decision.

4. During the investigation of any application or recertification of assistance, the division shall:

(1) At the time of each application, provide each applicant household with a clear written statement explaining what acts the member of the household shall perform to cooperate in verifying and otherwise completing the application process;

(2) Assist each applicant household in obtaining appropriate verification and completing the application process;

(3) Not require any household to submit additional proof of a matter on which the division already has current verification, unless the division has reason to believe that such information is inaccurate, incomplete or insufficient; and

(4) Not deny any application for assistance solely because of the failure of a person outside the household to cooperate in providing information.

5. The division shall complete the investigation within the time allowed by federal law or state statute. If no time limit is otherwise specified by federal law or state statute, benefits shall be provided not later than forty-five days following the filing of an application.

6. The division shall explain to the applicant the nature of all categories of public assistance, benefits and services for which the applicant household may be eligible and may be given, and the consequences of accepting temporary assistance benefits, including, but not limited to, lifetime limits and work requirements. If the applicant chooses not to receive temporary assistance benefits, the division shall evaluate the applicant's eligibility for medical

39 assistance, food stamps and any other public assistance benefits which the
40 applicant or the applicant's dependents may be eligible.

208.072. 1. A completed application for medical assistance for services
2 described in section 208.152 shall be approved or denied within thirty days from
3 submission to the **family support** division **[**of family services**]** or its successor.
4 2. The **MO HealthNet** division **[**of medical services**]** shall remit to a
5 licensed nursing home operator the Medicaid payment for a newly admitted
6 Medicaid resident in a licensed long-term care facility within forty-five days of the
7 resident's date of admission.

208.075. 1. When an application is made for aid to dependent children or
2 aid to the permanently and totally disabled benefits because of the physical or
3 mental condition of a person the **family support** division **[**of family services**]**
4 shall require the person to be examined by competent medical or other
5 appropriate authority designated by the **family support** division **[**of family
6 services**]**. If benefits are paid because of the physical or mental condition of a
7 person the **family support** division **[**of family services**]** may, as often as it deems
8 necessary, require such person to be reexamined by competent medical or other
9 appropriate authority designated by the **family support** division **[**of family
10 services**]**. Written reports of examinations and reexaminations shall be required
11 and evaluated by the **family support** division **[**of family services**]** in determining
12 eligibility to receive benefits or to continue to receive benefits.
13 2. In any appeal hearing as provided for by section 208.080 and the
14 question at issue involves the physical or mental incapacity of a person,
15 regardless of whether assistance has been denied or a recipient has been removed
16 from the assistance rolls, the written reports of the examination or reexamination
17 made by competent medical or other appropriate authority designated by the
18 **family support** division **[**of family services**]**, and any written medical reports by
19 other physicians or clinics submitted by claimant, are hereby declared to be
20 competent evidence and admissible as such at the appeal hearing to be considered
21 by the director with any other evidence submitted. Any written medical report
22 purporting to be executed and signed by the medical or other appropriate
23 authority, its agents, or employees shall be prima facie evidence of it being
24 properly executed and signed without further proof of identification.

208.080. 1. Any applicant for or recipient of benefits or services provided
2 by law by the **[**division of family services**]** **family support division, children's**
3 **division, or MO HealthNet division** may appeal to the director of the

4 **respective** division **[**of family services**]** from a decision **[**of a county office of the
5 division of family services**]** in any of the following cases:
6 (1) If his **or her** right to make application for any such benefits or
7 services is denied; or
8 (2) If his **or her** application is disallowed in whole or in part, or is not
9 acted upon within a reasonable time after it is filed; or
10 (3) If it is proposed to cancel or modify benefits or services; or
11 (4) If he **or she** is adversely affected by any determination of **[**a county
12 office of the division of family services**] the family support division,**
13 **children's division, or MO HealthNet division** in **[**its**] the** administration
14 of the programs administered by **[**it**] such divisions**; or
15 (5) If a determination is made pursuant to subsection 2 of section 208.180
16 that payment of benefits on behalf of a dependent child shall not be made to the
17 relative with whom he **or she** lives.
18 2. If **[**the**] a** division proposes to terminate or modify the payment of
19 benefits or the providing of services to the recipient or **[**the**] a** division has
20 terminated or modified the payment of benefits or providing of services to the
21 recipient and the recipient appeals, the decision of the director as to the
22 eligibility of the recipient at the time such action was proposed or taken shall be
23 based on the facts shown by the evidence presented at the hearing of the appeal
24 to have existed at the time such action to terminate or modify was proposed or
25 was taken.
26 3. In the case of a proposed action by the **[**county office of the division of
27 family services**] family support division, children's division, or MO**
28 **HealthNet division** to reduce, modify, or discontinue benefits or services to a
29 recipient, the recipient of such benefits or services shall have ten days from the
30 date of the mailing of notice of the proposed action to reduce, modify, or
31 discontinue benefits or services within which to request an appeal to the director
32 of the division **[**of family services**]**. In the notice to the recipient of such proposed
33 action, the **[**county office of the division of family services**] appropriate**
34 **division** shall notify the recipient of all his **or her** rights of appeal under this
35 section. Proper blank forms for appeal to the director of the division **[**of family
36 services**]** shall be furnished by the **[**county office**] the appropriate division** to
37 any aggrieved recipient. Every such appeal to the director of the division **[**of
38 family services**]** shall be transmitted by the **[**county office to the director of the
39 division of family services**] appropriate division** immediately upon the same

40 being filed with the [county office] **appropriate division**. If an appeal is
41 requested, benefits or services shall continue undiminished or unchanged until
42 such appeal is heard and a decision has been rendered thereon, except that in an
43 aid to families with dependent children case the recipient may request that
44 benefits or services not be continued undiminished or unchanged during the
45 appeal.

46 4. When a case has been closed or modified and no appeal was requested
47 prior to closing or modification, the recipient shall have ninety days from the date
48 of closing or modification to request an appeal to the director of the division [of
49 family services]. Each recipient who has not requested an appeal prior to the
50 closing or modification of his **or her** case shall be notified at the time of such
51 closing or modification of his **or her** right to request an appeal during this
52 ninety-day period. Proper blank forms for requesting an appeal to the director
53 of the division [of family services] shall be furnished by the [county office]
54 **appropriate division** to any aggrieved applicant. Every such request made in
55 any manner for an appeal to the director of the division [of family services] shall
56 be transmitted by the [county office] **appropriate division** to the director of the
57 division [of family services] immediately upon the same being filed with the
58 [county office] **appropriate division**. If an appeal is requested in the
59 ninety-day period subsequent to the closing or modification, benefits or services
60 shall not be continued at their prior level during the pendency of the appeal.

61 5. In the case of a rejection of an application for benefits or services, the
62 aggrieved applicant shall have ninety days from the date of the notice of the
63 action in which to request an appeal to the director of the division [of family
64 services]. In the rejection notice the applicant for benefits or services shall be
65 notified of all of his **or her** rights of appeal under this section. Proper blank
66 forms for requesting an appeal to the director of the division [of family services]
67 shall be furnished by the [county office] **appropriate division** to any aggrieved
68 applicant. Any such request made in any manner for an appeal shall be
69 transmitted by the [county office] **appropriate division** to the director of the
70 division [of family services], immediately upon the same being filed with the
71 [county office] **appropriate division**.

72 6. If the division has rejected an application for benefits or services and
73 the applicant appeals, the decision of the director as to the eligibility of the
74 applicant at the time such rejection was made shall be based upon the facts
75 shown by the evidence presented at the hearing of the appeal to have existed at

76 the time the rejection was made.

77 7. The director of the division **[**of family services**]** shall give the applicant
78 for benefits or services or the recipient of benefits or services reasonable notice
79 of, and an opportunity for, a fair hearing in the county of his **or her** residence at
80 the time the adverse action was taken. The hearing shall be conducted by the
81 director of the division **[**of family services or his**]** **or such director's**
82 designee. Every applicant or recipient, on appeal to the director of the division
83 **[**of family services**]**, shall be entitled to be present at the hearing, in person and
84 by attorney or representative, and shall be entitled to introduce into the record
85 of such hearing any and all evidence, by witnesses or otherwise, pertinent to such
86 applicant's or recipient's eligibility between the time he **or she** applied for
87 benefits or services and the time the application was denied or the benefits or
88 services were terminated or modified, and all such evidence shall be taken down,
89 preserved, and shall become a part of the applicant's or recipient's appeal
90 record. Upon the record so made, the director of the division **[**of family services**]**
91 shall determine all questions presented by the appeal, and shall make such
92 decision as to the granting of benefits or services as in his **or her** opinion is
93 justified and is in conformity with the provisions of the law. The director shall
94 clearly state the reasons for his **or her** decision and shall include a statement of
95 findings of fact and conclusions of law pertinent to the questions in issue.

96 8. All appeal requests may initially be made orally or in any written form,
97 but all such requests shall be transcribed on forms furnished by the division **[**of
98 family services**]** and signed by the aggrieved applicant or recipient or his **or her**
99 representative prior to the commencement of the hearing.

208.100. 1. Any claimant aggrieved by the decision of the director of the
2 **[**division of family services**]** **family support division, children's division, or**
3 **MO HealthNet division** made under section 208.080 may appeal to the circuit
4 court of the county in which such claimant resides within ninety days from the
5 date of the action and decision appealed from.

6 2. The **appropriate** division shall furnish the claimant, upon request,
7 with proper form of affidavit for appeal from the director of the **appropriate**
8 division **[**of family services**]** to the circuit court.

9 3. Upon the affidavit for appeal, duly executed by the claimant before an
10 officer authorized to administer oaths, being filed with the **appropriate** division
11 within ninety days from the date of the decision of the director of the
12 **appropriate** division **[**of family services**]** the entire record preserved in the case

13 at the time of the claimant's hearing, together with the hearing decision and the
14 affidavit for appeal, shall be certified by the director of the **appropriate** division
15 **[**of family services**]** to the circuit court and the case shall be docketed as other
16 civil cases except that neither party shall be required to give bond or deposit any
17 money for docket fee on appeal to the circuit court.

18 4. Such appeal shall be tried in the circuit court upon the record of the
19 proceedings had before and certified by the director of the **appropriate** division
20 **[**of family services**]**, which shall in such case be certified and included in the
21 return of said director to the court.

22 5. Upon the record so certified by the director of the **appropriate**
23 division **[**of family services**]**, the circuit court shall review the action and decision
24 of the director in accordance with the provisions of section 536.140; and the court
25 shall render judgment affirming, reversing, or modifying the director's decision,
26 and may order the reconsideration of the case in the light of the court's opinion
27 and judgment, and may order the director to take such further action as it may
28 be proper to require.

208.120. 1. For the protection of applicants and recipients, all officers and
2 employees of the state of Missouri are prohibited, except as hereinafter provided,
3 from disclosing any information obtained by them in the discharge of their official
4 duties relative to the identity of applicants for or recipients of benefits or the
5 contents of any records, files, papers, and communications, except in proceedings
6 or investigations where the eligibility of an applicant to receive benefits, or the
7 amount received or to be received by any recipient, is called into question, or for
8 the purposes directly connected with the administration of public assistance. In
9 any judicial proceedings, except such proceedings as are directly concerned with
10 the administration of these programs, such information obtained in the discharge
11 of official duties relative to the identity of applicants for or recipients of benefits,
12 and records, files, papers, communications and their contents shall be confidential
13 and not admissible in evidence.

14 2. The **family support** division **[**of family services**]** shall in each county
15 welfare office maintain monthly a report showing the name and address of all
16 recipients certified by such county welfare office to receive public assistance
17 benefits, together with the amount paid to each recipient during the preceding
18 month, and each such report and information contained therein shall be open to
19 public inspection at all times during the regular office hours of the county welfare
20 office; provided, however, that all information regarding applicants or recipients

21 other than names, addresses and amounts of grants shall be considered as
22 confidential.

23 3. It shall be unlawful for any person, association, firm, corporation or
24 other agency to solicit, disclose, receive, make use of or authorize, knowingly
25 permit, participate in or acquiesce in the use of any name or lists of names for
26 commercial or political purposes of any nature; or for any name or list of names
27 of recipients secured from such report in the county welfare office to be published
28 in any manner. Anyone willfully or knowingly violating any provisions of this
29 section shall be guilty of a misdemeanor. If the violation is by other than an
30 individual, the penalty may be adjudged against any officer, agent, employee,
31 servant or other person of the association, firm, corporation or other agency who
32 committed or participated in such violation and is found guilty thereof.

208.125. The director of the **family support** division **[**of family services**]**
2 is authorized to destroy all applications and records compiled by the **family**
3 **support** division **[**of family services**]** in connection with the investigation and
4 payment of public assistance or blind pensions after five years have elapsed since
5 the closing of a case or the rejection of an application.

208.130. All benefits granted may be reconsidered by the director of
2 **[**family services**]** **the department of social services or the appropriate**
3 **division** as frequently as he **or she** may deem necessary. After such further
4 investigation the amount of a benefit may be changed or entirely withdrawn.

208.145. For the purposes of the application of section 208.151,
2 individuals shall be deemed to be recipients of aid to families with dependent
3 children and individuals shall be deemed eligible for such assistance if:

4 (1) The individual meets eligibility requirements which are no more
5 restrictive than the July 16, 1996, eligibility requirements for aid to families with
6 dependent children, as established by the **family support** division **[**of family
7 services**]**; or

8 (2) Each dependent child, and each relative with whom such a child is
9 living including the spouse of such relative as described in 42 U.S.C. 606(b), as
10 in effect on July 16, 1996, who ceases to meet the eligibility criteria set forth in
11 subdivision (1) of this section as a result of the collection or increased collection
12 of child or spousal support under part IV-D of the Social Security Act, 42 U.S.C.
13 651 et seq., and who has received such aid in at least three of the six months
14 immediately preceding the month in which ineligibility begins, shall be deemed
15 eligible for an additional four calendar months beginning with the month in

16 which such ineligibility begins.

208.150. The maximum amount of monthly public assistance money
2 payment benefits payable to or on behalf of a needy person shall not exceed the
3 following:

4 (1) Aid to families with a dependent child, or children, and needy eligible
5 relatives caring for a dependent child, or children, in an amount to be computed
6 as follows:

7 (a) Beginning July 1, 1993, and at least every three years thereafter, the
8 **family support** division **[**of family services**]** shall determine by regulation the
9 average need for each such eligible person, which shall include the cost of basic
10 needs required to maintain a child or children in the home at a reasonable and
11 decent low-income standard of living, and shall pay, on a uniform basis, the
12 highest percent of such need as shall be possible within the limits of funds
13 appropriated for that purpose, less available income;

14 (b) "Available income" means the total income, before taxes or other
15 deductions, of each person residing within the same household, except, to the
16 extent allowed by federal law, the earnings of a student under nineteen years of
17 age enrolled in a secondary school or at the equivalent level of vocational or
18 technical training, plus or minus such credits or deductions as may be prescribed
19 by the **family support** division **[**of family services**]** by regulations for the sole
20 purpose of complying with federal laws or regulations relating to this state's
21 eligibility to receive federal funds for aid to families with dependent children
22 payments, and such credits or deductions as may otherwise be prescribed by law;

23 (c) The available income shall be subtracted from the total amount which
24 otherwise would be paid;

25 (d) If the determined need under this subdivision is of an amount less
26 than ten dollars, no cash payment will be made;

27 (2) Aid or public relief to an unemployable person not to exceed one
28 hundred dollars.

208.152. 1. MO HealthNet payments shall be made on behalf of those
2 eligible needy persons as defined in section 208.151 who are unable to provide for
3 it in whole or in part, with any payments to be made on the basis of the
4 reasonable cost of the care or reasonable charge for the services as defined and
5 determined by the MO HealthNet division, unless otherwise hereinafter provided,
6 for the following:

7 (1) Inpatient hospital services, except to persons in an institution for

8 mental diseases who are under the age of sixty-five years and over the age of
9 twenty-one years; provided that the MO HealthNet division shall provide through
10 rule and regulation an exception process for coverage of inpatient costs in those
11 cases requiring treatment beyond the seventy-fifth percentile professional
12 activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay
13 schedule; and provided further that the MO HealthNet division shall take into
14 account through its payment system for hospital services the situation of
15 hospitals which serve a disproportionate number of low-income patients;

16 (2) All outpatient hospital services, payments therefor to be in amounts
17 which represent no more than eighty percent of the lesser of reasonable costs or
18 customary charges for such services, determined in accordance with the principles
19 set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the
20 federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet
21 division may evaluate outpatient hospital services rendered under this section
22 and deny payment for services which are determined by the MO HealthNet
23 division not to be medically necessary, in accordance with federal law and
24 regulations;

25 (3) Laboratory and X-ray services;

26 (4) Nursing home services for participants, except to persons with more
27 than five hundred thousand dollars equity in their home or except for persons in
28 an institution for mental diseases who are under the age of sixty-five years, when
29 residing in a hospital licensed by the department of health and senior services or
30 a nursing home licensed by the department of health and senior services or
31 appropriate licensing authority of other states or government-owned and
32 -operated institutions which are determined to conform to standards equivalent
33 to licensing requirements in Title XIX of the federal Social Security Act (42
34 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet
35 division may recognize through its payment methodology for nursing facilities
36 those nursing facilities which serve a high volume of MO HealthNet
37 patients. The MO HealthNet division when determining the amount of the
38 benefit payments to be made on behalf of persons under the age of twenty-one in
39 a nursing facility may consider nursing facilities furnishing care to persons under
40 the age of twenty-one as a classification separate from other nursing facilities;

41 (5) Nursing home costs for participants receiving benefit payments under
42 subdivision (4) of this subsection for those days, which shall not exceed twelve per
43 any period of six consecutive months, during which the participant is on a

44 temporary leave of absence from the hospital or nursing home, provided that no
45 such participant shall be allowed a temporary leave of absence unless it is
46 specifically provided for in his plan of care. As used in this subdivision, the term
47 "temporary leave of absence" shall include all periods of time during which a
48 participant is away from the hospital or nursing home overnight because he is
49 visiting a friend or relative;

50 (6) Physicians' services, whether furnished in the office, home, hospital,
51 nursing home, or elsewhere;

52 (7) Drugs and medicines when prescribed by a licensed physician, dentist,
53 podiatrist, or an advanced practice registered nurse; except that no payment for
54 drugs and medicines prescribed on and after January 1, 2006, by a licensed
55 physician, dentist, podiatrist, or an advanced practice registered nurse may be
56 made on behalf of any person who qualifies for prescription drug coverage under
57 the provisions of P.L. 108-173;

58 (8) Emergency ambulance services and, effective January 1, 1990,
59 medically necessary transportation to scheduled, physician-prescribed nonelective
60 treatments;

61 (9) Early and periodic screening and diagnosis of individuals who are
62 under the age of twenty-one to ascertain their physical or mental defects, and
63 health care, treatment, and other measures to correct or ameliorate defects and
64 chronic conditions discovered thereby. Such services shall be provided in
65 accordance with the provisions of Section 6403 of P.L. 101-239 and federal
66 regulations promulgated thereunder;

67 (10) Home health care services;

68 (11) Family planning as defined by federal rules and regulations;
69 provided, however, that such family planning services shall not include abortions
70 unless such abortions are certified in writing by a physician to the MO HealthNet
71 agency that, in **[**his**]** **the physician's** professional judgment, the life of the
72 mother would be endangered if the fetus were carried to term;

73 (12) Inpatient psychiatric hospital services for individuals under age
74 twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C.
75 1396d, et seq.);

76 (13) Outpatient surgical procedures, including presurgical diagnostic
77 services performed in ambulatory surgical facilities which are licensed by the
78 department of health and senior services of the state of Missouri; except, that
79 such outpatient surgical services shall not include persons who are eligible for

80 coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the
81 federal Social Security Act, as amended, if exclusion of such persons is permitted
82 under Title XIX, Public Law 89-97, 1965 amendments to the federal Social
83 Security Act, as amended;

84 (14) Personal care services which are medically oriented tasks having to
85 do with a person's physical requirements, as opposed to housekeeping
86 requirements, which enable a person to be treated by his **or her** physician on an
87 outpatient rather than on an inpatient or residential basis in a hospital,
88 intermediate care facility, or skilled nursing facility. Personal care services shall
89 be rendered by an individual not a member of the participant's family who is
90 qualified to provide such services where the services are prescribed by a physician
91 in accordance with a plan of treatment and are supervised by a licensed
92 nurse. Persons eligible to receive personal care services shall be those persons
93 who would otherwise require placement in a hospital, intermediate care facility,
94 or skilled nursing facility. Benefits payable for personal care services shall not
95 exceed for any one participant one hundred percent of the average statewide
96 charge for care and treatment in an intermediate care facility for a comparable
97 period of time. Such services, when delivered in a residential care facility or
98 assisted living facility licensed under chapter 198 shall be authorized on a tier
99 level based on the services the resident requires and the frequency of the services.
100 A resident of such facility who qualifies for assistance under section 208.030
101 shall, at a minimum, if prescribed by a physician, qualify for the tier level with
102 the fewest services. The rate paid to providers for each tier of service shall be set
103 subject to appropriations. Subject to appropriations, each resident of such facility
104 who qualifies for assistance under section 208.030 and meets the level of care
105 required in this section shall, at a minimum, if prescribed by a physician, be
106 authorized up to one hour of personal care services per day. Authorized units of
107 personal care services shall not be reduced or tier level lowered unless an order
108 approving such reduction or lowering is obtained from the resident's personal
109 physician. Such authorized units of personal care services or tier level shall be
110 transferred with such resident if **[**her**]** **he** or she transfers to another such
111 facility. Such provision shall terminate upon receipt of relevant waivers from the
112 federal Department of Health and Human Services. If the Centers for Medicare
113 and Medicaid Services determines that such provision does not comply with the
114 state plan, this provision shall be null and void. The MO HealthNet division
115 shall notify the revisor of statutes as to whether the relevant waivers are

116 approved or a determination of noncompliance is made;

117 (15) Mental health services. The state plan for providing medical
118 assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended,
119 shall include the following mental health services when such services are
120 provided by community mental health facilities operated by the department of
121 mental health or designated by the department of mental health as a community
122 mental health facility or as an alcohol and drug abuse facility or as a
123 child-serving agency within the comprehensive children's mental health service
124 system established in section 630.097. The department of mental health shall
125 establish by administrative rule the definition and criteria for designation as a
126 community mental health facility and for designation as an alcohol and drug
127 abuse facility. Such mental health services shall include:

128 (a) Outpatient mental health services including preventive, diagnostic,
129 therapeutic, rehabilitative, and palliative interventions rendered to individuals
130 in an individual or group setting by a mental health professional in accordance
131 with a plan of treatment appropriately established, implemented, monitored, and
132 revised under the auspices of a therapeutic team as a part of client services
133 management;

134 (b) Clinic mental health services including preventive, diagnostic,
135 therapeutic, rehabilitative, and palliative interventions rendered to individuals
136 in an individual or group setting by a mental health professional in accordance
137 with a plan of treatment appropriately established, implemented, monitored, and
138 revised under the auspices of a therapeutic team as a part of client services
139 management;

140 (c) Rehabilitative mental health and alcohol and drug abuse services
141 including home and community-based preventive, diagnostic, therapeutic,
142 rehabilitative, and palliative interventions rendered to individuals in an
143 individual or group setting by a mental health or alcohol and drug abuse
144 professional in accordance with a plan of treatment appropriately established,
145 implemented, monitored, and revised under the auspices of a therapeutic team
146 as a part of client services management. As used in this section, mental health
147 professional and alcohol and drug abuse professional shall be defined by the
148 department of mental health pursuant to duly promulgated rules. With respect
149 to services established by this subdivision, the department of social services, MO
150 HealthNet division, shall enter into an agreement with the department of mental
151 health. Matching funds for outpatient mental health services, clinic mental

152 health services, and rehabilitation services for mental health and alcohol and
153 drug abuse shall be certified by the department of mental health to the MO
154 HealthNet division. The agreement shall establish a mechanism for the joint
155 implementation of the provisions of this subdivision. In addition, the agreement
156 shall establish a mechanism by which rates for services may be jointly developed;
157 (16) Such additional services as defined by the MO HealthNet division to
158 be furnished under waivers of federal statutory requirements as provided for and
159 authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to
160 appropriation by the general assembly;
161 (17) The services of an advanced practice registered nurse with a
162 collaborative practice agreement to the extent that such services are provided in
163 accordance with chapters 334 and 335, and regulations promulgated thereunder;
164 (18) Nursing home costs for participants receiving benefit payments under
165 subdivision (4) of this subsection to reserve a bed for the participant in the
166 nursing home during the time that the participant is absent due to admission to
167 a hospital for services which cannot be performed on an outpatient basis, subject
168 to the provisions of this subdivision:
169 (a) The provisions of this subdivision shall apply only if:
170 a. The occupancy rate of the nursing home is at or above ninety-seven
171 percent of MO HealthNet certified licensed beds, according to the most recent
172 quarterly census provided to the department of health and senior services which
173 was taken prior to when the participant is admitted to the hospital; and
174 b. The patient is admitted to a hospital for a medical condition with an
175 anticipated stay of three days or less;
176 (b) The payment to be made under this subdivision shall be provided for
177 a maximum of three days per hospital stay;
178 (c) For each day that nursing home costs are paid on behalf of a
179 participant under this subdivision during any period of six consecutive months
180 such participant shall, during the same period of six consecutive months, be
181 ineligible for payment of nursing home costs of two otherwise available temporary
182 leave of absence days provided under subdivision (5) of this subsection; and
183 (d) The provisions of this subdivision shall not apply unless the nursing
184 home receives notice from the participant or the participant's responsible party
185 that the participant intends to return to the nursing home following the hospital
186 stay. If the nursing home receives such notification and all other provisions of
187 this subsection have been satisfied, the nursing home shall provide notice to the

188 participant or the participant's responsible party prior to release of the reserved
189 bed;
190 (19) Prescribed medically necessary durable medical equipment. An
191 electronic web-based prior authorization system using best medical evidence and
192 care and treatment guidelines consistent with national standards shall be used
193 to verify medical need;
194 (20) Hospice care. As used in this subdivision, the term "hospice care"
195 means a coordinated program of active professional medical attention within a
196 home, outpatient and inpatient care which treats the terminally ill patient and
197 family as a unit, employing a medically directed interdisciplinary team. The
198 program provides relief of severe pain or other physical symptoms and supportive
199 care to meet the special needs arising out of physical, psychological, spiritual,
200 social, and economic stresses which are experienced during the final stages of
201 illness, and during dying and bereavement and meets the Medicare requirements
202 for participation as a hospice as are provided in 42 CFR Part 418. The rate of
203 reimbursement paid by the MO HealthNet division to the hospice provider for
204 room and board furnished by a nursing home to an eligible hospice patient shall
205 not be less than ninety-five percent of the rate of reimbursement which would
206 have been paid for facility services in that nursing home facility for that patient,
207 in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus
208 Budget Reconciliation Act of 1989);
209 (21) Prescribed medically necessary dental services. Such services shall
210 be subject to appropriations. An electronic web-based prior authorization system
211 using best medical evidence and care and treatment guidelines consistent with
212 national standards shall be used to verify medical need;
213 (22) Prescribed medically necessary optometric services. Such services
214 shall be subject to appropriations. An electronic web-based prior authorization
215 system using best medical evidence and care and treatment guidelines consistent
216 with national standards shall be used to verify medical need;
217 (23) Blood clotting products-related services. For persons diagnosed with
218 a bleeding disorder, as defined in section 338.400, reliant on blood clotting
219 products, as defined in section 338.400, such services include:
220 (a) Home delivery of blood clotting products and ancillary infusion
221 equipment and supplies, including the emergency deliveries of the product when
222 medically necessary;
223 (b) Medically necessary ancillary infusion equipment and supplies

224 required to administer the blood clotting products; and
225 (c) Assessments conducted in the participant's home by a pharmacist,
226 nurse, or local home health care agency trained in bleeding disorders when
227 deemed necessary by the participant's treating physician;
228 (24) The MO HealthNet division shall, by January 1, 2008, and annually
229 thereafter, report the status of MO HealthNet provider reimbursement rates as
230 compared to one hundred percent of the Medicare reimbursement rates and
231 compared to the average dental reimbursement rates paid by third-party payors
232 licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide
233 to the general assembly a four-year plan to achieve parity with Medicare
234 reimbursement rates and for third-party payor average dental reimbursement
235 rates. Such plan shall be subject to appropriation and the division shall include
236 in its annual budget request to the governor the necessary funding needed to
237 complete the four-year plan developed under this subdivision.
238 2. Additional benefit payments for medical assistance shall be made on
239 behalf of those eligible needy children, pregnant women and blind persons with
240 any payments to be made on the basis of the reasonable cost of the care or
241 reasonable charge for the services as defined and determined by the **MO**
242 **HealthNet** division **[**of medical services**]**, unless otherwise hereinafter provided,
243 for the following:
244 (1) Dental services;
245 (2) Services of podiatrists as defined in section 330.010;
246 (3) Optometric services as defined in section 336.010;
247 (4) Orthopedic devices or other prosthetics, including eye glasses,
248 dentures, hearing aids, and wheelchairs;
249 (5) Hospice care. As used in this **[**subsection**]** **subdivision**, the term
250 "hospice care" means a coordinated program of active professional medical
251 attention within a home, outpatient and inpatient care which treats the
252 terminally ill patient and family as a unit, employing a medically directed
253 interdisciplinary team. The program provides relief of severe pain or other
254 physical symptoms and supportive care to meet the special needs arising out of
255 physical, psychological, spiritual, social, and economic stresses which are
256 experienced during the final stages of illness, and during dying and bereavement
257 and meets the Medicare requirements for participation as a hospice as are
258 provided in 42 CFR Part 418. The rate of reimbursement paid by the MO
259 HealthNet division to the hospice provider for room and board furnished by a

260 nursing home to an eligible hospice patient shall not be less than ninety-five
261 percent of the rate of reimbursement which would have been paid for facility
262 services in that nursing home facility for that patient, in accordance with
263 subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act
264 of 1989);

265 (6) Comprehensive day rehabilitation services beginning early posttrauma
266 as part of a coordinated system of care for individuals with disabling
267 impairments. Rehabilitation services must be based on an individualized,
268 goal-oriented, comprehensive and coordinated treatment plan developed,
269 implemented, and monitored through an interdisciplinary assessment designed
270 to restore an individual to optimal level of physical, cognitive, and behavioral
271 function. The MO HealthNet division shall establish by administrative rule the
272 definition and criteria for designation of a comprehensive day rehabilitation
273 service facility, benefit limitations and payment mechanism. Any rule or portion
274 of a rule, as that term is defined in section 536.010, that is created under the
275 authority delegated in this subdivision shall become effective only if it complies
276 with and is subject to all of the provisions of chapter 536 and, if applicable,
277 section 536.028. This section and chapter 536 are nonseverable and if any of the
278 powers vested with the general assembly pursuant to chapter 536 to review, to
279 delay the effective date, or to disapprove and annul a rule are subsequently held
280 unconstitutional, then the grant of rulemaking authority and any rule proposed
281 or adopted after August 28, 2005, shall be invalid and void.

282 3. The MO HealthNet division may require any participant receiving MO
283 HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an
284 additional payment after July 1, 2008, as defined by rule duly promulgated by the
285 MO HealthNet division, for all covered services except for those services covered
286 under subdivisions (14) and (15) of subsection 1 of this section and sections
287 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the
288 federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations
289 thereunder. When substitution of a generic drug is permitted by the prescriber
290 according to section 338.056, and a generic drug is substituted for a name-brand
291 drug, the MO HealthNet division may not lower or delete the requirement to
292 make a co-payment pursuant to regulations of Title XIX of the federal Social
293 Security Act. A provider of goods or services described under this section must
294 collect from all participants the additional payment that may be required by the
295 MO HealthNet division under authority granted herein, if the division exercises

296 that authority, to remain eligible as a provider. Any payments made by
297 participants under this section shall be in addition to and not in lieu of payments
298 made by the state for goods or services described herein except the participant
299 portion of the pharmacy professional dispensing fee shall be in addition to and
300 not in lieu of payments to pharmacists. A provider may collect the co-payment
301 at the time a service is provided or at a later date. A provider shall not refuse
302 to provide a service if a participant is unable to pay a required payment. If it is
303 the routine business practice of a provider to terminate future services to an
304 individual with an unclaimed debt, the provider may include uncollected
305 co-payments under this practice. Providers who elect not to undertake the
306 provision of services based on a history of bad debt shall give participants
307 advance notice and a reasonable opportunity for payment. A provider,
308 representative, employee, independent contractor, or agent of a pharmaceutical
309 manufacturer shall not make co-payment for a participant. This subsection shall
310 not apply to other qualified children, pregnant women, or blind persons. If the
311 Centers for Medicare and Medicaid Services does not approve the Missouri MO
312 HealthNet state plan amendment submitted by the department of social services
313 that would allow a provider to deny future services to an individual with
314 uncollected co-payments, the denial of services shall not be allowed. The
315 department of social services shall inform providers regarding the acceptability
316 of denying services as the result of unpaid co-payments.

317 4. The MO HealthNet division shall have the right to collect medication
318 samples from participants in order to maintain program integrity.

319 5. Reimbursement for obstetrical and pediatric services under subdivision
320 (6) of subsection 1 of this section shall be timely and sufficient to enlist enough
321 health care providers so that care and services are available under the state plan
322 for MO HealthNet benefits at least to the extent that such care and services are
323 available to the general population in the geographic area, as required under
324 subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated
325 thereunder.

326 6. Beginning July 1, 1990, reimbursement for services rendered in
327 federally funded health centers shall be in accordance with the provisions of
328 subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget
329 Reconciliation Act of 1989) and federal regulations promulgated thereunder.

330 7. Beginning July 1, 1990, the department of social services shall provide
331 notification and referral of children below age five, and pregnant, breast-feeding,

332 or postpartum women who are determined to be eligible for MO HealthNet
333 benefits under section 208.151 to the special supplemental food programs for
334 women, infants and children administered by the department of health and senior
335 services. Such notification and referral shall conform to the requirements of
336 Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

337 8. Providers of long-term care services shall be reimbursed for their costs
338 in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security
339 Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

340 9. Reimbursement rates to long-term care providers with respect to a total
341 change in ownership, at arm's length, for any facility previously licensed and
342 certified for participation in the MO HealthNet program shall not increase
343 payments in excess of the increase that would result from the application of
344 Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

345 10. The MO HealthNet division, may enroll qualified residential care
346 facilities and assisted living facilities, as defined in chapter 198, as MO
347 HealthNet personal care providers.

348 11. Any income earned by individuals eligible for certified extended
349 employment at a sheltered workshop under chapter 178 shall not be considered
350 as income for purposes of determining eligibility under this section.

208.154. If the funds at the disposal or which may be obtained by the
2 **[**division of family**]** **department of social** services for the payment of public
3 assistance money payment benefits or to or on behalf of any person for medical
4 assistance benefits shall at any time become insufficient to pay the full amount
5 thereof, the amount of any type of payment to or on behalf of each of such persons
6 shall be reduced pro rata in proportion to such deficiency in the total amount
7 available or to become available for such purpose.

208.157. The **[**division of family**]** **department of social** services shall
2 comply with the provisions of Title VI, Public Law 88-352, The Civil Rights Act
3 of 1964, and shall not in any manner deny any aid, care, services or other benefits
4 to nor discriminate against any person on the ground of race, color or national
5 origin; and no payment shall be made on behalf of any eligible needy person to
6 any provider of medical assistance, care or services who refuses to comply with
7 the Act, or who engages in any practices contrary thereto.

208.168. 1. Beginning July 1, 1983, in addition to those benefit payments
2 for medical assistance for eligible needy persons authorized under the provisions
3 of section 208.152, benefit payments for medical assistance may be made on

4 behalf of those eligible needy persons who are unable to provide for it in whole
5 or in part for adult day care and treatment to those persons who would require
6 placement in an intermediate care facility or skilled nursing home as the latter
7 two terms are defined by section 198.006.
8 2. Payments under this section shall be made on the basis of the
9 reasonable cost of the care as reasonable cost of the services is defined and
10 determined by the **MO HealthNet** division **[**of family services**]**.

208.175. 1. The "Drug Utilization Review Board" is hereby established
2 within the MO HealthNet division and shall be composed of the following health
3 care professionals who shall be appointed by the governor and whose appointment
4 shall be subject to the advice and consent of the senate:
5 (1) Six physicians who shall include:
6 (a) Three physicians who hold the doctor of medicine degree and are
7 active in medical practice;
8 (b) Two physicians who hold the doctor of osteopathy degree and are
9 active in medical practice; and
10 (c) One physician who holds the doctor of medicine or the doctor of
11 osteopathy degree and is active in the practice of psychiatry;
12 (2) Six actively practicing pharmacists who shall include:
13 (a) Three pharmacists who hold bachelor of science degrees in pharmacy
14 and are active as retail or patient care pharmacists;
15 (b) Two pharmacists who hold advanced clinical degrees in pharmacy and
16 are active in the practice of pharmaceutical therapy and clinical pharmaceutical
17 management; and
18 (c) One pharmacist who holds either a bachelor of science degree in
19 pharmacy or an advanced clinical degree in pharmacy and is employed by a
20 pharmaceutical manufacturer of Medicaid-approved formulary drugs; and
21 (3) One certified medical quality assurance registered nurse with an
22 advanced degree.
23 2. The membership of the drug utilization review board shall include
24 health care professionals who have recognized knowledge and expertise in one or
25 more of the following:
26 (1) The clinically appropriate prescribing of covered outpatient drugs;
27 (2) The clinically appropriate dispensing and monitoring of covered
28 outpatient drugs;
29 (3) Drug use review, evaluation and intervention;

30 (4) Medical quality assurance.

31 3. A chairperson shall be elected by the board members. The board shall
32 meet at least once every ninety days. A quorum of eight members, including no
33 fewer than three physicians and three pharmacists, shall be required for the
34 board to act in its official capacity.

35 4. Members appointed pursuant to subsection 1 of this section shall serve
36 four-year terms, except that of the original members, four shall be appointed for
37 a term of two years, four shall be appointed for a term of three years and five
38 shall be appointed for a term of four years. Members may be reappointed.

39 5. The members of the drug utilization review board or any regional
40 advisory committee shall receive no compensation for their services other than
41 reasonable expenses actually incurred in the performance of their official duties.

42 6. The drug utilization review board shall, either directly or through
43 contracts between the MO HealthNet division and accredited health care
44 educational institutions, state medical societies or state pharmacist associations
45 or societies or other appropriate organizations, provide for educational outreach
46 programs to educate practitioners on common drug therapy problems with the
47 aim of improving prescribing and dispensing practices.

48 7. The drug utilization review board shall monitor drug usage and
49 prescribing practices in the Medicaid program. The board shall conduct its
50 activities in accordance with the requirements of subsection (g) of section 4401
51 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508). The board shall
52 publish an educational newsletter to Missouri Medicaid providers as to its
53 considered opinion of the proper usage of the Medicaid formulary. It shall advise
54 providers of inappropriate drug utilization when it deems it appropriate to do so.

55 8. The drug utilization review board may provide advice on guidelines,
56 policies, and procedures necessary to establish and maintain the Missouri Rx
57 plan.

58 9. Office space and support personnel shall be provided by the **MO**
59 **HealthNet** division **[**of medical services**]**.

60 10. Subject to appropriations made specifically for that purpose, up to six
61 regional advisory committees to the drug utilization review board may be
62 appointed. Members of the regional advisory committees shall be physicians and
63 pharmacists appointed by the drug utilization review board. Each such member
64 of a regional advisory committee shall have recognized knowledge and expertise
65 in one or more of the following:

66 (1) The clinically appropriate prescribing of covered outpatient drugs;
67 (2) The clinically appropriate dispensing and monitoring of covered
68 outpatient drugs;
69 (3) Drug use review, evaluation, and intervention; or
70 (4) Medical quality assurance.

208.176. By December 1, 1992, the **MO HealthNet** division **[**of medical
2 services**]** shall, either directly or through contract with a private organization,
3 provide for a prospective review of drug therapy. The review shall include
4 screening for potential drug therapy problems, duplication, contraindications,
5 interactions, incorrect drug dosage, drug allergy, duration of therapy and clinical
6 abuse or misuse.

208.180. 1. Payment of benefits hereunder shall be made monthly in
2 advance, at such regular intervals as shall be determined by the **family support**
3 division **[**of family services**]**, directly to the recipient, or in the event of **[**his**] such**
4 **recipient's** incapacity or disability, to **[**his**] such recipient's** legally appointed
5 conservator, and except as provided in subsection 2, in the case of a dependent
6 child to the relative with whom he **or she** lives; provided, that payments for the
7 cost of authorized inpatient hospital or nursing home care in behalf of an
8 individual may be made after the care is received either during his **or her**
9 lifetime or after his **or her** death to the person, firm, corporation, association,
10 institution, or agency furnishing such care, and shall be considered as the
11 equivalent of payment to the individual to whom such care was rendered. All
12 incapacity or disability proceedings of persons applying for or receiving benefits
13 under this law shall be carried out without fee or other expense when in the
14 opinion of the probate division of the circuit court the person is unable to assume
15 such expense. At the discretion of the court such a guardian or conservator may
16 serve without bond.
17 2. Payment of benefits with respect to a dependent child may be made,
18 pursuant to regulations of the **family support** division **[**of family services**]**, to
19 an individual, other than the relative with whom he **or she** lives, who is
20 interested in or concerned with the welfare of the child, or who is furnishing food,
21 living accommodations or other goods, services or items to or for the dependent
22 child, in the following cases:
23 (1) Where the relative with whom the child lives has demonstrated an
24 inability to manage funds to the extent that payments to him **or her** have not
25 been or are not being used in the best interest of the child; or

26 (2) Where the relative has refused to participate in a work or training
27 program to which he **or she** has been referred under section 208.042.
28 3. Whenever any recipient shall have died after the issuance of a benefit
29 check to him, or on or after the date upon which a benefit check was due and
30 payable to him, and before the same is endorsed or presented for payment by the
31 recipient, the probate division of the circuit court of the county in which the
32 recipient resided at the time of his **or her** death shall, on the filing of an
33 affidavit by one of the next of kin, or creditor of the deceased recipient, and upon
34 the court being satisfied as to the correctness of such affidavit, make an order
35 authorizing and directing such next of kin, or creditor, to endorse and collect the
36 check, which shall be paid upon presentation with a certified copy of the order
37 attached to the check and the proceeds of which shall be applied upon the funeral
38 expenses and the debts of the decedent, duly approved by the probate division of
39 the circuit court, and it shall not be necessary that an administrator be appointed
40 for the estate of the decedent in order to collect the benefit check. No cost shall
41 be charged in such proceedings. Such affidavit filed by one of the next of kin, or
42 creditor, shall state the name of the deceased recipient, the date of his **or her**
43 death, the amount and number of such benefit check, the funeral expenses and
44 debts owed by the decedent, and whether the decedent had any estate other than
45 the unpaid benefit check and, in the event the decedent had an estate that
46 requires administration, the provisions of this section shall not apply and the
47 estate of the decedent shall be administered upon in the same manner as estates
48 of other deceased persons.

208.182. 1. The **family support** division **[**of family services**]** shall
2 establish pilot projects in St. Louis City and in any county with a population of
3 six hundred thousand or more, which shall provide for a system of electronic
4 transfer of benefits to public assistance recipients. Such system shall allow
5 recipients to obtain cash from automated teller machines or point of sale
6 terminals. If less than the total amount of benefits is withdrawn, the recipient
7 shall be given a receipt showing the current status of his **or her** account.
8 2. The disclosure of any information provided to a financial institution,
9 business or vendor by the **family support** division **[**of family services pursuant
10 to**]** **under** this section is prohibited. Such financial institution, business or
11 vendor may not use or sell such information and may not divulge the information
12 without a court order. Violation of this subsection is a class A misdemeanor.
13 3. Subject to appropriations and subject to receipt of waivers from the

14 federal government to prevent the loss of any federal funds, the department of
15 social services shall require the use of photographic identification on electronic
16 benefit transfer cards issued to recipients in this system. Such photographic
17 identification electronic benefit transfer card shall be in a form approved by the
18 department of social services.

19 4. The **family support** division **[**of family services**]** shall promulgate
20 rules and regulations necessary to implement the provisions of this section
21 pursuant to section 660.017 and chapter 536.

22 5. The delivery of electronic benefits and the electronic eligibility
23 verification, including, but not limited to, aid to families with dependent children
24 (AFDC), women, infants and children (WIC), early periodic screening diagnosis
25 and treatment (EPSDT), food stamps, supplemental security income (SSI),
26 including Medicaid, child support, and other programs, shall reside in one card
27 that may be enabled by function from time to time in a convenient manner.

208.190. The **family support** division **[**of family services**]** is hereby
2 directed to comply with the provisions of any act of Congress providing for the
3 distribution and expenditure of funds of the United States appropriated by
4 Congress for Social Security benefits, and to comply with any and all rules and
5 regulations attached to or made a part of such appropriation act and not
6 inconsistent with the constitution and laws of Missouri.

208.204. 1. The **MO HealthNet** division **[**of medical services**]** may
2 administer the funds appropriated to the department of social services or any
3 division of the department for payment of medical care provided to children in the
4 legal custody of the department of social services or any division of the
5 department.

6 2. Through judicial review or family support team meetings, the children's
7 division shall determine which cases involve children in the system due
8 exclusively to a need for mental health services, and identify the cases where no
9 instance of abuse, neglect, or abandonment exists.

10 3. Within sixty days of a child being identified pursuant to subsection 2
11 of this section, an individualized service plan shall be developed by the applicable
12 state agencies responsible for providing or paying for any and all appropriate and
13 necessary services. The individualized service plan shall specifically identify
14 which agencies are going to pay for, subject to appropriations, and provide such
15 services, and such plan shall be submitted to the court for approval. Services
16 shall be provided in the least restrictive, most appropriate environment that

17 meets the needs of the child including home, community-based treatment, and
18 supports. The child's family shall actively participate in designing the
19 individualized service plan for the child. The department of social services shall
20 notify the appropriate judge of the child and shall submit the individualized
21 service plan developed for approval by the judge. The child may be returned by
22 the judge to the custody of the child's family.

23 4. When the children are returned to their family's custody and become
24 the service responsibility of the department of mental health, the appropriate
25 moneys to provide for the care of each child in each particular situation shall be
26 billed to the department of social services by the department of mental health
27 pursuant to a comprehensive financing plan jointly developed by the two
28 departments.

208.210. 1. If at any time during the continuance of public assistance to
2 any person, the recipient thereof, or the husband or wife of the recipient with
3 whom he **or she** is living, is possessed or becomes possessed of any property or
4 income in excess of the amount declared at the time of application or
5 reinvestigation of his **or her** case and in such amount as would affect his **or her**
6 needs or right to receive benefits, it shall be the duty of the recipient, or the
7 husband or the wife of the recipient, to notify the **[**county welfare office**]** **family**
8 **support division** of the receipt or possession of such property or income, and
9 the **family support** division **[**of family services**]** may, after investigation, either
10 cancel the benefits or alter the amount thereof in accordance with the
11 circumstances.

12 2. Any benefits paid when the recipient or **[**his**]** **the recipient's** spouse
13 is in possession of such undeclared property or income shall be recoverable by the
14 **[**division of family**]** **department of social** services as a debt due to the state. If
15 during the life, or upon the death, of any person who is receiving or has received
16 benefits, it is found that the recipient or **[**his**]** **the recipient's** spouse was
17 possessed of any property or income in excess of the amount reported that would
18 affect his **or her** needs or right to receive benefits, or if it be shown such benefits
19 were obtained through misrepresentation, nondisclosure of material facts, or
20 through mistake of fact, the amount of benefits, without interest, may be
21 recovered from him **or her** or his **or her** estate by the **[**division of family**]**
22 **department of social** services as a debt due the state.

23 3. The possession of undeclared property by a recipient or **[**his**]** **a**
24 **recipient's** spouse with whom **[**he**]** **the recipient** is living shall be prima facie

25 evidence of its ownership during the time benefits were granted, and the burden
26 to prove otherwise shall be upon the recipient or **[**his**] the recipient's** legal
27 representative.

28 4. The federal government shall be entitled to share in any amount
29 collected under the provisions of this section, however, not to exceed the amount
30 contributed by the federal government in each case. The amount due the United
31 States shall be promptly paid or credited upon collection to the designated agency
32 of the federal government by the **[**division of family**] department of social**
33 services.

208.217. 1. As used in this section, the following terms mean:

2 (1) "Data match", a method of comparing the department's information
3 with that of another entity and identifying those records which appear in both
4 files. This process is accomplished by a computerized comparison by which both
5 the department and the entity utilize a computer readable electronic media
6 format;

7 (2) "Department", the Missouri department of social services **[**or any
8 division thereof**]**;

9 (3) "Entity":

10 (a) Any insurance company as defined in chapter 375 or any public
11 organization or agency transacting or doing the business of insurance; or

12 (b) Any health service corporation or health maintenance organization as
13 defined in chapter 354 or any other provider of health services as defined in
14 chapter 354;

15 (c) Any self-insured organization or business providing health services as
16 defined in chapter 354; or

17 (d) Any third-party administrator (TPA), administrative services
18 organization (ASO), or pharmacy benefit manager (PBM) transacting or doing
19 business in Missouri or administering or processing claims or benefits, or both,
20 for residents of Missouri;

21 (4) "Individual", any applicant or present or former participant receiving
22 public assistance benefits under sections 208.151 to 208.159 **[**and section
23 208.162**]**;

24 (5) "Insurance", any agreement, contract, policy plan or writing entered
25 into voluntarily or by court or administrative order providing for the payment of
26 medical services or for the provision of medical care to or on behalf of an
27 individual;

28 (6) "Request", any inquiry by the **MO HealthNet** division **[**of medical
29 services**]** for the purpose of determining the existence of insurance where the
30 department may have expended MO HealthNet benefits.

31 2. The department may enter into a contract with any entity, and the
32 entity shall, upon request of the department of social services, inform the
33 department of any records or information pertaining to the insurance of any
34 individual.

35 3. The information which is required to be provided by the entity
36 regarding an individual is limited to those insurance benefits that could have
37 been claimed and paid by an insurance policy agreement or plan with respect to
38 medical services or items which are otherwise covered under the MO HealthNet
39 program.

40 4. A request for a data match made by the department pursuant to this
41 section shall include sufficient information to identify each person named in the
42 request in a form that is compatible with the record-keeping methods of the
43 entity. Requests for information shall pertain to any individual or the person
44 legally responsible for such individual and may be requested at a minimum of
45 twice a year.

46 5. The department shall reimburse the entity which is requested to supply
47 information as provided by this section for actual direct costs, based upon
48 industry standards, incurred in furnishing the requested information and as set
49 out in the contract. The department shall specify the time and manner in which
50 information is to be delivered by the entity to the department. No reimbursement
51 will be provided for information requested by the department other than by
52 means of a data match.

53 6. Any entity which has received a request from the department pursuant
54 to this section shall provide the requested information in compliance with
55 HIPPAA required transactions within sixty days of receipt of the request. Willful
56 failure of an entity to provide the requested information within such period shall
57 result in liability to the state for civil penalties of up to ten dollars for each day
58 thereafter. The attorney general shall, upon request of the department, bring an
59 action in a circuit court of competent jurisdiction to recover the civil penalty. The
60 court shall determine the amount of the civil penalty to be assessed. A health
61 insurance carrier, including instances where **[**they act**]** **it acts** in the capacity of
62 an administrator of an ASO account, and a TPA acting in the capacity of an
63 administrator for a fully insured or self-funded employer, is required to accept

64 and respond to the HIPPAA ANSI standard transaction for the purpose of
65 validating eligibility.
66 7. The director of the department shall establish guidelines to assure that
67 the information furnished to any entity or obtained from any entity does not
68 violate the laws pertaining to the confidentiality and privacy of an applicant or
69 participant receiving MO HealthNet benefits. Any person disclosing confidential
70 information for purposes other than set forth in this section shall be guilty of a
71 class A misdemeanor.
72 8. The application for or the receipt of benefits under sections 208.151 to
73 208.159 **[**and section 208.162**]** shall be deemed consent by the individual to allow
74 the department to request information from any entity regarding insurance
75 coverage of said person.

208.225. 1. To implement fully the provisions of section 208.152, the **MO**
2 **HealthNet** division **[**of medical services**]** shall calculate the Medicaid per diem
3 reimbursement rates of each nursing home participating in the Medicaid program
4 as a provider of nursing home services based on its costs reported in the Title XIX
5 cost report filed with the **MO HealthNet** division **[**of medical services**]** for its
6 fiscal year as provided in subsection 2 of this section.
7 2. The recalculation of Medicaid rates to all Missouri facilities will be
8 performed as follows: effective July 1, 2004, the department of social services
9 shall use the Medicaid cost report containing adjusted costs for the facility fiscal
10 year ending in 2001 and redetermine the allowable per-patient day costs for each
11 facility. The department shall recalculate the class ceilings in the patient care,
12 one hundred twenty percent of the median; ancillary, one hundred twenty percent
13 of the median; and administration, one hundred ten percent of the median cost
14 centers. Each facility shall receive as a rate increase one-third of the amount
15 that is unpaid based on the recalculated cost determination.

208.300. The **[**division of aging of the department of social**]** **department**
2 **of health and senior** services may establish a program under which elderly
3 persons who are sixty years of age or older and others who have designated an
4 elderly person as a beneficiary may volunteer their time and services to an
5 in-home service or voluntary agency serving the elderly or to a not-for-profit
6 organization or agency which provides services that benefit the elderly which is
7 approved by the division and receive credit for providing volunteer respite service,
8 which credit may then be drawn upon by such elderly persons or designated
9 elderly beneficiaries when they themselves or their families need such respite

10 services. The division shall establish a registry of names of such volunteers and
11 shall, monthly or as often as it deems necessary for efficient management of the
12 program, credit each of such volunteers with the number of hours of service each
13 has performed for organizations and agencies approved by the division. No
14 person serving as a volunteer pursuant to any program established by the
15 division under the provisions of this section shall be credited for more than ten
16 hours of volunteer service under this program per week.

208.325. 1. Beginning October 1, 1994, the department of social services
2 shall enroll AFDC recipients in the self-sufficiency program established by this
3 section. The department may target AFDC households which meet at least one
4 of the following criteria:

5 (1) Received AFDC benefits in at least eighteen out of the last thirty-six
6 months; or

7 (2) Are parents under twenty-four years of age without a high school
8 diploma or a high school equivalency certificate and have a limited work history;
9 or

10 (3) Whose youngest child is sixteen years of age, or older; or

11 (4) Are currently eligible to receive benefits pursuant to section 208.041,
12 an assistance program for unemployed married parents.

13 2. The department shall, subject to appropriation, enroll in self-sufficiency
14 pacts by July 1, 1996, the following AFDC households:

15 (1) Not fewer than fifteen percent of AFDC households who are required
16 to participate in the FUTURES program under sections 208.405 and 208.410, and
17 who are currently participating in the FUTURES program;

18 (2) Not fewer than five percent of AFDC households who are required to
19 participate in the FUTURES program under sections 208.405 and 208.410, but
20 who are currently not participating in the FUTURES program; and

21 (3) By October 1, 1997, not fewer than twenty-five percent of aid to
22 families with dependent children recipients, excluding recipients who meet the
23 following criteria and are exempt from mandatory participation in the family
24 self-sufficiency program:

25 (a) Disabled individuals who meet the criteria for coverage under the
26 federal Americans with Disabilities Act, P.L. 101-336, and are assessed as lacking
27 the capacity to engage in full-time or part-time subsidized employment;

28 (b) Parents who are exclusively responsible for the full-time care of
29 disabled children; and

30 (c) Other families excluded from mandatory participation in FUTURES
31 by federal guidelines.
32 3. Upon enrollment in the family self-sufficiency program, a household
33 shall receive an initial assessment of the family's educational, child care,
34 employment, medical and other supportive needs. There shall also be assessment
35 of the recipient's skills, education and work experience and a review of other
36 relevant circumstances. Each assessment shall be completed in consultation with
37 the recipient and, if appropriate, each child whose needs are being assessed.
38 4. Family assessments shall be used to complete a family self-sufficiency
39 pact in negotiation with the family. The family self-sufficiency pact shall identify
40 a specific point in time, no longer than twenty-four months after the family
41 enrolls in the self-sufficiency pact, when the family's primary self-sufficiency pact
42 shall conclude. The self-sufficiency pact is subject to reassessment and may be
43 extended for up to an additional twenty-four months, but the maximum term of
44 any self-sufficiency pact shall not exceed a total of forty-eight months. Family
45 self-sufficiency pacts should be completed and entered into within three months
46 of the initial assessment.
47 5. The **family support** division **[**of family services**]** shall complete family
48 self-sufficiency pact assessments and/or may contract with other agencies for this
49 purpose, subject to appropriation.
50 6. Family self-sufficiency assessments shall be used to develop a family
51 self-sufficiency pact after a meeting. The meeting participants shall include:
52 (1) A representative of the **family support** division **[**of family services**]**,
53 who may be a case manager or other specially designated, trained and qualified
54 person authorized to negotiate the family self-sufficiency pact and follow-up with
55 the family and responsible state agencies to ensure that the self-sufficiency pact
56 is reviewed at least annually and, if necessary, revised as further assessments,
57 experience, circumstances and resources require;
58 (2) The recipient and, if appropriate, another family member, assessment
59 personnel or an individual interested in the family's welfare.
60 7. The family self-sufficiency pact shall:
61 (1) Be in writing and establish mutual state and family member
62 obligations as part of a plan containing goals, objectives and timelines tailored
63 to the needs of the family and leading to self-sufficiency;
64 (2) Identify available support services such as subsidized child care,
65 medical services and transportation benefits during a transition period, to help

66 ensure that the family will be less likely to return to public assistance.

67 8. The family self-sufficiency pact shall include a parent and child
68 development plan to develop the skills and knowledge of adults in their role as
69 parents to their children and partners of their spouses. Such plan shall include
70 school participation records. The department of social services shall, in
71 cooperation with the department of health and senior services, the department
72 of mental health, and the "Parents as Teachers" program in the department of
73 elementary and secondary education, develop or make available existing programs
74 to be presented to persons enrolled in a family self-sufficiency pact.

75 9. A family enrolled in a family self-sufficiency pact may own or possess
76 property as described in subdivision (6) of subsection 2 of section 208.010 with a
77 value of five thousand dollars instead of the one thousand dollars as set forth in
78 subdivision (6) of subsection 2 of section 208.010.

79 10. A family receiving AFDC may own one automobile, which shall not be
80 subject to property value limitations provided in section 208.010.

81 11. Subject to appropriations and necessary waivers, the department of
82 social services may disregard from one-half to two-thirds of a recipient's gross
83 earned income for job-related and other expenses necessary for a family to make
84 the transition to self-sufficiency.

85 12. A recipient may request a review by the director of the **family**
86 **support** division **[**of family services**]**, or **[**his**] the director's** designee, of the
87 family self-sufficiency pact or any of its provisions that the recipient objects to
88 because it is inappropriate. After receiving an informal review, a recipient who
89 is still aggrieved may appeal the results of that review under the procedures in
90 section 208.080.

91 13. The term of the family self-sufficiency pact may only be extended due
92 to circumstances creating barriers to self-sufficiency and the family
93 self-sufficiency pact may be updated and adjusted to identify and address the
94 removal of these barriers to self-sufficiency.

95 14. Where the capacity of services does not meet the demand for the
96 services, limited services may be substituted and the pact completion date
97 extended until the necessary services become available for the participant. The
98 pact shall be modified appropriately if the services are not delivered as a result
99 of waiting lists or other delays.

100 15. The **family support** division **[**of family services**]** shall establish a
101 training program for self-sufficiency pact case managers which shall include but

102 not be limited to:
103 (1) Knowledge of public and private programs available to assist
104 recipients to achieve self-sufficiency;
105 (2) Skills in facilitating recipient access to public and private programs;
106 and
107 (3) Skills in motivating and in observing, listening and communicating.
108 16. The **family support** division **[**of family services**]** shall ensure that
109 families enrolled in the family self-sufficiency program make full use of the
110 federal earned income tax credit.
111 17. Failure to comply with any of the provisions of a self-sufficiency pact
112 developed pursuant to this section shall result in a recalculation of the AFDC
113 cash grant for the household without considering the needs of the caretaker
114 recipient.
115 18. If a suspension of caretaker benefits is imposed, the recipient shall
116 have the right to a review by the director of the **family support** division **[**of
117 family services**]** or **[**his**] the director's** designee.
118 19. After completing the family self-sufficiency program, should a
119 recipient who has previously received thirty-six months of aid to families with
120 dependent children benefits again become eligible for aid to families with
121 dependent children benefits, the cash grant amount shall be calculated without
122 considering the needs of caretaker recipients. The limitations of this subsection
123 shall not apply to any applicant who starts a self-sufficiency pact on or before
124 July 1, 1997, or to any applicant who has become disabled or is receiving or has
125 received unemployment benefits since completion of a self-sufficiency program.
126 20. There shall be conducted a comprehensive evaluation of the family
127 self-sufficiency program contained in the provisions of this act and the job
128 opportunities and basic skills training program ("JOBS" or "FUTURES") as
129 authorized by the provisions of sections 208.400 to 208.425. The evaluation shall
130 be conducted by a competitively chosen independent and impartial contractor
131 selected by the commissioner of the office of administration. The evaluation shall
132 be based on specific, measurable data relating to those who participate
133 successfully and unsuccessfully in these programs and a control group, factors
134 which contributed to such success or failures, the structure of such programs and
135 other areas. The evaluation shall include recommendations on whether such
136 programs should be continued and suggested improvements in such
137 programs. The first such evaluation shall be completed and reported to the

138 governor and the general assembly by September 1, 1997. Future evaluations
139 shall be completed every three years thereafter. In addition, in 1997, and every
140 three years thereafter, the oversight division of the committee on legislative
141 research shall complete an evaluation on general relief, child care and
142 development block grants and social services block grants.

143 21. The director of the department of social services may promulgate rules
144 and regulations, pursuant to section 660.017, and chapter 536 governing the use
145 of family self-sufficiency pacts in this program and in other programs, including
146 programs for noncustodial parents of children receiving assistance.

147 22. The director of the department of social services shall apply to the
148 United States Secretary of Health and Human Services for all waivers of
149 requirements under federal law necessary to implement the provisions of this
150 section with full federal participation. The provisions of this section shall be
151 implemented, subject to appropriation, as waivers necessary to ensure continued
152 federal participation are received.

208.337. 1. The division may deposit funds into an account on behalf of
2 children whose custodial parent is a participant in the program authorized
3 pursuant to the provisions of sections 208.400 to 208.425, and whose noncustodial
4 parent is participating in a state job training and adult educational program
5 approved by the **family support** division **[**of family services**]**. If agreed upon by
6 the parties, funds may also be deposited for this purpose when the noncustodial
7 parent terminates participation in the job training or educational program, until
8 the custodial parent completes participation in the program authorized pursuant
9 to the provisions of sections 208.400 to 208.425. The amount deposited for each
10 child shall not exceed the portion of current child support paid by the
11 noncustodial parent, to which the state of Missouri is entitled according to
12 applicable state and federal laws. Money so received shall be governed by this
13 section notwithstanding other state laws and regulations to the contrary.

14 2. Any money deposited by the division on behalf of a child, as provided
15 in subsection 3 of this section, shall be accounted for in the name of the
16 child. Any money in the account of a child may be expended only for care or
17 services for the child as agreed upon by both parents. The division shall, by rule
18 adopted pursuant to section 454.400 and chapter 536, establish procedures for the
19 establishment of the accounts, use, expenditure, and accounting of the money,
20 and the protection of the money against theft, loss or misappropriation.

21 3. The division shall deposit money appropriated for the purposes of this

22 section with the state treasurer. Any earnings attributable to the money in the
23 account of a child shall be credited to that child's account.
24 4. Each child for whose benefit funds have been received by the division,
25 and the parents of such child, shall be furnished annually by the division of
26 **[**budget and**]** finance **and administrative services** of the department of social
27 services with a statement listing all transactions involving the funds which have
28 been deposited on the child's behalf, to include each receipt and disbursement, if
29 any.
30 5. (1) The director of the department of social services shall apply for all
31 waivers of requirements under federal law to implement the provisions of this
32 section.
33 (2) This program shall not be implemented until the waiver has been
34 obtained from the Secretary of the Department of Health and Human Services by
35 the director of the department of social services.

208.345. The **family support** division **[**of family services**]**, with the
2 cooperation of the division of vocational rehabilitation, shall establish a protocol
3 where persons who qualify for public assistance, including aid to families with
4 dependent children, general relief and medical assistance, because of a disability
5 may be directed to an appropriate federal agency to apply for other benefits. The
6 **family support** division **[**of family services**]** shall also establish a procedure to
7 identify applicants and recipients who may be entitled to supplement or supplant
8 state benefits with other benefits through the Social Security Disability, Railroad
9 Retirement, Supplemental Security Income, Veterans, Qualified Medicare
10 Beneficiary and Specified Low Income Medicare Beneficiary and other programs.

208.400. As used in sections 208.400 to 208.425 and section 452.311, the
2 following terms mean:
3 (1) "Case manager", an employee of the division having responsibility for
4 the assessment of the participant's educational and employment needs and for
5 assisting the participant in the development and execution of the service plan;
6 (2) "Community work experience program", as defined under section 201
7 of the Family Support Act of 1988 (P.L. 100-485), a program designed to enhance
8 the employability of participants not otherwise able to obtain employment
9 through providing training and an actual work experience;
10 (3) "Department", the department of social services;
11 (4) "Division", the **family support** division **[**of family services**]** of the
12 department of social services;

13 (5) "Educational component", that portion of the Missouri job
14 opportunities and basic skills training (JOBS) program which is intended to
15 provide educational opportunities for participants. This component will include:
16 (a) "Adult basic education", any part-time or full-time program of
17 instruction emphasizing reading, writing and computation skills, including day
18 classes or night classes, which prepares a person to earn a Missouri high school
19 equivalency certificate pursuant to section 161.093;
20 (b) "High school education", instruction in two or more grades not lower
21 than the ninth nor higher than the twelfth grade which leads to the award of a
22 diploma provided by any school to a person, to the extent that such instruction
23 conforms to the requirements established pursuant to section 201 of P.L. 100-485
24 and federal regulations promulgated under said section;
25 (c) "Postsecondary education", any part-time or full-time program of
26 instruction in a community college, college or university as allowed by regulations
27 of the department of health and human services; and
28 (d) "Vocational education", any part-time or full-time program of
29 instruction of less than baccalaureate grade, including day classes or night
30 classes, which prepares a person for gainful employment;
31 (6) "Employment component", that portion of the Missouri JOBS program
32 which is intended to provide employment counseling, training, and referral and
33 employment opportunities for participants;
34 (7) "JOBS", the job opportunities and basic skills training program for
35 AFDC recipients developed by the **family support** division **[**of family services**]**;
36 (8) "Participant", any recipient who is participating in the Missouri JOBS
37 program;
38 (9) "Recipient", any person receiving aid to families with dependent
39 children benefits under section 208.040 or 208.041;
40 (10) "Service plan", as defined in section 201 of the Family Support Act
41 of 1988 (P.L. 100-485), an employability plan designating the services to be
42 provided by the department and the activities in which the participant will be
43 involved; and
44 (11) "Transitional child care services", child day care services provided,
45 as defined in sections 301 and 302 of the Family Support Act of 1988 (P.L.
46 100-485), to participants who have become ineligible for such services due to the
47 increased wages of or hours of employment.

208.405. 1. No later than October 1, 1990, the **family support** division

2 **[**of family services**]** shall establish and operate a job opportunities and basic skills
3 training (JOBS) program for AFDC recipients.
4 2. The **family support** division **[**of family services**]**, subject to
5 appropriation, shall administer the job opportunities and basic skills training
6 (JOBS) program as provided in Part F of Title IV of the Social Security Act.
7 3. Pursuant to Public Law 100-485, state funds expended for education,
8 training and employment activities, including supportive services, to assist aid
9 to families with dependent children recipients in becoming self-sufficient shall be
10 no less than the level expended for such purposes in fiscal year 1986.
11 4. The department shall plan and coordinate all the JOBS program with
12 the Missouri Job Training Coordinating Council, educational training and basic
13 skills training and opportunities afforded under the provisions of this act with the
14 department of elementary and secondary education, the department of labor and
15 industrial relations and the department of economic development so as not to
16 duplicate any existing program and services now offered. The existing personnel
17 in those departments together with such added personnel as may be authorized
18 by appropriations shall be utilized in carrying out the provisions of this act.

208.471. 1. The department of social services shall make payments to
2 those hospitals which have a Medicaid provider agreement with the
3 department. Prior to June 30, 2002, the payment shall be in an annual,
4 aggregate statewide amount which is at least the same as that paid in fiscal year
5 1991-1992 pursuant to rules in effect on August 30, 1991, under the federally
6 approved state plan amendments.
7 2. Beginning July 1, 2002, sections 208.453 to 208.480 shall expire one
8 hundred eighty days after the end of any state fiscal year in which the aggregate
9 federal reimbursement allowance (FRA) assessment on hospitals is more than
10 eighty-five percent of the sum of aggregate direct Medicaid payments, uninsured
11 add-on payments and enhanced graduate medical education payments, unless
12 during such one hundred eighty-day period, such payments or assessments are
13 adjusted prospectively by the director of the department of social services to
14 comply with the eighty-five percent test imposed by this subsection. Enhanced
15 graduate medical education payments shall not be included in the calculation
16 required by this subsection if the general assembly appropriates the state's share
17 of such payments from a source other than the federal reimbursement
18 allowance. For purposes of this section, direct Medicaid payments, uninsured
19 add-on payments and enhanced graduate medical education payments shall:

20 (1) Include direct Medicaid payments, uninsured add-on payments and
21 enhanced graduate medical education payments as defined in state regulations
22 as of July 1, 2000;
23 (2) Include payments that substantially replace or supplant the payments
24 described in subdivision (1) of this subsection;
25 (3) Include new payments that supplement the payments described in
26 subdivision (1) of this subsection; and
27 (4) Exclude payments and assessments of acute care hospitals with an
28 unsponsored care ratio of at least sixty-five percent that are licensed to operate
29 less than fifty inpatient beds in which the state's share of such payments are
30 made by certification.
31 3. The **MO HealthNet** division **[**of medical services**]** may provide an
32 alternative reimbursement for outpatient services. Other provisions of law to the
33 contrary notwithstanding, the payment limits imposed by subdivision (2) of
34 subsection 1 of section 208.152 shall not apply to such alternative reimbursement
35 for outpatient services. Such alternative reimbursement may include enhanced
36 payments or grants to hospital-sponsored clinics serving low income uninsured
37 patients.

208.477. For each state fiscal year, if the criteria used to determine
2 eligibility for Medicaid coverage under a Section 1115 waiver are more restrictive
3 than those in place in state fiscal year 2003, the **MO HealthNet** division **[**of
4 medical services**]** shall:
5 (1) Reduce the federal reimbursement allowance assessment for that fiscal
6 year. The reduction shall equal the amount of federal reimbursement allowance
7 appropriated to fund the Section 1115 waiver in state fiscal year 2002 multiplied
8 by the percentage decrease in Medicaid waiver enrollment as a result of using the
9 more restrictive waiver eligibility standards; and
10 (2) Increase cost of the uninsured payments for that fiscal year. The
11 increased payments shall offset the higher uninsured costs resulting from the use
12 of more restrictive Medicaid waiver eligibility criteria, as determined by the
13 department of social services.

208.533. 1. There is hereby established a twenty-member "Commission
2 on the Special Health, Psychological and Social Needs of Minority Older
3 Individuals" under the **[**division of aging**]** **department of health and senior**
4 **services**. The commission shall consist of the following members:
5 (1) The directors of the departments of health and senior services, mental

6 health and social services or their designees;
7 (2) The directors of the office of minority health and the **[**division of
8 aging**] department of health and senior services** who shall serve as cochairs
9 of the commission;
10 (3) Two members of the Missouri house of representatives, one from each
11 major political party represented in the house of representatives, appointed by
12 the speaker of the house who shall serve in a nonvoting, advisory capacity;
13 (4) Two members of the senate, one from each major political party
14 represented in the senate, appointed by the president pro tem of the senate who
15 shall serve in a nonvoting, advisory capacity;
16 (5) A representative of the office of the lieutenant governor who shall
17 serve in a nonvoting, advisory capacity; and
18 (6) Ten individuals appointed by the governor with the advice and consent
19 of the senate who are currently working in the field of minority elderly health,
20 psychological or social problems who have demonstrated expertise in one or more
21 of the following areas: treatment of cardiovascular, cancer and diabetic conditions;
22 nutrition; community-based health services; legal services; elderly consumer
23 advocacy; gerontology or geriatrics; social work and other related services
24 including housing. At least two of the individuals appointed by the governor
25 shall be minority older individuals. The members appointed by the governor
26 shall be residents of Missouri. Any vacancy on the commission shall be filled in
27 the same manner as the original appointment.
28 2. Members appointed by the governor shall serve for three-year terms.
29 Other members, except legislative members, shall serve for as long as they hold
30 the position which made them eligible for appointment. Legislative members
31 shall serve during their current term of office but may be reappointed.
32 3. Members of the commission shall not be compensated for their services,
33 but shall be reimbursed for actual and necessary expenses incurred in the
34 performance of their duties. The office of administration and the departments of
35 health and senior services, mental health and social services shall provide such
36 support as the commission requires to aid it in the performance of its duties.

208.606. 1. The department of **[**social**] health and senior** services
2 **[**through its division of aging**]**, in collaboration with other state agencies, shall
3 devise and implement a competent, thorough and ongoing public education
4 program aimed at at-risk elderly persons. The purpose of this public education
5 program is to identify regularly and inform fully elderly citizens of the existence,

eligibility criteria, means of access and location of existing federal and state elderly service programs that would serve to alleviate personal situations that would otherwise lead to hunger and deterioration of health. Such programs would include, but are not limited to, the Qualified Medicare Beneficiary Program, the USDA **[**Food Stamp**]** **Supplemental Nutrition Assistance** Program, the Medical Assistance Spenddown Program, the availability of local food pantries, the availability of caseworkers to take application in the home for elderly service programs, and any other program that might become available to assist elderly persons in the future.

2. This public education program shall devise action steps with preference toward personal as opposed to mass media contacts. Among the methods to be used may be:

(1) Offering grants to local nonprofit service agencies to carry out public education programs;

(2) Producing brochures in easy-to-read language and formats using enlarged lettering;

(3) Holding information sessions at senior nutrition sites and with senior service agencies, such as the area agencies on aging, and with other agencies or service providers who serve the elderly;

(4) Organizing volunteer gatekeeper programs in communities with a high percentage of vulnerable elderly persons;

(5) Applying for a statewide Volunteers in Service to America **[**or the**]** **(**VISTA**)** Program to assist the state in organizing volunteer public education efforts.

208.609. 1. The departments of social services, elementary and secondary education, transportation, mental health, and health shall establish a task force which shall devise plans to integrate and coordinate existing transportation services such as school buses, OATS, Head Start, volunteer and other programs to take full advantage of existing transportation resources for the benefit of elderly and other needy populations.

2. The **[**division of aging**]** **department of health and senior services** shall apply for a statewide Volunteers in Service to America Program for the purpose of helping to organize volunteer transportation systems in various communities with large numbers of at-risk elderly persons.

3. The **[**division of aging**]** **department of health and senior services** shall devise models and provide training for senior housing facilities which seek

13 to provide emergency food services to residents and neighbors.

208.621. The **[**division of aging**]** **department of health and senior**
2 **services** shall apply for a statewide Volunteers in Service to America program
3 to assist the division in organizing and coordinating volunteer resources in areas
4 with a substantial high-risk elderly population, especially geared toward
5 identifying at-risk elderly persons, personally contacting them with important
6 information and friendly reassurance and to assist in volunteer transportation
7 services.

208.636. Parents and guardians of uninsured children eligible for the
2 program established in sections 208.631 to 208.657 shall:
3 (1) Furnish to the department of social services the uninsured child's
4 Social Security number or numbers, if the uninsured child has more than one
5 such number;
6 (2) Cooperate with the department of social services in identifying and
7 providing information to assist the state in pursuing any third-party insurance
8 carrier who may be liable to pay for health care;
9 (3) Cooperate with the **family support division of the** department of
10 social services**[**, division of child support enforcement**]** in establishing paternity
11 and in obtaining support payments, including medical support;
12 (4) Demonstrate upon request their child's participation in wellness
13 programs including immunizations and a periodic physical examination. This
14 subdivision shall not apply to any child whose parent or legal guardian objects
15 in writing to such wellness programs including immunizations and an annual
16 physical examination because of religious beliefs or medical contraindications;
17 and
18 (5) Demonstrate annually that their total net worth does not exceed two
19 hundred fifty thousand dollars in total value.

208.780. As used in sections 208.780 to 208.798, the following terms shall
2 mean:
3 (1) "Asset test", the asset limits as defined by the Medicare Prescription
4 Drug Improvement and Modernization Act, P.L. 108-173;
5 (2) "Contractor", the person, partnership, or corporate entity which has
6 an approved contract with the department to administer the pharmaceutical
7 assistance program established under sections 208.780 to 208.798 and this
8 chapter;
9 (3) "Department", the department of social services;

10 (4) "Division", the **MO HealthNet division of the** department of social
11 services**[**, division of medical services**]**;
12 (5) "Enrollee", a resident of this state who meets the conditions specified
13 in sections 208.780 to 208.798 and in department regulations relating to
14 eligibility for participation in the Missouri Rx plan and whose application for
15 enrollment in the Missouri Rx plan has been approved by the department;
16 (6) "Federal poverty guidelines", the federal poverty guidelines updated
17 annually in the Federal Register by the United States Department of Health and
18 Human Services under the authority of 42 U.S.C. Section 9902(2);
19 (7) "Liquid assets", assets used in the eligibility determination process as
20 defined by the Medicare Modernization Act;
21 (8) "Medicaid dual eligible" or "dual eligible", a person who is eligible for
22 both Medicare and Medicaid as defined by the Medicare Modernization Act;
23 (9) "Medicare Modernization Act" or "MMA", the Medicare Prescription
24 Drug, Improvement and Modernization Act of 2003, P.L. 108-173;
25 (10) "Medicare Part D prescription drug benefit", the prescription benefit
26 provided under the Medicare Modernization Act, as it may vary from one
27 prescription drug plan to another;
28 (11) "Missouri resident", a person who has or intends to have a fixed place
29 of residence in Missouri, with the present intent of maintaining a permanent
30 home in Missouri for the indefinite future;
31 (12) "Missouri Rx plan", the state pharmacy assistance program created
32 in section 208.782, or the combination of state and federal programs providing
33 services to the population described in section 208.784;
34 (13) "Participating pharmacy", a pharmacy that elects to participate as a
35 pharmaceutical provider and enters into a participating network agreement with
36 the department or contractor;
37 (14) "Prescription drug plan" or "PDP", nongovernmental drug plans
38 under contract with the Center for Medicare and Medicaid Services to provide
39 prescription benefits under the Medicare Modernization Act;
40 (15) "Prescription drugs", outpatient prescription drugs that have been
41 approved as safe and effective by the United States Food and Drug
42 Administration. Prescription drugs do not include experimental drugs or
43 over-the-counter pharmaceutical products;
44 (16) "Program", the Missouri Rx plan created under sections 208.780 to
45 208.798.

209.010. The duties of the **family support** division **[**of family services**]** shall be to prepare and maintain a complete register of the blind persons within this state and to collate information concerning their physical condition, cause of blindness and such additional information as may be useful to the division in the performance of its other duties as herein enumerated, and to investigate and report to the general assembly from time to time the condition of the blind within this state, with its recommendations concerning the best method of relief for the blind; to adopt such measures as the division may deem expedient for the prevention and cure of blindness; to establish and maintain at such places within this state as the division may deem expedient shops and workrooms for the employment of blind persons capable of useful labor, and to provide superintendence and other assistance therefor and instruction therein; to compensate the persons so employed in the manner and to the extent that the division shall deem proper; to provide such means for the sale of the products of the blind as the division shall deem expedient; to act as a bureau of information for the purpose of securing employment for the blind of this state elsewhere than in the shops and workrooms of the division and to this end the division is authorized to procure and furnish materials and tools and to furnish aid and assistance to blind persons engaged in home industries and to buy and sell the products of the blind wherever and however produced within this state; to provide for the temporary cost of the food, raiment and shelter of deserving blind persons engaged in useful labor; to ameliorate the condition of the blind by such means consistent with the provisions of sections 209.010 to 209.160 as the division may deem expedient; provided, however, that no part of the funds appropriated by the state shall be used for solely charitable purposes; the object and purpose of sections 209.010 to 209.160 being to encourage capable blind persons in the pursuit of useful labor and to provide for the prevention and cure of blindness.

[192.935.**]** **209.015.** 1. There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020 and subsection 3 of section 302.171. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding.

2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department **of social services** shall develop a blindness education, screening and treatment program to provide

10 blindness prevention education and to provide screening and treatment for
11 persons who do not have adequate coverage for such services under a health
12 benefit plan.

13 3. The program shall provide for:

14 (1) Public education about blindness and other eye conditions;

15 (2) Screenings and eye examinations to identify conditions that may cause
16 blindness;

17 (3) Treatment procedures necessary to prevent blindness; and

18 (4) Any additional costs for vision examinations under section 167.195
19 that are not covered by existing public **or private** health insurance. Subject to
20 appropriations, moneys from the fund shall be used to pay for those additional
21 costs, provided that the costs do not exceed ninety-nine thousand dollars per
22 year. Payment from the fund for vision examinations under section 167.195 shall
23 not exceed the allowable state Medicaid reimbursement amount for vision
24 examinations.

25 4. The department may contract for program development with any
26 department-approved nonprofit organization dealing with regional and community
27 blindness education, eye donor and vision treatment services.

28 5. The department may adopt rules to prescribe eligibility requirements
29 for the program.

30 6. No rule or portion of a rule promulgated pursuant to the authority of
31 this section shall become effective unless it has been promulgated pursuant to the
32 provisions of chapter 536.

209.020. **[**Said**]** **The family support** division **[**of family services**]** is
2 authorized to receive and use for the purposes herein enumerated, or any of them,
3 donations and bequests, and is authorized to expend such donations and bequests
4 in such manner as it may deem proper within the limitations imposed by the
5 donors thereof.

209.030. Every adult blind person, eighteen years of age or over, of good
2 moral character who shall have been a resident of the state of Missouri for one
3 year or more next preceding the time of making application for the pension herein
4 provided and every adult blind person eighteen years of age or over who may
5 have lost his or her sight while a bona fide resident of this state and who has
6 been a continuous resident thereof since such loss of sight, shall be entitled to
7 receive, when enrolled under the provisions of sections 209.010 to 209.160, an
8 annual pension as provided for herein, payable in equal monthly installments,

9 provided that no such person shall be entitled to a pension who owns property or
10 has an interest in property to the value of twenty thousand dollars or more, or if
11 married and actually living with husband or wife, if the value of his or her
12 interest in property, together with that of such husband or wife, exceeds said
13 amount; provided, further, that in determining the total value of property owned,
14 the real estate occupied by the blind person or spouse as the home, shall be
15 excluded; or who has a sighted spouse resident in this state who upon the
16 investigation of the **family support** division **[**of family services**]** may be found
17 to be able to provide for the reasonable support of such applicant, or while
18 publicly soliciting alms in any manner or through any artifice in any part of this
19 state; and provided, further, that blind persons who are maintained in private or
20 endowed institutions or who are inmates of a public institution shall not be
21 entitled to the benefits of sections 209.010 to 209.160, except as a patient in a
22 public medical institution; provided, benefits shall not be paid to a blind person
23 under sixty-five years of age, who is a patient in an institution for mental
24 diseases or tuberculosis. In order to comply with federal laws and regulations
25 and state plans in making payments to or on behalf of mentally ill individuals
26 sixty-five years of age, or over, who are patients in a state mental institution, the
27 **family support** division **[**of family services**]** shall require agreements or other
28 arrangements with the institution to provide a framework for cooperation and to
29 assure that state plan requirements and federal laws and regulations relating to
30 such payment will be observed. In the event the federal laws or regulations will
31 not permit approval of the state plan for benefit payments to or on behalf of an
32 individual who is sixty-five years of age, or over, and is a patient in a state
33 institution for mental diseases, this portion of this section shall be inoperative
34 until approval of a state plan is obtained.

209.050. 1. Sections 209.010 to 209.160 shall not be so construed as to
2 grant the benefits thereof to any blind person between the ages of eighteen and
3 fifty years who has no occupation and who, being both physically and mentally
4 capable of some useful occupation or of receiving vocational or other training, who
5 refuses, for any reason, to engage in such useful occupation or to avail himself or
6 herself of such vocational or other training.

7 2. The **family support** division **[**of family services**]** may grant its
8 certificate admitting to the pension roll any applicant, otherwise qualified for a
9 pension, who signifies his or her willingness and readiness to enter upon a course
10 of vocational or other training; but in the event any such person fails for more

11 than a reasonable time to enter upon such course of training, without good cause,
12 the **family support** division **[**of family services**]** shall strike the name of such
13 person from the blind pension roll.

209.060. Any person who desires the benefits of sections 209.010 to
2 209.160 shall file an application at the **[**county welfare**] family support**
3 **division** office in the county of his **or her** residence, who is satisfied that the
4 applicant comes within the provisions of sections 209.010 to 209.160 shall certify
5 such fact to the **family support** division **[**of family services**]** at its office in
6 Jefferson City, Missouri, which shall consider the merits of such application and
7 if approved by the **family support** division **[**of family services**]** such person shall
8 be placed upon the blind pension rolls. All pensions payable under sections
9 209.010 to 209.160 shall begin on the date of the filing of the application therefor
10 with the **family support** division **[**of family services**]**. And whenever it shall
11 become known to the **family support** division **[**of family services**]** that any
12 person whose name is on the blind pension roll is no longer qualified to receive
13 a pension, after reasonable notice mailed to such person at his or her last known
14 residence address the name of such person shall be stricken from the blind
15 pension roll; provided further, any person who shall by gifts, secret disposition
16 or other means dispose of any property in his or her possession in order to become
17 wholly or in part within the provisions of sections 209.010 to 209.160 shall be
18 deemed guilty of a misdemeanor.

209.070. It shall be the duty of the **family support** division **[**of family
2 services**]** to prepare suitable blank application forms for the use of blind persons
3 in making application for pensions, which shall contain such questions for
4 applicant to answer and other matter as the division may deem appropriate to the
5 end to be accomplished. All statements of an applicant contained on such
6 application form shall be verified by the applicant and shall also be supported by
7 the certificates of two disinterested and responsible householders of the county
8 wherein applicant resides, who have known applicant for not less than two years
9 next prior to date of such application, that such statements are true.

209.080. It shall be the duty of the **family support** division **[**of family
2 services**]** to make such regulations relative to the examination of applicants for
3 pension, including the examination by an ophthalmologist, a physician skilled in
4 disease of the eye, or an optometrist, designated or approved by the **family**
5 **support** division **[**of family services**]** to make such examination and of all
6 matters deemed necessary connected with the administration of this chapter. The

7 examining ophthalmologist, a physician skilled in disease of the eye, or
8 optometrist, shall certify in writing, upon forms provided by the **family support**
9 division **[**of family services**]**, the findings of the examination. The examination
10 shall be provided for by the **family support** division **[**of family services**]** without
11 charge to the applicant and shall be paid as an administrative expense. No
12 person shall be entitled to the benefits of this chapter who shall refuse to submit
13 to treatment or operation to effect a cure when recommended by competent
14 medical authority and approved by the **family support** division **[**of family
15 services**]**, but upon submission to such treatment or operation the pension of
16 applicant otherwise entitled thereto, shall be paid as in other cases: Provided
17 further, that no applicant who is more than seventy-five years of age shall be
18 required to submit to an operation to restore his or her vision in order to come
19 under the provisions of this chapter, but may voluntarily submit to operation.

209.090. Monthly, the **family support** division **[**of family services**]** shall
2 prepare a separate roll of persons entitled to receive blind pension, which roll
3 shall be in triplicate, showing the name, post-office address, amount of pension
4 payable, and such other information as the **family support** division **[**of family
5 services**]** may determine to be necessary. One copy of each roll shall be retained
6 as a record by the **family support** division **[**of family services**]**. The original roll
7 and one copy properly certified by the director, or **[**his**] the director's** authorized
8 agent, shall be delivered to the commissioner of administration, who shall certify
9 the same for payment and prepare one warrant for the total amount payable to
10 the **family support** division **[**of family services**]**, which warrant shall be
11 attached to the copy of the roll and delivered to the state treasurer. The
12 commissioner of administration shall retain the original roll as a record of his **or**
13 **her** office. The state treasurer upon receiving said roll, warrant, and checks
14 prepared by the **family support** division **[**of family services**]** for each person on
15 said roll, shall sign said checks and deliver same to the **family support** division
16 **[**of family services**]** for delivery to the proper payees.

209.100. The **family support** division **[**of family services**]** shall place the
2 names of all persons certified by it for a pension under sections 209.010 to
3 209.160 upon a record to be kept in its office to be known as "The Blind Pension
4 Roll" which shall contain also the residence, post-office address, date upon which
5 the application for pension was filed with the judge of probate division of the
6 circuit court or **family support** division **[**of family services**]**, and the date the
7 certificate was received by the **family support** division **[**of family services**]**; and

8 the name of any person appearing upon the said blind pension roll shall be prima
9 facie evidence of the right of such person to the pension herein provided.

209.110. Any person claiming the benefits of sections 209.010 to 209.160
2 who is aggrieved by the action of the **family support** division **[**of family services**]**
3 on the question of such person's vision or as to his or her property or income,
4 residential or moral qualifications to receive the benefits of sections 209.010 to
5 209.160, may appeal from its decision to the circuit court of his or her judicial
6 circuit within ninety days from the decision complained of, by giving the division
7 notice of such appeal; such appeal shall be had and tried in the circuit court de
8 novo, and the judgment rendered thereupon shall be final; and if such judgment
9 be in favor of appellant a certified copy of same shall be mailed to the **family**
10 **support** division **[**of family services**]** at its office in Jefferson City.

209.240. 1. The **family support** division **[**of family services**]** shall, for
2 the purpose of obtaining federal financial participation in aid to the blind
3 payments, prepare a budget taking into consideration the necessary expenses in
4 accordance with standards developed by the **family support** division **[**of family
5 services**]** and the income and resources of the individual claiming aid to the blind.
6 In preparing such budget the **family support** division **[**of family services**]** shall
7 disregard the first eighty-five dollars per month of earned income plus one-half
8 of earned income in excess of eighty-five dollars per month and for a period not
9 in excess of twelve months, such additional amounts of other income and
10 resources, in the case of an individual who has a plan for achieving self-support
11 approved by the **family support** division **[**of family services**]**, as may be
12 necessary for the fulfillment of such plan. Every person passing the vision test
13 and having the other qualifications provided in this law shall be entitled to
14 receive aid to the blind in the amount of one hundred ten dollars monthly. Any
15 person disqualified to receive aid to the blind may apply for pension to the blind
16 as provided in sections 209.010 to 209.160.

17 2. If the funds at the disposal or which may be obtained by the **family**
18 **support** division **[**of family services**]** for the payment of benefits under this
19 section shall at any time become insufficient to pay the full amount of benefits to
20 each person entitled thereto, the amount of benefits of each one of such persons
21 shall be reduced pro rata in proportion to such deficiency in the total amount
22 available or to become available for such purpose.

23 3. Medical assistance for aid to the blind recipients shall be payable as
24 provided in sections 208.151 to 208.158 without regard to any durational

25 residence requirement for eligibility.

209.251. As used in sections 209.251 to 209.259, the following terms
2 mean:

3 (1) "Adaptive telecommunications equipment", equipment that translates,
4 enhances or otherwise transforms the receiving or sending of telecommunications
5 into a form accessible to individuals with disabilities. The term adaptive
6 telecommunications equipment includes adaptive telephone equipment and other
7 types of adaptive devices such as computer input and output adaptions necessary
8 for telecommunications access;

9 (2) "Basic telecommunications access line", a telecommunications line
10 which provides service from the telephone company central office to the
11 customer's premises which enables the customer to originate and terminate long
12 distance and local telecommunications;

13 (3) "Commission", the public service commission;

14 (4) "Consumer support and outreach", services that include, but are not
15 limited to, assisting individuals with disabilities or their families or caregivers
16 in the selection of the most appropriate adaptive telecommunications equipment
17 to meet their needs, providing basic training and technical assistance in the
18 installation and use of adaptive telecommunications equipment, and development
19 and dissemination of information to increase awareness and use of adaptive
20 telecommunications equipment;

21 (5) "Department", the department of **[**labor and industrial relations**]**
22 **elementary and secondary education**;

23 (6) "Eligible subscriber", any individual who has been certified as deaf,
24 hearing-impaired, speech-impaired or as having another disability that causes the
25 inability to use telecommunications equipment and services by a licensed
26 physician, audiologist, speech pathologist, hearing instrument specialist or a
27 qualified agency;

28 (7) "Missouri assistive technology advisory council" or "council", the body
29 which directs the Missouri assistive technology program pursuant to sections
30 **[**191.850 to 191.865**] 161.900 to 161.945**;

31 (8) "Program administrator", the entity or entities designated to design
32 the statewide telecommunications equipment distribution program, develop and
33 implement the program policies and procedures, assure delivery of consumer
34 support and outreach and account for and pay all program expenses;

35 (9) "Surcharge", an additional charge which is to be paid by local exchange

36 telephone company subscribers pursuant to the rate recovery mechanism
37 established pursuant to sections 209.255, 209.257 and 209.259 in order to
38 implement the programs described in sections 209.251 to 209.259;
39 (10) "Telecommunications", the transmission of any form of information
40 including, but not limited to, voice, graphics, text, dynamic content, and data
41 structures of all types whether they are in electronic, visual, auditory, optical or
42 any other form;
43 (11) "Telecommunications device for the deaf" or "TDD", a
44 telecommunications device capable of allowing deaf, hearing-impaired or
45 speech-impaired individuals to transmit messages over basic telephone access
46 lines by sending and receiving typed messages.

210.001. 1. The department of social services shall address the needs of
2 homeless, dependent and neglected children in the supervision and custody of the
3 **children's** division **[**of family services**]** and to their families-in-conflict by:
4 (1) Serving children and families as a unit in the least restrictive setting
5 available and in close proximity to the family home, consistent with the best
6 interests and special needs of the child;
7 (2) Insuring that appropriate social services are provided to the family
8 unit both prior to the removal of the child from the home and after family
9 reunification;
10 (3) Developing and implementing preventive and early intervention social
11 services which have demonstrated the ability to delay or reduce the need for
12 out-of-home placements and ameliorate problems before they become chronic.
13 2. The department of social services shall fund only regional child
14 assessment centers known as:
15 (1) The St. Louis City child assessment center;
16 (2) The St. Louis County child assessment center;
17 (3) The Jackson County child assessment center;
18 (4) The Buchanan County child assessment center;
19 (5) The Greene County child assessment center;
20 (6) The Boone County child assessment center;
21 (7) The Joplin child assessment center;
22 (8) The St. Charles County child assessment center;
23 (9) The Jefferson County child assessment center;
24 (10) The Pettis County child assessment center;
25 (11) The southeast Missouri child assessment center;

26 (12) The Camden County child assessment center;
27 (13) The Clay-Platte County child assessment center;
28 (14) The Lakes Area child assessment center;
29 (15) The Ozark Foothills child assessment center; and
30 (16) The North Central Missouri child assessment center;
31 provided the other approved assessment centers included in subdivisions (1) to
32 (14) of this subsection submit to the department of social services a modified
33 funding formula for all approved child assessment centers, which would require
34 no additional state funding.

210.115. 1. When any physician, medical examiner, coroner, dentist,
2 chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic
3 personnel that are engaged in the examination, care, treatment or research of
4 persons, and any other health practitioner, psychologist, mental health
5 professional, social worker, day care center worker or other child-care worker,
6 juvenile officer, probation or parole officer, jail or detention center personnel,
7 teacher, principal or other school official, minister as provided by section 352.400,
8 peace officer or law enforcement official, or other person with responsibility for
9 the care of children has reasonable cause to suspect that a child has been or may
10 be subjected to abuse or neglect or observes a child being subjected to conditions
11 or circumstances which would reasonably result in abuse or neglect, that person
12 shall immediately report to the division in accordance with the provisions of
13 sections 210.109 to 210.183. No internal investigation shall be initiated until
14 such a report has been made. As used in this section, the term "abuse" is not
15 limited to abuse inflicted by a person responsible for the child's care, custody and
16 control as specified in section 210.110, but shall also include abuse inflicted by
17 any other person.

18 2. If two or more members of a medical institution who are required to
19 report jointly have knowledge of a known or suspected instance of child abuse or
20 neglect, a single report may be made by a designated member of that medical
21 team. Any member who has knowledge that the member designated to report has
22 failed to do so shall thereafter immediately make the report. Nothing in this
23 section, however, is meant to preclude any person from reporting abuse or
24 neglect.

25 3. The reporting requirements under this section are individual, and no
26 supervisor or administrator may impede or inhibit any reporting under this
27 section. No person making a report under this section shall be subject to any

28 sanction, including any adverse employment action, for making such
29 report. Every employer shall ensure that any employee required to report
30 pursuant to subsection 1 of this section has immediate and unrestricted access
31 to communications technology necessary to make an immediate report and is
32 temporarily relieved of other work duties for such time as is required to make any
33 report required under subsection 1 of this section.

34 4. Notwithstanding any other provision of sections 210.109 to 210.183, any
35 child who does not receive specified medical treatment by reason of the legitimate
36 practice of the religious belief of the child's parents, guardian, or others legally
37 responsible for the child, for that reason alone, shall not be found to be an abused
38 or neglected child, and such parents, guardian or other persons legally
39 responsible for the child shall not be entered into the central registry. However,
40 the division may accept reports concerning such a child and may subsequently
41 investigate or conduct a family assessment as a result of that report. Such an
42 exception shall not limit the administrative or judicial authority of the state to
43 ensure that medical services are provided to the child when the child's health
44 requires it.

45 5. In addition to those persons and officials required to report actual or
46 suspected abuse or neglect, any other person may report in accordance with
47 sections 210.109 to 210.183 if such person has reasonable cause to suspect that
48 a child has been or may be subjected to abuse or neglect or observes a child being
49 subjected to conditions or circumstances which would reasonably result in abuse
50 or neglect.

51 6. Any person or official required to report pursuant to this section,
52 including employees of the division, who has probable cause to suspect that a
53 child who is or may be under the age of eighteen, who is eligible to receive a
54 certificate of live birth, has died shall report that fact to the appropriate medical
55 examiner or coroner. If, upon review of the circumstances and medical
56 information, the medical examiner or coroner determines that the child died of
57 natural causes while under medical care for an established natural disease, the
58 coroner, medical examiner or physician shall notify the division of the child's
59 death and that the child's attending physician shall be signing the death
60 certificate. In all other cases, the medical examiner or coroner shall accept the
61 report for investigation, shall immediately notify the division of the child's death
62 as required in section 58.452 and shall report the findings to the child fatality
63 review panel established pursuant to section 210.192.

64 7. Any person or individual required to report may also report the
65 suspicion of abuse or neglect to any law enforcement agency or juvenile
66 office. Such report shall not, however, take the place of reporting to the division.
67 8. If an individual required to report suspected instances of abuse or
68 neglect pursuant to this section has reason to believe that the victim of such
69 abuse or neglect is a resident of another state or was injured as a result of an act
70 which occurred in another state, the person required to report such abuse or
71 neglect may, in lieu of reporting to the Missouri **children's** division **[**of family
72 services**]**, make such a report to the child protection agency of the other state
73 with the authority to receive such reports pursuant to the laws of such other
74 state. If such agency accepts the report, no report is required to be made, but
75 may be made, to the **children's** division.

210.165. 1. Any person violating any provision of sections 210.110 to
2 210.165 is guilty of a class A misdemeanor.
3 2. Any person who intentionally files a false report of child abuse or
4 neglect shall be guilty of a class A misdemeanor.
5 3. Every person who has been previously convicted of making a false
6 report to the **children's division or its predecessor agency, the** division of
7 family services**,** and who is subsequently convicted of making a false report under
8 subsection 2 of this section is guilty of a class D felony and shall be punished as
9 provided by law.
10 4. Evidence of prior convictions of false reporting shall be heard by the
11 court, out of the hearing of the jury, prior to the submission of the case to the
12 jury, and the court shall determine the existence of the prior convictions.

210.166. The **children's** division **[**of family services**]**, any juvenile officer,
2 any physician licensed under chapter 334, any hospital or other health care
3 institution, and any other person or institution authorized by state or federal law
4 to provide medical care may bring an action in the circuit court in the county
5 where any child under eighteen years of age resides or is located, alleging the
6 child is suffering from the denial or deprivation, by those responsible for the care,
7 custody, and control of the child, of medical or surgical treatment or intervention
8 which is necessary to remedy or ameliorate a medical condition which is
9 life-threatening or causes injury. Those responsible for the care, custody and
10 control of the child include, but is not limited to, the parents or guardian of the
11 child, other members of the child's household, or those exercising supervision over
12 a child for any part of a twenty-four-hour day. A petition filed under this section

13 shall be expedited by the court involved in every manner practicable, including,
14 but not limited to, giving such petition priority over all other matters on the
15 court's docket and holding a hearing, at which the parent, guardian or other
16 person having authority to consent to the medical care in question shall, after
17 being notified thereof, be given the opportunity to be heard, and issuing a ruling
18 as expeditiously as necessary when the child's condition is subject to immediate
19 deterioration. Any circuit or associate circuit judge of this state shall have the
20 authority to ensure that medical services are provided to the child when the
21 child's health requires it.

210.167. If an investigation conducted by the **children's** division **[**of
2 family services pursuant to**]** **under** section 210.145 reveals that the only basis
3 for action involves a question of an alleged violation of section 167.031, then the
4 local office of the division shall send the report to the school district in which the
5 child resides. The school district shall immediately refer all private, parochial,
6 parish or home school matters to the prosecuting attorney of the county wherein
7 the child legally resides. The school district may refer public school violations of
8 section 167.031 to the prosecuting attorney.

210.192. 1. The prosecuting attorney or the circuit attorney shall impanel
2 a child fatality review panel for the county or city not within a county in which
3 he or she serves to investigate the deaths of children under the age of eighteen
4 years, who are eligible to receive a certificate of live birth. The panel shall be
5 formed and shall operate according to the rules, guidelines and protocols provided
6 by the department of social services.

7 2. The panel shall include, but shall not be limited to, the following:

8 (1) The prosecuting or circuit attorney;

9 (2) The coroner or medical examiner for the county or city not within a
10 county;

11 (3) Law enforcement personnel in the county or city not within a county;

12 (4) A representative from the **children's** division **[**of family services**]**;

13 (5) A provider of public health care services;

14 (6) A representative of the juvenile court;

15 (7) A provider of emergency medical services.

16 3. The prosecuting or circuit attorney shall organize the panel and shall
17 call the first organizational meeting of the panel. The panel shall elect a
18 chairman who shall convene the panel to meet to review all deaths of children
19 under the age of eighteen years, who are eligible to receive a certificate of live

20 birth, which meet guidelines for review as set forth by the department of social
21 services. In addition, the panel may review at its own discretion any child death
22 reported to it by the medical examiner or coroner, even if it does not meet criteria
23 for review as set forth by the department. The panel shall issue a final report,
24 which shall be a public record, of each investigation to the department of social
25 services, state technical assistance team and to the director of the department of
26 health and senior services. The final report shall include a completed summary
27 report form. The form shall be developed by the director of the department of
28 social services in consultation with the director of the department of health and
29 senior services. The department of health and senior services shall analyze the
30 child fatality review panel reports and periodically prepare epidemiological
31 reports which describe the incidence, causes, location and other factors pertaining
32 to childhood deaths. The department of health and senior services and
33 department of social services shall make recommendations and develop programs
34 to prevent childhood injuries and deaths.

35 4. The child fatality review panel shall enjoy such official immunity as
36 exists at common law.

210.196. 1. The director of the department of health and senior services,
2 in consultation with the director of the department of social services, shall
3 promulgate rules, guidelines and protocols for hospitals and physicians to use to
4 help them to identify suspicious deaths of children under the age of eighteen
5 years, who are eligible to receive a certificate of live birth.

6 2. The director of the department of health and senior services shall
7 promulgate rules for the certification of child death pathologists and shall develop
8 protocols for such pathologists. A certified child death pathologist shall be a
9 board-certified forensic pathologist or a board-certified pathologist who through
10 special training or experience is deemed qualified in the area of child fatalities
11 by the department of health and senior services.

12 3. Except as provided in section 630.167, any hospital, physician, medical
13 professional, mental health professional, or department of mental health facility
14 shall disclose upon request all records, medical or social, of any child eligible to
15 receive a certificate of live birth under the age of eighteen who has died to the
16 coroner or medical examiner, **children's** division **[**of family services**]**
17 representative, or public health representative who is a member of the local child
18 fatality review panel established pursuant to section 210.192 to investigate the
19 child's death. Any legally recognized privileged communication, except that

20 between attorney and client, shall not apply to situations involving the death of
21 a child under the age of eighteen years, who is eligible to receive a certificate of
22 live birth.

210.254. 1. Child-care facilities operated by religious organizations
2 pursuant to the exempt status recognized in subdivision (5) of section 210.211
3 shall upon enrollment of any child provide the parent or guardian enrolling the
4 child two copies of a notice of parental responsibility, one copy of which shall be
5 retained in the files of the facility after the enrolling parent acknowledges, by
6 signature, having read and accepted the information contained therein.

7 2. The notice of parental responsibility shall include the following:

8 (1) Notification that the child-care facility is exempt as a religious
9 organization from state licensing and therefore not inspected or supervised by the
10 department of health and senior services other than as provided herein and that
11 the facility has been inspected by those designated in section 210.252 and is
12 complying with the fire, health and sanitation requirements of sections 210.252
13 to 210.257;

14 (2) The names, addresses and telephone numbers of agencies and
15 authorities which inspect the facility for fire, health and safety and the date of
16 the most recent inspection by each;

17 (3) The staff/child ratios for enrolled children under two years of age, for
18 children ages two to four and for those five years of age and older as required by
19 the department of health and senior services regulations in licensed facilities, the
20 standard ratio of staff to number of children for each age level maintained in the
21 exempt facility, and the total number of children to be enrolled by the facility;

22 (4) Notification that background checks have been conducted on each
23 individual caregiver and all other personnel at the facility. The background check
24 shall be conducted upon employment and every two years thereafter on each
25 individual caregiver and all other personnel at the facility. Such background
26 check shall include a screening for child abuse or neglect through the **children's**
27 division **[**of family services**]**, and a criminal record review through the Missouri
28 highway patrol pursuant to section 43.540. The fee for the criminal record review
29 shall be limited to the actual costs incurred by the Missouri highway patrol in
30 conducting such review not to exceed ten dollars;

31 (5) The disciplinary philosophy and policies of the child-care facility; and

32 (6) The educational philosophy and policies of the child-care facility.

33 3. A copy of notice of parental responsibility, signed by the principal

34 operating officer of the exempt child-care facility and the individual primarily
35 responsible for the religious organization conducting the child-care facility and
36 copies of the annual fire and safety inspections shall be filed annually during the
37 month of August with the director of the department of health and senior
38 services. Exempt child-care facilities which begin operation after August 28,
39 1993, shall file such notice at least five days prior to starting to operate.

210.481. As used in sections 210.481 to 210.536, unless the context clearly
2 requires otherwise, the following terms shall mean:

3 (1) "Child", any individual under eighteen years of age or in the custody
4 of the division;

5 (2) "Child placing agency", any person, other than the parents, who places
6 a child outside the home of the child's parents or guardian, or advertises or holds
7 himself forth as performing such services, but excluding the attorney, physician,
8 or clergyman of the parents;

9 (3) "Division", the **children's** division **[**of family services**]** of the
10 department of social services of the state of Missouri;

11 (4) "Foster home", a private residence of one or more family members
12 providing twenty-four-hour care to one or more but less than seven children who
13 are unattended by parent or guardian and who are unrelated to either foster
14 parent by blood, marriage, or adoption;

15 (5) "Guardian", the person designated by a court of competent jurisdiction
16 as the "guardian of the person of a minor" or "guardian of the person and
17 conservator of the estate of a minor";

18 (6) "License", the document issued by the division in accordance with the
19 applicable provisions of sections 210.481 to 210.536 to a foster home, residential
20 care facility, or child placing agency which authorizes the foster home, residential
21 care facility, or child placing agency to operate its program in accordance with the
22 applicable provisions of sections 210.481 to 210.536 and rules issued pursuant
23 thereto;

24 (7) "Person", any individual, firm, corporation, partnership, association,
25 agency, or an incorporated or unincorporated organization, regardless of the name
26 used;

27 (8) "Provisional license", the document issued by the division in
28 accordance with the applicable provisions of sections 210.481 to 210.536 to a
29 foster home, residential care facility, or child placing agency which is not
30 currently meeting requirements for full licensure;

31 (9) "Related", any of the following by blood, marriage, or adoption: Parent,
32 grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother,
33 stepsister, uncle, aunt, or first cousin;
34 (10) "Residential care facility", a facility providing twenty-four-hour care
35 in a group setting to children who are unrelated to the person operating the
36 facility and who are unattended by a parent or guardian.

210.536. 1. The cost of foster care shall be paid by the **children's**
2 division **[**of family services pursuant to**]** **under** chapter 207, except that the court
3 shall evaluate the ability of parents to pay part or all of the cost for such care,
4 and shall order such payment to the department of social services.
5 2. The court may effectuate such order against any asset of the parent for
6 failure to provide part or all of the cost of foster care according to the court order;
7 provided further, that any assignment, attachment, garnishment, or lien against
8 such assets shall be served upon the person in possession of the assets or shall
9 be recorded in the office of the recorder of deeds in the county in which the parent
10 resides or in which the asset is located. The department of social services may
11 contract on a contingency fee basis with private attorneys for the collection and
12 enforcement of orders against such assets. Any such third party payment shall
13 be paid directly to the department of social services.

210.537. The **children's** division **[**of family services**]** shall cooperate with
2 and shall help promote foster parent associations in each county. The **children's**
3 division **[**of family services**]** shall provide county foster parent associations with
4 data, information and guidelines on the obligations, responsibilities and
5 opportunities of foster parenting and shall keep the associations and members
6 apprised of changes in laws and regulations relevant to foster parenting.

210.543. The **children's** division **[**of family services**]** shall train and
2 license a separate category of foster parents who are able to provide special care
3 and supervision to foster children who have special needs because of a history of
4 sexual abuse, serious physical abuse, or severe chronic neglect. The training
5 received by such specialized foster parents shall be in addition to the training
6 required in section 210.540. Fiscal incentives for training and/or longevity may
7 be provided by the division, subject to appropriation. The division shall place
8 foster children with such specialized foster parents subject to available funds.

210.545. 1. The **children's** division **[**of family services**]** shall establish
2 reasonably accessible respite care facilities which may be utilized by foster
3 parents licensed by the division. Such licensed foster parents shall be permitted

4 to leave agency foster children in the respite care facilities for periods of time
5 determined jointly by the foster parent and the division and subject to available
6 funds.

7 2. Such respite care facilities may be licensed day care centers or
8 residential treatment centers who have contracted with the division to provide
9 such services. Licensed foster homes may also be designated as respite care
10 facilities.

11 3. The **children's** division **[**of family services**]** shall promulgate rules and
12 regulations necessary to implement the provisions of this section. No rule or
13 portion of a rule promulgated under the authority of this section shall become
14 effective unless it has been promulgated pursuant to the provisions of section
15 536.024.

210.551. The **children's** division **[**of family services**]** shall, by January
2 1, 1988, develop a procedure by which foster parents may appeal adverse
3 decisions affecting their rights made by the division. Such procedure shall be
4 mutually agreed upon by the division and an organization of foster parents with
5 whom they shall consult.

210.560. 1. As used in this section, the following terms shall mean:

2 (1) "Child", any child placed in the legal custody of the division under
3 chapter 211;

4 (2) "Division", the **children's** division **[**of family services**]** of the
5 department of social services of the state of Missouri;

6 (3) "Money", any legal tender, note, draft, certificate of deposit, stocks,
7 bond or check;

8 (4) "Vested right", a legal right that is more than a mere expectancy and
9 may be reduced to a present monetary value.

10 2. The child, the child's parents, any fiduciary or any representative payee
11 holding or receiving money that are vested rights solely for or on behalf of a child
12 are jointly and severally liable for funds expended by the division to or on behalf
13 of the child. The liability of any person, except a parent of the child, shall be
14 limited to the money received in his **or her** fiduciary or representative
15 capacity. The Missouri state government shall not require a trustee or a financial
16 institution acting as a trustee to exercise any discretionary powers in the
17 operation of a trust.

18 3. The division may accept an appointment to serve as representative
19 payee or fiduciary, or in a similar capacity for payments to a child under any

20 public or private benefit arrangement. Money so received shall be governed by
21 this section to the extent that laws and regulations governing payment of such
22 benefits provide otherwise.

23 4. Any money received by the division on behalf of a child shall be
24 accounted for in the name of the child. Any money in the account of a child may
25 be expended by the division for care or services for the child. The division shall
26 by rule adopted under chapter 536 establish procedures for the accounting of the
27 money and the protection of the money against theft, loss or misappropriation.

28 5. The division shall deposit money with a financial institution. Any
29 earnings attributable to the money in the account of a child shall be credited to
30 that child's account. The division shall receive bids from banking corporations,
31 associations or trust companies which desire to be selected as depositories of
32 children's moneys for the division.

33 6. The division may accept funds which a parent, guardian or other person
34 wishes to provide for the use or benefit of the child. The use and deposit of such
35 funds shall be governed by this section and any additional directions given by the
36 provider of the funds.

37 7. Each child for whose benefit funds have been received by the division
38 and the guardian ad litem of such child shall be furnished annually with a
39 statement listing all transactions involving the funds which have been deposited
40 on the child's behalf, to include each receipt and disbursement.

41 8. The division shall use all proper diligence to dispose of the balance of
42 money accumulated in the child's account when the child is released from the care
43 and custody of the division or the child dies. When the child is deceased the
44 balance shall be disposed of as provided by law for descent and distribution. If,
45 after the division has diligently used such methods and means as considered
46 reasonable to refund such funds, there shall remain any money, the owner of
47 which is unknown to the division, or if known, cannot be located by the division,
48 in each and every such instance such money shall escheat and vest in the state
49 of Missouri, and the director and officials of the division shall pay the same to the
50 state director of the department of revenue, taking a receipt therefor, who shall
51 deposit the money in the state treasury to be credited to a fund to be designated
52 as "escheat".

53 9. Within five years after money has been paid into the state treasury,
54 any person who appears and claims the money may file a petition in the circuit
55 court of Cole County, Missouri, stating the nature of the claim and praying that

56 such money be paid to him. A copy of the petition shall be served upon the
57 director of the department of revenue who shall file an answer to the same. The
58 court shall proceed to examine the claim and the allegations and proof, and if it
59 finds that such person is entitled to any money so paid into the state treasury,
60 it shall order the commissioner of administration to issue a warrant on the state
61 treasurer for the amount of such claim, but without interest or costs. A certified
62 copy of the order shall be sufficient voucher for issuing a warrant; provided, that
63 either party may appeal from the decision of the court in the same manner as
64 provided by law in other civil actions.

65 10. All moneys paid into the state treasury under the provisions of this
66 section after remaining there unclaimed for five years shall escheat and vest
67 absolutely in the state and be credited to the state treasury, and all persons shall
68 be forever barred and precluded from setting up title or claim to any such funds.

69 11. Nothing in this section shall be deemed to apply to funds regularly
70 due the state of Missouri for the support and maintenance of children in the care
71 and custody of the division or collected by the state of Missouri as reimbursement
72 for state funds expended on behalf of the child.

210.720. 1. In the case of a child who has been placed in the custody of
2 the **children's** division **[**of family services**]** in accordance with subdivision (17)
3 of subsection 1 of section 207.020 or another authorized agency by a court or who
4 has been placed in foster care by a court, every six months after the placement,
5 the foster family, group home, agency, or child care institution with which the
6 child is placed shall file with the court a written report on the status of the
7 child. The court shall review the report and shall hold a permanency hearing
8 within twelve months of initial placement and at least annually thereafter. The
9 permanency hearing shall be for the purpose of determining in accordance with
10 the best interests of the child a permanent plan for the placement of the child,
11 including whether or not the child should be continued in foster care or whether
12 the child should be returned to a parent, guardian or relative, or whether or not
13 proceedings should be instituted by either the juvenile officer or the division to
14 terminate parental rights and legally free such child for adoption.

15 2. In such permanency hearings the court shall consider all relevant
16 factors including:

17 (1) The interaction and interrelationship of the child with the child's
18 foster parents, parents, siblings, and any other person who may significantly
19 affect the child's best interests;

20 (2) The child's adjustment to his or her foster home, school and
21 community;
22 (3) The mental and physical health of all individuals involved, including
23 any history of abuse of any individuals involved. If the child is in the care of an
24 authorized agency based on an allegation that the child has abused another child
25 and the court determines that such abuse occurred, the court shall not return the
26 child to or permit the child to reside in any residence located within one thousand
27 feet of the residence of the abused child, or any child care facility or school that
28 the abused child attends, until the abused child reaches eighteen years of
29 age. The prohibitions of this subsection shall not apply where the alleged abuse
30 occurred between siblings; and
31 (4) The needs of the child for a continuing relationship with the child's
32 parents and the ability and willingness of parents to actively perform their
33 functions as mother and father for the needs of the child.
34 3. The judge shall make written findings of fact and conclusions of law in
35 any order pertaining to the placement of the child.

210.829. 1. The circuit court has jurisdiction of an action brought under
2 sections 210.817 to 210.852. The action may be joined by separate document with
3 an action for dissolution of marriage, annulment, separate maintenance, support,
4 custody or visitation, except that in any action instituted at the request of the
5 **family support** division **[**of child support enforcement**]** by a prosecuting or
6 circuit attorney or attorney under contract with such division, if an action for
7 dissolution, annulment, separate maintenance, custody or visitation is joined
8 hereunder, it shall be severed upon request. Failure to join an action for
9 reimbursement of necessaries provided with an action brought under sections
10 210.817 to 210.852 shall not be a bar to subsequently bringing such an action for
11 reimbursement of necessaries provided.
12 2. A person who has sexual intercourse in this state thereby submits to
13 the jurisdiction of the courts of this state to an action brought under sections
14 210.817 to 210.852 with respect to a child who may have been conceived by that
15 act of intercourse. In addition to any other method provided by rule or statute,
16 including sections 506.160 and 506.510, personal jurisdiction may be acquired by
17 personal service of summons outside this state or by certified mail with proof of
18 actual receipt.
19 3. Notwithstanding subsection 2 of this section, personal jurisdiction may
20 be asserted over any person if there is any basis consistent with the constitution

21 of this state or the United States.

22 4. An action brought under sections 210.817 to 210.852 may be brought
23 in the county in which the child resides, the mother resides, or the alleged father
24 resides or is found or, if the father is deceased, in which proceedings for probate
25 of his **or her** estate have been or could be commenced.

210.830. The child shall be made a party to any action commenced under
2 sections 210.817 to 210.852. If he **or she** is a minor, he **or she** may be
3 represented by a next friend appointed for him **or her** for any such action. The
4 child's mother or father or the **family support** division **[**of child support
5 enforcement**]** or any person having physical or legal custody of the child may
6 represent him **or her** as his **or her** next friend. A guardian ad litem shall be
7 appointed for the child only if child abuse or neglect is alleged, or if the child is
8 named as a defendant, or if the court determines that the interests of the child
9 and his **or her** next friend are in conflict. The natural mother, each man
10 presumed to be the father under section 210.822, and each man alleged to be the
11 natural father, shall be made parties or, if not subject to the jurisdiction of the
12 court, shall be given notice of the action in a manner prescribed by the court and
13 an opportunity to be heard. The court may align the parties.

210.834. 1. The court may, and upon request of any party shall require
2 the child, mother, alleged father, any presumed father who is a party to the
3 action, and any male witness who testifies or shall testify about his sexual
4 relations with the mother at the possible time of conception, to submit to blood
5 tests. The tests shall be performed by an expert as defined in subsection 7 of this
6 section.

7 2. The court, upon reasonable request by a party, may order that
8 independent tests be performed by other experts as defined in this section.

9 3. If any party refuses to submit to blood tests ordered by the court
10 pursuant to subsection 1 or 2 of this section, such refusal shall constitute civil
11 contempt of court and shall be admissible as evidence in the action. In addition,
12 upon motion and reasonable notice to the party refusing to submit to blood tests,
13 the court shall, except for good cause shown, enter an order striking the party's
14 pleadings and rendering a judgment by default on the issue of the existence of the
15 parent-and-child relationship.

16 4. Whenever the court finds that the results of the blood tests show that
17 a person presumed or alleged to be the father of the child is not the father of such
18 child, such evidence shall be conclusive of nonpaternity and the court shall

19 dismiss the action as to that party, and the cost of such blood tests shall be
20 assessed against the party instituting the action unless the **family support**
21 division **[**of child support enforcement**]**, through a prosecuting attorney or circuit
22 attorney or other attorney under contract with such division, is a party to such
23 action, in which case the cost of such blood tests shall be assessed against the
24 state. The court shall order the state to pay reasonable attorney's fees for counsel
25 and the costs of any blood tests where such blood tests show that the person
26 presumed or alleged to be the father of the child is not the father of such child
27 and the state proceeds further in an action pursuant to sections 210.817 to
28 210.852 to attempt to establish that such person is the father of the child.

29 5. Certified documentation of the chain of custody of the blood or tissue
30 specimens is competent evidence to establish such chain of custody. An expert's
31 report shall be admitted at trial as evidence of the test results stated therein
32 without the need for foundation testimony or other proof of authenticity or
33 accuracy, unless a written motion containing specific factual allegations
34 challenging the testing procedures, the chain of custody of the blood or tissue
35 specimens, or the results has been filed and served on each party, and the motion
36 is sustained by the court or an administrative agency not less than thirty days
37 before the trial.

38 6. The provisions of subsection 5 of this section shall also apply when the
39 blood tests were not ordered by the court, if the court finds that the tests were
40 conducted by an expert as defined in subsection 7 of this section.

41 7. As used in sections 210.817 to 210.852, the term "expert" shall include,
42 but not be limited to, a person who performs or analyzes a genetic test of a type
43 generally acknowledged as reliable by accreditation bodies designated by the
44 secretary of the Department of Health and Human Services pursuant to 42 U.S.C.
45 666(a) and performed by a laboratory approved by such accreditation bodies.

210.843. 1. If the existence of a parent and child relationship is declared,
2 and a duty of support has been established pursuant to sections 210.817 to
3 210.852, the support obligation may be enforced in the same or in other
4 appropriate proceedings by the mother, the child, the **family support** division
5 **[**of child support enforcement**]**, or any other public agency that has furnished or
6 may furnish the reasonable expenses of pregnancy, confinement, education,
7 support, or funeral, or by any other person, including a private agency, to the
8 extent he or she has furnished or is furnishing these expenses.

9 2. The court shall order that support payments be made to the clerk of the

10 circuit court as trustee for remittance to the person entitled to receive the
11 payments, or where that person has assigned his or her support rights to the
12 **family support** division **[**of family services pursuant to**]** **under** section 208.040
13 as trustee for remittance to the division, as long as the trusteeship remains in
14 effect. Effective October 1, 1999, the court shall order support payments to be
15 made to the family support payment center as required in section 454.530 as
16 trustee for remittance to the person entitled to receive the payments.

17 3. Willful failure to obey any judgment or order of the court entered
18 pursuant to this section is a civil contempt of court. Section 452.350 applies to
19 support orders entered pursuant to this section, and all administrative and
20 judicial remedies for the enforcements of judgments shall apply.

210.846. Notwithstanding any other law concerning public hearings and
2 records, any hearing or trial held under sections 210.817 to 210.852 shall be held
3 in closed court without admittance of any person other than those necessary to
4 the action or proceeding. All papers and records, other than the interlocutory or
5 final judgment, pertaining to the action or proceeding, whether part of the
6 permanent record of the court, are subject to inspection only by the prosecuting
7 or circuit attorney or attorney under contract with the **family support** division
8 **[**of child support enforcement**]** or upon the consent of the court and all interested
9 persons, or in exceptional cases only upon order of the court for good cause
10 shown.

210.870. 1. There is hereby established the "Juvenile Information
2 Governance Commission".

3 2. The commission shall be composed of the following members:

4 (1) The director of the department of mental health;

5 (2) The director of the department of health and senior services;

6 (3) The commissioner of education;

7 (4) The director of the department of social services;

8 (5) The director of the **children's** division **[**of family services**]** of the
9 department of social services;

10 (6) The director of the division of youth services of the department of
11 social services;

12 (7) The state courts administrator;

13 (8) The superintendent of the highway patrol;

14 (9) The chief information officer of the office of information technology of
15 the office of administration;

16 (10) One judge who hears juvenile cases in a circuit comprised of one
17 county of the first classification, appointed by the chief justice of the supreme
18 court;
19 (11) One judge who hears juvenile cases in a circuit comprised of more
20 than one county, appointed by the chief justice of the supreme court;
21 (12) One juvenile officer representing a circuit comprised of one county of
22 the first classification, appointed by the chief justice of the supreme court;
23 (13) One juvenile officer representing a circuit comprised of more than one
24 county, appointed by the chief justice of the supreme court.
25 3. The commission shall authorize categories of information to be shared
26 between executive agencies and juvenile and family divisions of the circuit courts
27 pursuant to section 210.865. The commission shall provide vision, strategy, policy
28 approval and oversight for development and implementation of agency, law
29 enforcement and juvenile and family court information sharing. The commission
30 may appoint subcommittees to address technical and policy issues associated with
31 information sharing, communication, development and implementation.
32 4. The state courts administrator or a designee shall chair the
33 commission.
34 5. The commission shall meet as determined by the chair but not less than
35 semiannually. A majority of the members of the commission shall constitute a
36 quorum.
37 6. No member of the commission shall receive compensation for the
38 performance of duties associated with membership on the commission.
39 7. Official minutes of all commission meetings shall be prepared by the
40 chair, distributed to the members and filed by the state courts administrator.
41 8. The commission shall, on January 1, 2002, and annually thereafter on
42 January first of each succeeding year, transmit a report summarizing the
43 commission's findings to the general assembly.

210.900. 1. Sections 210.900 to 210.936 shall be known and may be cited
2 as the "Family Care Safety Act".
3 2. As used in sections 210.900 to 210.936, the following terms shall mean:
4 (1) "Child-care provider", any licensed or license-exempt child-care home,
5 any licensed or license-exempt child-care center, child-placing agency, residential
6 care facility for children, group home, foster family group home, foster family
7 home, employment agency that refers a child-care worker to parents or guardians
8 as defined in section 289.005. The term "child-care provider" does not include

9 summer camps or voluntary associations designed primarily for recreational or
10 educational purposes;
11 (2) "Child-care worker", any person who is employed by a child-care
12 provider, or receives state or federal funds, either by direct payment,
13 reimbursement or voucher payment, as remuneration for child-care services;
14 (3) "Department", the department of health and senior services;
15 (4) "Elder-care provider", any operator licensed pursuant to chapter 198
16 or any person, corporation, or association who provides in-home services under
17 contract with the **[**division of aging**] department of social services or its**
18 **divisions**, or any employer of nurses or nursing assistants of home health
19 agencies licensed pursuant to sections 197.400 to 197.477, or any nursing
20 assistants employed by a hospice pursuant to sections 197.250 to 197.280, or that
21 portion of a hospital for which subdivision (3) of subsection 1 of section 198.012
22 applies;
23 (5) "Elder-care worker", any person who is employed by an elder-care
24 provider, or who receives state or federal funds, either by direct payment,
25 reimbursement or voucher payment, as remuneration for elder-care services;
26 (6) "Employer", any child-care provider, elder- care provider, or
27 personal-care provider as defined in this section;
28 (7) "Mental health provider", any developmental disability facility or
29 group home as defined in section 633.005;
30 (8) "Mental health worker", any person employed by a mental health
31 provider to provide personal care services and supports;
32 (9) "Patrol", the Missouri state highway patrol;
33 (10) "Personal-care attendant" or "personal-care worker", a person who
34 performs routine services or supports necessary for a person with a physical or
35 mental disability to enter and maintain employment or to live independently;
36 (11) "Personal-care provider", any person, corporation, or association who
37 provides personal-care services or supports under contract with the department
38 of mental health**[**, the division of aging, the department of health and senior
39 services or the department of elementary and secondary education**] or the**
40 **department of social services or its divisions**;
41 (12) "Related child care", child care provided only to a child or children
42 by such child's or children's grandparents, great-grandparents, aunts or uncles,
43 or siblings living in a residence separate from the child or children;
44 (13) "Related elder care", care provided only to an elder by an adult child,

45 a spouse, a grandchild, a great-grandchild or a sibling of such elder.

210.950. 1. This section shall be known and may be cited as the "Safe
2 Place for Newborns Act of 2002". The purpose of this section is to protect
3 newborn children from injury and death caused by abandonment by a parent, and
4 to provide safe and secure alternatives to such abandonment.

5 2. As used in this section, the following terms mean:

6 (1) "Hospital", as defined in section 197.020;

7 (2) "Maternity home", the same meaning as such term is defined in section
8 135.600;

9 (3) "Nonrelinquishing parent", the biological parent who does not leave a
10 newborn infant with any person listed in subsection 3 of this section in
11 accordance with this section;

12 (4) "Pregnancy resource center", the same meaning as such term is
13 defined in section 135.630;

14 (5) "Relinquishing parent", the biological parent or person acting on such
15 parent's behalf who leaves a newborn infant with any person listed in subsection
16 3 of this section in accordance with this section.

17 3. A parent shall not be prosecuted for a violation of section 568.030,
18 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment
19 of a child up to forty-five days old pursuant to this section if:

20 (1) Expressing intent not to return for the child, the parent voluntarily
21 delivered the child safely to the physical custody of any of the following persons:

22 (a) An employee, agent, or member of the staff of any hospital, maternity
23 home, or pregnancy resource center in a health care provider position or on duty
24 in a nonmedical paid or volunteer position;

25 (b) A firefighter or emergency medical technician on duty in a paid
26 position or on duty in a volunteer position; or

27 (c) A law enforcement officer;

28 (2) The child was no more than forty-five days old when delivered by the
29 parent to any person listed in subdivision (1) of this subsection; and

30 (3) The child has not been abused or neglected by the parent prior to such
31 voluntary delivery.

32 4. A parent voluntarily relinquishing a child under this section shall not
33 be required to provide any identifying information about the child or the parent.
34 No person shall induce or coerce, or attempt to induce or coerce, a parent into
35 revealing his or her identity. No officer, employee, or agent of this state or any

36 political subdivision of this state shall attempt to locate or determine the identity
37 of such parent. In addition, any person who obtains information on the
38 relinquishing parent shall not disclose such information except to the following:
39 (1) A birth parent who has waived anonymity or the child's adoptive
40 parent;
41 (2) The staff of the department of health and senior services, the
42 department of social services, or any county health or social services agency or
43 licensed child welfare agency that provides services to the child;
44 (3) A person performing juvenile court intake or dispositional services;
45 (4) The attending physician;
46 (5) The child's foster parent or any other person who has physical custody
47 of the child;
48 (6) A juvenile court or other court of competent jurisdiction conducting
49 proceedings relating to the child;
50 (7) The attorney representing the interests of the public in proceedings
51 relating to the child; and
52 (8) The attorney representing the interests of the child.
53 5. A person listed in subdivision (1) of subsection 3 of this section shall,
54 without a court order, take physical custody of a child the person reasonably
55 believes to be no more than forty-five days old and is delivered in accordance with
56 this section by a person purporting to be the child's parent. If delivery of a
57 newborn is made pursuant to this section in any place other than a hospital, the
58 person taking physical custody of the child shall arrange for the immediate
59 transportation of the child to the nearest hospital licensed pursuant to chapter
60 197.
61 6. The hospital, its employees, agents and medical staff shall perform
62 treatment in accordance with the prevailing standard of care as necessary to
63 protect the physical health or safety of the child. The hospital shall notify the
64 **children's** division **[**of family services**]** and the local juvenile officer upon receipt
65 of a child pursuant to this section. The local juvenile officer shall immediately
66 begin protective custody proceedings and request the child be made a ward of the
67 court during the child's stay in the medical facility. Upon discharge of the child
68 from the medical facility and pursuant to a protective custody order ordering
69 custody of the child to the division, the children's division shall take physical
70 custody of the child. The parent's voluntary delivery of the child in accordance
71 with this section shall constitute the parent's implied consent to any such act and

72 a voluntary relinquishment of such parent's parental rights.

73 7. In any termination of parental rights proceeding initiated after the
74 relinquishment of a child pursuant to this section, the juvenile officer shall make
75 public notice that a child has been relinquished, including the sex of the child,
76 and the date and location of such relinquishment. Within thirty days of such
77 public notice, the parent wishing to establish parental rights shall identify
78 himself or herself to the court and state his or her intentions regarding the
79 child. The court shall initiate proceedings to establish paternity, or if no person
80 identifies himself as the father within thirty days, maternity. The juvenile officer
81 shall make examination of the putative father registry established in section
82 192.016 to determine whether attempts have previously been made to preserve
83 parental rights to the child. If such attempts have been made, the juvenile officer
84 shall make reasonable efforts to provide notice of the abandonment of the child
85 to such putative father.

86 8. (1) If a relinquishing parent of a child relinquishes custody of the child
87 to any person listed in subsection 3 of this section in accordance with this section
88 and to preserve the parental rights of the nonrelinquishing parent, the
89 nonrelinquishing parent shall take such steps necessary to establish parentage
90 within thirty days after the public notice or specific notice provided in subsection
91 7 of this section.

92 (2) If either parent fails to take steps to establish parentage within the
93 thirty-day period specified in subdivision (1) of this subsection, either parent may
94 have all of his or her rights terminated with respect to the child.

95 (3) When either parent inquires at a hospital regarding a child whose
96 custody was relinquished pursuant to this section, such facility shall refer such
97 parent to the children's division and the juvenile court exercising jurisdiction over
98 the child.

99 9. The persons listed in subdivision (1) of subsection 3 of this section shall
100 be immune from civil, criminal, and administrative liability for accepting physical
101 custody of a child pursuant to this section if such persons accept custody in good
102 faith. Such immunity shall not extend to any acts or omissions, including
103 negligent or intentional acts or omissions, occurring after the acceptance of such
104 child.

105 10. The children's division shall:

106 (1) Provide information and answer questions about the process
107 established by this section on the statewide, toll-free telephone number

108 maintained pursuant to section 210.145;
109 (2) Provide information to the public by way of pamphlets, brochures, or
110 by other ways to deliver information about the process established by this section.
111 11. It shall be an affirmative defense to prosecution for a violation of
112 sections 568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant
113 voluntarily relinquished a child no more than one year old under this section.
114 12. Nothing in this section shall be construed as conflicting with section
115 210.125.

211.081. 1. Whenever any person informs the court in person and in
2 writing that a child appears to be within the purview of applicable provisions of
3 section 211.031 or that a person seventeen years of age appears to be within the
4 purview of the provisions of subdivision (1) of subsection 1 of section 211.031, the
5 court shall make or cause to be made a preliminary inquiry to determine the facts
6 and to determine whether or not the interests of the public or of the child or
7 person seventeen years of age require that further action be taken. On the basis
8 of this inquiry, the juvenile court may make such informal adjustment as is
9 practicable without a petition or may authorize the filing of a petition by the
10 juvenile officer. Any other provision of this chapter to the contrary
11 notwithstanding, the juvenile court shall not make any order for disposition of a
12 child or person seventeen years of age which would place or commit the child or
13 person seventeen years of age to any location outside the state of Missouri
14 without first receiving the approval of the **children's** division **[**of family
15 services**]**.
16 2. Placement in any institutional setting shall represent the least
17 restrictive appropriate placement for the child or person seventeen years of age
18 and shall be recommended based upon a psychological or psychiatric evaluation
19 or both. Prior to entering any order for disposition of a child or person seventeen
20 years of age which would order residential treatment or other services inside the
21 state of Missouri, the juvenile court shall enter findings which include the
22 recommendation of the psychological or psychiatric evaluation or both; and
23 certification from the division director or designee as to whether a provider or
24 funds or both are available, including a projection of their future availability. If
25 the **children's** division **[**of family services**]** indicates that funding is not
26 available, the division shall recommend and make available for placement by the
27 court an alternative placement for the child or person seventeen years of
28 age. The division shall have the burden of demonstrating that they have

29 exercised due diligence in utilizing all available services to carry out the
30 recommendation of the evaluation team and serve the best interest of the child
31 or person seventeen years of age. The judge shall not order placement or an
32 alternative placement with a specific provider but may reasonably designate the
33 scope and type of the services which shall be provided by the department to the
34 child or person seventeen years of age.

35 3. Obligations of the state incurred under the provisions of section
36 211.181 shall not exceed, in any fiscal year, the amount appropriated for this
37 purpose.

211.180. Family preservation screenings shall be conducted by the
2 **children's** division **[**of family services**]** within seventy-two hours of the removal
3 of a child from the home and placement in the custody of the court. The results
4 of this screening shall be submitted to the juvenile court judge for consideration
5 in the order of disposition or treatment of the child.

211.183. 1. In juvenile court proceedings regarding the removal of a child
2 from his or her home, the court's order shall include a determination of whether
3 the **children's** division **[**of family services**]** has made reasonable efforts to
4 prevent or eliminate the need for removal of the child and, after removal, to make
5 it possible for the child to return home. If the first contact with the family
6 occurred during an emergency in which the child could not safely remain at home
7 even with reasonable in-home services, the division shall be deemed to have made
8 reasonable efforts to prevent or eliminate the need for removal.

9 2. "Reasonable efforts" means the exercise of reasonable diligence and care
10 by the division to utilize all available services related to meeting the needs of the
11 juvenile and the family. In determining reasonable efforts to be made and in
12 making such reasonable efforts, the child's present and ongoing health and safety
13 shall be the paramount consideration.

14 3. In support of its determination of whether reasonable efforts have been
15 made, the court shall enter findings, including a brief description of what
16 preventive or reunification efforts were made and why further efforts could or
17 could not have prevented or shortened the separation of the family. The division
18 shall have the burden of demonstrating reasonable efforts.

19 4. The juvenile court may authorize the removal of the child even if the
20 preventive and reunification efforts of the division have not been reasonable, but
21 further efforts could not permit the child to remain at home.

22 5. Before a child may be removed from the parent, guardian, or custodian

23 of the child by order of a juvenile court, excluding commitments to the division
24 of youth services, the court shall in its orders:
25 (1) State whether removal of the child is necessary to protect the child
26 and the reasons therefor;
27 (2) Describe the services available to the family before removal of the
28 child, including in-home services;
29 (3) Describe the efforts made to provide those services relevant to the
30 needs of the family before the removal of the child;
31 (4) State why efforts made to provide family services described did not
32 prevent removal of the child; and
33 (5) State whether efforts made to prevent removal of the child were
34 reasonable, based upon the needs of the family and child.
35 6. If continuation of reasonable efforts, as described in this section, is
36 determined by the division to be inconsistent with establishing a permanent
37 placement for the child, the division shall take such steps as are deemed
38 necessary by the division, including seeking modification of any court order to
39 modify the permanency plan for the child.
40 7. The division shall not be required to make reasonable efforts, as
41 defined in this section, but has the discretion to make reasonable efforts if a court
42 of competent jurisdiction has determined that:
43 (1) The parent has subjected the child to a severe act or recurrent acts of
44 physical, emotional or sexual abuse toward the child, including an act of incest;
45 or
46 (2) The parent has:
47 (a) Committed murder of another child of the parent;
48 (b) Committed voluntary manslaughter of another child of the parent;
49 (c) Aided or abetted, attempted, conspired or solicited to commit such a
50 murder or voluntary manslaughter; or
51 (d) Committed a felony assault that resulted in serious bodily injury to
52 the child or to another child of the parent; or
53 (3) The parent's parental rights to a sibling have been involuntarily
54 terminated.
55 8. If the court determines that reasonable efforts, as described in this
56 section, are not required to be made by the division, the court shall hold a
57 permanency hearing within thirty days after the court has made such
58 determination. The division shall complete whatever steps are necessary to

finalize the permanent placement of the child.

9. The division may concurrently engage in reasonable efforts, as described in this section, while engaging in such other measures as are deemed appropriate by the division to establish a permanent placement for the child.

211.455. 1. Within thirty days after the filing of the petition, the juvenile officer shall meet with the court in order to determine that all parties have been served with summons and to request that the court order the investigation and social study.

2. If, at that time, all parties required to be served with summons have not been served, the court, in its discretion, may extend the time for service if the court finds that service may be forthcoming and that the best interests of the child would be served thereby.

3. The court shall order an investigation and social study except in cases filed under section 211.444. The investigation and social study shall be made by the juvenile officer, the state **children's** division **[**of family services**]** or a public or private agency authorized or licensed to care for children or any other competent person, as directed by the court, and a written report shall be made to the court to aid the court in determining whether the termination is in the best interests of the child. It shall include such matters as the parental background, the fitness and capacity of the parent to discharge parental responsibilities, the child's home, present adjustment, physical, emotional and mental condition, and such other facts as are pertinent to the determination. Parties and attorneys or guardians ad litem or volunteer advocates representing them before the court shall have access to the written report. All ordered evaluations and reports shall be made available to the parties and attorneys or guardians ad litem or volunteer advocates representing them before the court at least fifteen days prior to any dispositional hearing.

211.477. 1. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists or that the parent has consented to the termination pursuant to section 211.444 and that it is in the best interests of the child, the court may terminate the rights of the parent in and to the child. After ordering termination and after consideration of the social study and report, the court shall transfer legal custody to:

(1) The **children's** division **[**of family services**]**;

(2) A private child-placing agency;

(3) A foster parent, relative or other person participating in the

10 proceedings pursuant to section 211.464; or
11 (4) Any other person or agency the court deems suitable to care for the
12 child.
13 2. If only one parent consents or if the conditions specified in section
14 211.447 are found to exist as to only one parent, the rights of only that parent
15 with reference to the child may be terminated and the rights of the other parent
16 shall not be affected.
17 3. The court may order termination whether or not the child is in adoptive
18 placement or an adoptive placement is available for the child.
19 4. If, after the dispositional hearing, the court finds that one or more of
20 the grounds set out in section 211.447 exists, but that termination is not in the
21 best interests of the child because the court finds that the child would benefit
22 from the continued parent-child relationship or because the child is fourteen or
23 more years of age and objects to the termination, the court may:
24 (1) Dismiss the petition and order that the child be returned to the
25 custody of the parent;
26 (2) Retain jurisdiction of the case and order that the child be placed in the
27 legal custody of the parent, the division, a private child-caring or placing agency,
28 a foster parent, relative or other suitable person who is able to provide long-term
29 care for the child. Any order of the court under this subdivision shall designate
30 the period of time it shall remain in effect, with mandatory review by the court
31 no later than six months thereafter. The court shall also specify what residual
32 rights and responsibilities remain with the parent. Any individual granted legal
33 custody shall exercise the rights and responsibilities personally unless otherwise
34 authorized by the court; or
35 (3) Appoint a guardian under the provisions of chapter 475.
36 5. Orders of the court issued pursuant to sections 211.442 to 211.487 shall
37 recite the jurisdictional facts, factual findings on the existence of grounds for
38 termination and that the best interests of the child are served by the disposition
39 stated in the order.
40 6. The granting or denial of a petition for termination of parental rights
41 shall be deemed a final judgment for purposes of appeal.

217.575. 1. All goods manufactured, services provided or produce of the
2 vocational enterprises program of the state shall, upon the requisition of the
3 proper official, be furnished to the state, to any public institution owned,
4 managed or controlled by the state, or to any private entity that is leasing space

5 to any agency of the state government for use in space leased to the state agency,
6 at such prices as shall be determined as provided in subsection 4 of this section.
7 2. No goods or services so manufactured, provided or produced shall be
8 purchased from any other source for the state or public institutions of the state
9 unless the department shall certify the goods or services included in the
10 requisition cannot be furnished or supplied by the vocational enterprises program
11 within ninety days, or, in the event the same goods or services cannot be procured
12 on the open market within ninety days, that the vocational enterprises program
13 cannot supply them within a reasonable time. No claims for the payment of such
14 goods or services shall be audited or paid without this certificate. One copy each
15 of the requisition or certificate shall be retained by the department.
16 3. The division of purchasing and the division of **facilities management,**
17 design and construction shall cooperate with the department in seeking to
18 promote for use by state agencies and in state-owned or -occupied facilities the
19 products manufactured and services provided by the vocational enterprises
20 program.
21 4. The vocational enterprises program shall fix and determine the prices
22 at which goods and produce so manufactured and produced and services so
23 provided shall be furnished, and the prices shall be uniform to all. The cost shall
24 not be fixed at more than the market price for like goods and services.
25 5. Any differences between the vocational enterprises program and the
26 state, its departments, divisions, agencies, institutions, or the political
27 subdivisions of the state as to style, design, price or quality of goods shall be
28 submitted to arbitrators whose decision shall be final. One of the arbitrators
29 shall be named by the program, one by the office, department, political
30 subdivision or institution concerned, and one by agreement of the other two. The
31 arbitrators shall receive no compensation; however, their necessary expenses
32 shall be paid by the office, department, political subdivision or institution against
33 which the award is given, or, in the event of a compromise decision, by both
34 parties, the amount to be paid by each party in portions to be determined by the
35 arbitrators.
36 6. The vocational enterprises program may sell office systems and
37 furniture to any department, agency, or institution of the state or any political
38 subdivision of the state either through outright purchase or through payment
39 plan agreement, including handling charges, over a specified number of months
40 contingent on the solvency of the working capital revolving fund. Prior approval

41 shall be required by the division of **facilities management,** design and
42 construction for state agencies in situations where the office of administration
43 controlled state-owned office space is involved and space in which a lease contract
44 executed by the office of administration is in effect.

226.008. 1. The highways and transportation commission shall have
2 responsibility and authority, as provided in this section and sections 104.805,
3 389.005, 389.610, and 621.040, for the administration and enforcement of:

4 (1) Licensing, supervising and regulating motor carriers for the
5 transportation of passengers, household goods and other property by motor
6 vehicles within this state;

7 (2) Licensing motor carriers to transport hazardous waste, used oil,
8 infectious waste and permitting waste tire haulers in intrastate or interstate
9 commerce, or both, by motor vehicles within this state;

10 (3) Compliance by motor carriers and motor private carriers with
11 applicable requirements relating to safety and hazardous materials
12 transportation, within the terminals of motor carriers and motor private carriers
13 of passengers or property;

14 (4) Compliance by motor carriers and motor private carriers with
15 applicable requirements relating to safety and hazardous materials
16 transportation wherever they possess, transport or deliver hazardous waste, used
17 oil, infectious waste or waste tires. This authority is in addition to, and not
18 exclusive of, the authority of the department of natural resources to ensure
19 compliance with any and all applicable requirements related to the transportation
20 of hazardous waste, used oil, infectious waste or waste tires;

21 (5) Collecting and regulating amounts payable to the state from interstate
22 motor carriers in accordance with the provisions of the International Fuel Tax
23 Agreement in accordance with section 142.617, and any successor or similar
24 agreements, including the authority to impose and collect motor fuel taxes due
25 pursuant to chapter 142, and such agreement;

26 (6) Registering and regulating interstate commercial motor vehicles
27 operated upon the highways of this state, in accordance with the provisions of the
28 International Registration Plan in accordance with sections 301.271 through
29 301.277, and any successor or similar agreements, including the authority to
30 issue license plates in accordance with sections 301.130 and 301.041;

31 (7) Permitting the transportation of over dimension or overweight motor
32 vehicles or loads that exceed the maximum weights or dimensions otherwise

33 allowed upon the public highways within the jurisdiction of the highways and
34 transportation commission; and
35 (8) Licensing intrastate housemovers.
36 2. The highways and transportation commission shall carry out all
37 powers, duties and functions relating to intrastate and interstate transportation
38 previously performed by:
39 (1) The division of motor carrier and railroad safety within the
40 department of economic development, and all officers or employees of that
41 division;
42 (2) The department of natural resources, and all officers or employees of
43 that division, relating to the issuance of licenses or permits to transport
44 hazardous waste, used oil, infectious waste or waste tires by motor vehicles
45 operating within the state;
46 (3) The highway reciprocity commission within the department of revenue,
47 and all officers or employees of that commission; and the director of revenue's
48 powers, duties and functions relating to the highway reciprocity commission,
49 except that the highways and transportation commission may allow the
50 department of revenue to enforce the provisions of the International Fuel Tax
51 Agreement, as required by such agreement; and
52 (4) The motor carrier services unit within the traffic functional unit of the
53 department of transportation, relating to the special permitting of operations on
54 state highways of motor vehicles or loads that exceed the maximum length, width,
55 height or weight limits established by law or by the highways and transportation
56 commission.
57 3. All the powers, duties and functions described in subsections 1 and 2
58 of this section, including but not limited to, all powers, duties and functions
59 pursuant to chapters 387, 390 and 622, including all rules and orders, are hereby
60 transferred to the department of transportation, which is in the charge of the
61 highways and transportation commission, by type I transfer, as defined in the
62 Omnibus State Reorganization Act of 1974, and the preceding agencies and
63 officers shall no longer be responsible for those powers, duties and functions.
64 4. All the powers, duties and functions, including all rules and orders, of
65 the administrative law judges of the division of motor carrier and railroad safety,
66 as amended by the provisions of this section and sections 104.805, 389.005,
67 389.610, and 621.040, are hereby transferred to the administrative hearing
68 commission within the state office of administration.

69 5. The division of motor carrier and railroad safety and the highway
70 reciprocity commission are abolished.
71 6. Personnel previously employed by the division of motor carrier and
72 railroad safety and the highway reciprocity commission shall be transferred to the
73 department of transportation, but the department of natural resources shall not
74 be required to transfer any personnel pursuant to this section. The
75 administrative law judge within the division of motor carrier and railroad safety
76 shall be transferred to the administrative hearing commission.
77 7. Credentials issued by the transferring agencies or officials before July
78 11, 2002, shall remain in force or expire as provided by law. In addition, the
79 highways and transportation commission shall have the authority to suspend,
80 cancel or revoke such credentials after July 11, 2002.
81 8. Notwithstanding any provision of law to the contrary, on and after July
82 11, 2002, all surety bonds, cash bonds, certificates of deposit, letters of credit,
83 drafts, checks or other financial instruments payable to:
84 (1) The highway reciprocity commission or the department of revenue
85 pursuant to section 301.041 or pursuant to the International Fuel Tax Agreement;
86 or
87 (2) Any other agency or official whose powers, duties or functions are
88 transferred pursuant to this section,
89 shall be payable instead to the state highways and transportation commission.
90 9. The department of natural resources shall have authority to collect and
91 establish by rule the amount of the fee paid by applicants for a permit to
92 transport waste tires.
93 10. The Missouri hazardous waste management commission created in
94 section 260.365 shall have the authority to collect and establish by rule the
95 amount of the fee paid by applicants for a license to transport hazardous waste,
96 used oil, or infectious waste pursuant to section 260.395.
97 **11. All of the authority, powers, duties, and functions of the**
98 **division of highway safety relating to the motorcycle safety program**
99 **under sections 302.133 to 302.138, the driver improvement program**
100 **authorized under section 302.178, the ignition interlock program under**
101 **sections 577.600 to 577.614, and other state highway safety programs as**
102 **provided by state law, including all administrative rules promulgated**
103 **thereunder, are hereby transferred to the department of transportation,**
104 **which is in charge of the state highways and transportation**

105 **commission, by type I transfer as set forth in the Omnibus State**
106 **Reorganization Act of 1974.**

226.805. 1. There is hereby created the "Interagency Committee on
2 Special Transportation" within the Missouri department of transportation. The
3 members of the committee shall be: The assistant for transportation of the
4 Missouri department of transportation, or his **or her** designee; the assistant
5 commissioner of the department of elementary and secondary education,
6 responsible for special transportation, or his **or her** designee; the director of the
7 **[**division of aging of the**]** department of **[**social**] health and senior** services, or
8 **[**his**] the director's** designee; the director of the **children's** division **[**of family
9 services**]** of the department of social services, or **[**his**] the director's** designee;
10 the deputy director for mental retardation/developmental disabilities and the
11 deputy director for administration of the department of mental health, or their
12 designees; the executive secretary of the governor's committee on the employment
13 of the handicapped; and other state agency representatives as the governor deems
14 appropriate for temporary or permanent membership by executive order.

15 2. The interagency committee on special transportation shall:

16 (1) Jointly designate substate special transportation planning and service
17 areas within the state;

18 (2) Jointly designate a special transportation planning council for each
19 special transportation planning and service area. The special transportation
20 planning council shall be composed of the area agency on aging, the regional
21 center for developmental disabilities, the regional planning commission and other
22 local organizations responsible for funding and organizing special transportation
23 designated by the interagency committee. The special transportation planning
24 councils will oversee and approve the preparation of special transportation
25 plans. Staff support for the special transportation planning councils will be
26 provided by the regional planning commissions serving the area with funds
27 provided by the department of transportation for this purpose;

28 (3) Jointly establish a uniform planning format and content;

29 (4) Individually and jointly establish uniform budgeting and reporting
30 standards for all transportation funds administered by the member
31 agencies. These standards shall be adopted into the administrative rules of each
32 member agency;

33 (5) Individually establish annual allocations of funds to support special
34 transportation services in each of the designated planning and service areas;

35 (6) Individually and jointly adopt a five-year planning budget for the
36 capital and operating needs of special transportation in Missouri;
37 (7) Individually develop administrative and adopt rules for the substate
38 division of special transportation funds;
39 (8) Jointly review and accept annual capital and operating plans for the
40 designated special transportation planning and service areas;
41 (9) Individually submit proposed expenditures to the interagency
42 committee for review as to conformity with the areas special transportation plans.
43 All expenditures are to be made in accordance with the plans or by special action
44 of the interagency committee.
45 3. The assistant for transportation of the Missouri department of
46 transportation shall serve as chairman of the committee.
47 4. Staff for the committee shall be provided by the Missouri department
48 of transportation.
49 5. The committee shall meet on such a schedule and carry out its duties
50 in such a way as to discharge its responsibilities over special transportation
51 expenditures made for the state fiscal year beginning July 1, 1989, and all
52 subsequent years.

251.100. The division of **[**planning**]** **facilities management, design** and
2 construction shall furnish office space for the department, the headquarters of
3 which department shall be located in Jefferson City, Missouri.

251.240. The division of **facilities management,** design and construction
2 shall furnish office space for the state office; the headquarters office shall be
3 located in Jefferson City, Missouri.

253.320. Any lease granted under the provisions of sections 253.290 to
2 253.320 shall be conditioned as follows and also contain such provisions as the
3 attorney general may prescribe:
4 (1) The director of the department of natural resources shall retain the
5 right to enter upon the lands at all times;
6 (2) The director shall control the style of architecture used in construction
7 on the lands, and the quality of materials used in said construction shall be
8 approved by the director of the division of **facilities management,** design and
9 construction for the state of Missouri, and may control all fees and prices charged
10 to the public as may be required by the director;
11 (3) The director shall inspect and audit the books and records of the lessee
12 at least once every two years;

13 (4) The lessee shall provide such care, maintenance, repair, conservation
14 and improvement of the lands and shall render such services to the public as may
15 be required by the director;
16 (5) The lessee shall keep true and accurate records of his **or her** receipts
17 and disbursements arising out of the operation of facilities upon the leased lands
18 and shall permit the director to inspect and audit them at all reasonable times;
19 (6) Nothing in sections 253.290 to 253.320 shall be construed as denying
20 the lessees the right to execute mortgages and other evidences of interest in or
21 indebtedness upon their leasehold interest or properties thereon for the purpose
22 of installing, enlarging or improving plant and equipment and extending facilities
23 for the accommodation of the public within said state park; provided, however,
24 that no such mortgage or other encumbrance shall be valid unless authorized and
25 approved by the written order of the director; and further provided that the
26 period for payment of such mortgage or indebtedness shall not extend beyond the
27 lease period, and that no obligation or indebtedness shall incur to the state.

261.010. There is created a "Department of Agriculture", the main office
2 of which shall be in Jefferson City in quarters provided by the division of
3 **facilities management,** design and construction. The governor, by and with the
4 advice and consent of the senate, shall appoint a director of the department of
5 agriculture who shall be a practical farmer, well versed in agricultural science
6 and who shall serve at the pleasure of the governor. The director shall be in
7 charge of the department of agriculture.

285.300. 1. Every employer doing business in the state shall require each
2 newly hired employee to fill out a federal W-4 withholding form. A copy of each
3 withholding form or an equivalent form containing data required by section
4 285.304 which may be provided in an electronic or magnetic format shall be sent
5 to the department of revenue by the employer within twenty days after the date
6 the employer hires the employee or in the case of an employer transmitting a
7 report magnetically or electronically, by two monthly transmissions, if necessary,
8 not less than twelve days nor more than sixteen days apart. For purposes of this
9 section, the date the employer hires the employee shall be the earlier of the date
10 the employee signs the W-4 form or its equivalent, or the first date the employee
11 reports to work, or performs labor or services. Such forms shall be forwarded by
12 the department of revenue to the **family support** division **[**of child support
13 enforcement**]** on a weekly basis and the information shall be entered into the
14 database, to be known as the "State Directory of New Hires". The information

15 reported shall be provided to the National Directory of New Hires established in
16 42 U.S.C. section 653, other state agencies or contractors of the division as
17 required or allowed by federal statutes or regulations. The division of
18 employment security shall cross-check Missouri unemployment compensation
19 recipients against any federal new hire database or any other database containing
20 Missouri or other states' wage information which is maintained by the federal
21 government on a weekly basis. The division of employment security shall
22 cross-check unemployment compensation applicants and recipients with Social
23 Security Administration data maintained by the federal government at least
24 weekly. Effective January 1, 2007, the division of employment security shall
25 cross-check at least monthly unemployment compensation applicants and
26 recipients with department of revenue drivers license databases.

27 2. Any employer that has employees who are employed in two or more
28 states and transmits reports magnetically or electronically may comply with
29 subsection 1 of this section by:

30 (1) Designating one of the states in which the employer has employees as
31 the designated state that such employer shall transmit the reports; and

32 (2) Notifying the secretary of Health and Human Services of such
33 designation.

288.220. 1. Subject to the supervision of the director of the department
2 of labor and industrial relations, the division of employment security of the
3 department of labor and industrial relations shall be under the control,
4 management and supervision of a director who shall be appointed by the
5 governor, by and with the advice and consent of the senate. The director shall
6 serve at the pleasure of the governor.

7 2. The division shall be responsible for administering the Missouri state
8 **[**employment service operation, the**]** unemployment insurance operation and any
9 other operations as are necessary to administer the state's employment security
10 law.

11 3. The central office of the division shall be maintained in the City of
12 Jefferson.

13 4. Subject to the supervision and approval of the director of the
14 department of labor and industrial relations, it shall be the duty of the director
15 to administer this law; and **[**he**] the director** shall have power and authority to
16 adopt, amend, or rescind any regulations as **[**he**] the director** deems necessary
17 to the efficient internal management of the division. The director shall determine

18 the division's organization and methods of procedure. Subject to the provisions
19 of the state merit system law, chapter 36, the director shall employ and prescribe
20 the duties and powers of the persons as may be necessary. The director shall
21 collaborate with the personnel director and the personnel advisory board in
22 establishing for employees of the division salaries comparable to the salaries paid
23 by other states of a similar size and volume of operations to employees engaged
24 in the administration of the employment security programs of those states. The
25 director may delegate to any such person the power and authority as **[**he**] the**
26 **director** deems reasonable and proper for the effective administration of the law,
27 and may in **[**his**] the director's** discretion bond any person handling moneys or
28 signing checks. Further, the director shall have the power to make expenditures,
29 require reports, make investigations and take other action not inconsistent with
30 this law as he **or she** considers necessary to the efficient and proper
31 administration of the law.

32 5. Subject to the approval of the director of the department of labor and
33 industrial relations and the commission, the director shall adopt, amend or
34 rescind the rules and regulations as are necessary to implement any of the
35 provisions of this law not relating to the internal management of the division;
36 however, the rules and regulations shall not become effective until ten days after
37 their approval by the commission and copies thereof have been filed in the office
38 of the secretary of state.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be
2 operated or driven upon the highways of this state, except as herein otherwise
3 expressly provided, shall annually file, by mail or otherwise, in the office of the
4 director of revenue, an application for registration on a blank to be furnished by
5 the director of revenue for that purpose containing:

6 (1) A brief description of the motor vehicle or trailer to be registered,
7 including the name of the manufacturer, the vehicle identification number, the
8 amount of motive power of the motor vehicle, stated in figures of horsepower and
9 whether the motor vehicle is to be registered as a motor vehicle primarily for
10 business use as defined in section 301.010;

11 (2) The name, the applicant's identification number and address of the
12 owner of such motor vehicle or trailer;

13 (3) The gross weight of the vehicle and the desired load in pounds if the
14 vehicle is a commercial motor vehicle or trailer.

15 2. If the vehicle is a motor vehicle primarily for business use as defined

16 in section 301.010 and if such vehicle is five years of age or less, the director of
17 revenue shall retain the odometer information provided in the vehicle inspection
18 report, and provide for prompt access to such information, together with the
19 vehicle identification number for the motor vehicle to which such information
20 pertains, for a period of five years after the receipt of such information. This
21 section shall not apply unless:
22 (1) The application for the vehicle's certificate of ownership was submitted
23 after July 1, 1989; and
24 (2) The certificate was issued pursuant to a manufacturer's statement of
25 origin.
26 3. If the vehicle is any motor vehicle other than a motor vehicle primarily
27 for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or
28 any commercial motor vehicle licensed for over twelve thousand pounds and if
29 such motor vehicle is five years of age or less, the director of revenue shall retain
30 the odometer information provided in the vehicle inspection report, and provide
31 for prompt access to such information, together with the vehicle identification
32 number for the motor vehicle to which such information pertains, for a period of
33 five years after the receipt of such information. This subsection shall not apply
34 unless:
35 (1) The application for the vehicle's certificate of ownership was submitted
36 after July 1, 1990; and
37 (2) The certificate was issued pursuant to a manufacturer's statement of
38 origin.
39 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change
40 vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as
41 defined in section 301.010, or prior salvage as referenced in section 301.573, the
42 owner or lienholder shall surrender the certificate of ownership. The owner shall
43 make an application for a new certificate of ownership, pay the required title fee,
44 and obtain the vehicle examination certificate required pursuant to subsection 9
45 of section 301.190. If an insurance company pays a claim on a salvage vehicle as
46 defined in section 301.010 and the owner retains the vehicle, as prior salvage, the
47 vehicle shall only be required to meet the examination requirements under **[**and
48 pursuant to**]** subsection 10 of section 301.190. Notarized bills of sale along with
49 a copy of the front and back of the certificate of ownership for all major
50 component parts installed on the vehicle and invoices for all essential parts which
51 are not defined as major component parts shall accompany the application for a

new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section **[**192.935**]** **209.015**. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section **[**192.935,**]** **209.015;** except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the

88 applicant for registration at the time of issuance or renewal. The director shall
89 inquire of each applicant at the time the applicant presents the completed
90 application to the director whether the applicant is interested in making the one
91 dollar donation prescribed in this subsection.

92 8. An applicant for registration may make a donation of one dollar to
93 promote an organ donor program. The director of revenue shall collect the
94 donations and deposit all such donations in the state treasury to the credit of the
95 organ donor program fund as established in sections 194.297 to 194.304. Moneys
96 in the organ donor fund shall be used solely for the purposes established in
97 sections 194.297 to 194.304, except that the department of revenue shall retain
98 no more than one percent for its administrative costs. The donation prescribed
99 in this subsection is voluntary and may be refused by the applicant for
100 registration at the time of issuance or renewal. The director shall inquire of each
101 applicant at the time the applicant presents the completed application to the
102 director whether the applicant is interested in making the one dollar donation
103 prescribed in this subsection.

302.133. As used in sections 302.133 to 302.138, the following terms
2 mean:

3 (1) **"Commission", the state highways and transportation**
4 **commission;**

5 **(2)** "Department", the department of **[**public safety**] transportation**;

6 **[**(2)**] (3)** "Director", the director of the department of **[**public safety**]**
7 **transportation**;

8 **[**(3)**] (4)** "Instructor", a licensed motorcycle operator who meets the
9 standards established by the **[**department**] commission** to teach the motorcycle
10 rider training course;

11 **[**(4)**] (5)** "Motorcycle", a motorcycle or motortricycle as those terms are
12 defined by section 301.010;

13 **[**(5)**] (6)** "Motorcycle rider training course", a motorcycle rider education
14 curriculum and delivery system approved by the **[**department**] commission** as
15 meeting standards designed to develop and instill the knowledge, attitudes,
16 habits, and skills necessary for the safe operation of a motorcycle.

302.134. 1. The **[**department**] commission** shall establish standards for
2 and shall administer the motorcycle safety education program. The program shall
3 include, but is not limited to, motorcycle rider training and instructor training
4 courses. The **[**department**] commission** may expand the program to include

5 components relating to the effect of alcohol and drugs on motorcycle operation,
6 public awareness of motorcycles on the highways, driver improvement for
7 motorcyclists, motorcycle operator licensing improvement, program promotion,
8 and other motorcycle safety efforts.

9 2. Standards adopted by the **[**department**]** **commission** for the motorcycle
10 safety education program, including standards for instructor qualification and
11 standards for the motorcycle rider training and instructor training courses, shall,
12 at a minimum, comply with the applicable standards of the Motorcycle Safety
13 Foundation.

14 3. The **[**department**]** **commission** shall promulgate rules and regulations
15 necessary to administer the provisions of sections 302.133 to 302.138.

16 4. No rule or portion of a rule promulgated under the authority of this
17 chapter shall become effective until it has been approved by the joint committee
18 on administrative rules in accordance with the procedures provided in this
19 section, and the delegation of the legislative authority to enact law by the
20 adoption of such rules is dependent upon the power of the joint committee on
21 administrative rules to review and suspend rules pending ratification by the
22 senate and the house of representatives as provided in this section.

23 5. Upon filing any proposed rule with the secretary of state, the
24 **[**department**]** **commission** shall concurrently submit such proposed rule to the
25 committee, which may hold hearings upon any proposed rule or portion thereof
26 at any time.

27 6. A final order of rulemaking shall not be filed with the secretary of state
28 until thirty days after such final order of rulemaking has been received by the
29 committee. The committee may hold one or more hearings upon such final order
30 of rulemaking during the thirty-day period. If the committee does not disapprove
31 such order of rulemaking within the thirty-day period, the **[**department**]**
32 **commission** may file such order of rulemaking with the secretary of state and
33 the order of rulemaking shall be deemed approved.

34 7. The committee may, by majority vote of the members, suspend the
35 order of rulemaking or portion thereof by action taken prior to the filing of the
36 final order of rulemaking only for one or more of the following grounds:

37 (1) An absence of statutory authority for the proposed rule;

38 (2) An emergency relating to public health, safety or welfare;

39 (3) The proposed rule is in conflict with state law;

40 (4) A substantial change in circumstance since enactment of the law upon

41 which the proposed rule is based.

42 8. If the committee disapproves any rule or portion thereof, the
43 **[**department**]** **commission** shall not file such disapproved portion of any rule
44 with the secretary of state and the secretary of state shall not publish in the
45 Missouri Register any final order of rulemaking containing the disapproved
46 portion.

47 9. If the committee disapproves any rule or portion thereof, the committee
48 shall report its findings to the senate and the house of representatives. No rule
49 or portion thereof disapproved by the committee shall take effect so long as the
50 senate and the house of representatives ratify the act of the joint committee by
51 resolution adopted in each house within thirty legislative days after such rule or
52 portion thereof has been disapproved by the joint committee.

53 10. Upon adoption of a rule as provided in this section, any such rule or
54 portion thereof may be suspended or revoked by the general assembly either by
55 bill or, pursuant to section 8, article IV of the Constitution of Missouri, by
56 concurrent resolution upon recommendation of the joint committee on
57 administrative rules. The committee shall be authorized to hold hearings and
58 make recommendations pursuant to the provisions of section 536.037. The
59 secretary of state shall publish in the Missouri Register, as soon as practicable,
60 notice of the suspension or revocation.

302.135. 1. The **[**department**]** **commission** may enter into contracts with
2 public or private institutions or organizations for technical assistance in
3 conducting motorcycle rider training courses and instructor training courses if
4 they are administered and taught in accordance with standards established by
5 the **[**department**]** **commission**.

6 2. The department or a contracting institution or organization conducting
7 a course may charge a reasonable tuition fee as determined by the **[**director**]**
8 **commission**.

9 3. The **[**department**]** **director** shall issue certificates of completion in the
10 manner and form prescribed by the **[**director**]** **commission** to persons who
11 satisfactorily complete the requirements of the state-approved
12 course. Completion of the course shall be indicated upon the person's driver's
13 license. A sticker or other evidence of completion shall be issued for the license
14 until the license is subsequently renewed.

302.137. 1. There is hereby created in the state treasury for use by the
2 **[**department of public safety**]** **commission** a fund to be known as the "Motorcycle

3 Safety Trust Fund". All judgments collected pursuant to this section,
4 appropriations of the general assembly, federal grants, private donations and any
5 other moneys designated for the motorcycle safety education program established
6 pursuant to sections 302.133 to 302.138 shall be deposited in the fund. Moneys
7 deposited in the fund shall, upon appropriation by the general assembly to the
8 **[**department of public safety**]**, be received and expended by the **[**department**]**
9 **commission** of public safety for the purpose of funding the motorcycle safety
10 education program established under sections 302.133 to
11 302.138. Notwithstanding the provisions of section 33.080 to the contrary, any
12 unexpended balance in the motorcycle safety trust fund at the end of any
13 biennium shall not be transferred to the general revenue fund.

14 2. In all criminal cases, including violations of any county ordinance or
15 any violation of criminal or traffic laws of this state, including an infraction,
16 there shall be assessed as costs a surcharge in the amount of one dollar. No such
17 surcharge shall be collected in any proceeding involving a violation of an
18 ordinance or state law when the proceeding or defendant has been dismissed by
19 the court or when costs are to be paid by the state, county or municipality.

20 3. Such surcharge shall be collected and distributed by the clerk of the
21 court as provided in sections 488.010 to 488.020. The surcharge collected
22 pursuant to this section shall be paid to the state treasury to the credit of the
23 motorcycle safety trust fund established in this section.

302.171. 1. The director shall verify that an applicant for a driver's
2 license is a Missouri resident or national of the United States or a noncitizen
3 with a lawful immigration status, and a Missouri resident before accepting the
4 application. The director shall not issue a driver's license for a period that
5 exceeds the duration of an applicant's lawful immigration status in the United
6 States. The director may establish procedures to verify the Missouri residency
7 or United States naturalization or lawful immigration status and Missouri
8 residency of the applicant and establish the duration of any driver's license issued
9 under this section. An application for a license shall be made upon an approved
10 form furnished by the director. Every application shall state the full name, Social
11 Security number, age, height, weight, color of eyes, sex, residence, mailing
12 address of the applicant, and the classification for which the applicant has been
13 licensed, and, if so, when and by what state, and whether or not such license has
14 ever been suspended, revoked, or disqualified, and, if revoked, suspended or
15 disqualified, the date and reason for such suspension, revocation or

16 disqualification and whether the applicant is making a one dollar donation to
17 promote an organ donation program as prescribed in subsection 2 of this section.
18 A driver's license, nondriver's license, or instruction permit issued under this
19 chapter shall contain the applicant's legal name as it appears on a birth
20 certificate or as legally changed through marriage or court order. No name
21 change by common usage based on common law shall be permitted. The
22 application shall also contain such information as the director may require to
23 enable the director to determine the applicant's qualification for driving a motor
24 vehicle; and shall state whether or not the applicant has been convicted in this
25 or any other state for violating the laws of this or any other state or any
26 ordinance of any municipality, relating to driving without a license, careless
27 driving, or driving while intoxicated, or failing to stop after an accident and
28 disclosing the applicant's identity, or driving a motor vehicle without the owner's
29 consent. The application shall contain a certification by the applicant as to the
30 truth of the facts stated therein. Every person who applies for a license to
31 operate a motor vehicle who is less than twenty-one years of age shall be provided
32 with educational materials relating to the hazards of driving while intoxicated,
33 including information on penalties imposed by law for violation of the
34 intoxication-related offenses of the state. Beginning January 1, 2001, if the
35 applicant is less than eighteen years of age, the applicant must comply with all
36 requirements for the issuance of an intermediate driver's license pursuant to
37 section 302.178. For persons mobilized and deployed with the United States
38 Armed Forces, an application under this subsection shall be considered
39 satisfactory by the department of revenue if it is signed by a person who holds
40 general power of attorney executed by the person deployed, provided the applicant
41 meets all other requirements set by the director.

42 2. An applicant for a license may make a donation of one dollar to promote
43 an organ donor program. The director of revenue shall collect the donations and
44 deposit all such donations in the state treasury to the credit of the organ donor
45 program fund established in sections 194.297 to 194.304. Moneys in the organ
46 donor program fund shall be used solely for the purposes established in sections
47 194.297 to 194.304 except that the department of revenue shall retain no more
48 than one percent for its administrative costs. The donation prescribed in this
49 subsection is voluntary and may be refused by the applicant for the license at the
50 time of issuance or renewal of the license. The director shall make available an
51 informational booklet or other informational sources on the importance of organ

52 and tissue donations to applicants for licensure as designed by the organ donation
53 advisory committee established in sections 194.297 to 194.304. The director shall
54 inquire of each applicant at the time the licensee presents the completed
55 application to the director whether the applicant is interested in making the one
56 dollar donation prescribed in this subsection and whether the applicant is
57 interested in inclusion in the organ donor registry and shall also specifically
58 inform the licensee of the ability to consent to organ donation by completing the
59 form on the reverse of the license that the applicant will receive in the manner
60 prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol shall
61 be placed on the front of the document indicating the applicant's desire to be
62 listed in the registry. The director shall notify the department of health and
63 senior services of information obtained from applicants who indicate to the
64 director that they are interested in registry participation, and the department of
65 health and senior services shall enter the complete name, address, date of birth,
66 race, gender and a unique personal identifier in the registry established in
67 subsection 1 of section 194.304.

68 3. An applicant for a license may make a donation of one dollar to promote
69 a blindness education, screening and treatment program. The director of revenue
70 shall collect the donations and deposit all such donations in the state treasury to
71 the credit of the blindness education, screening and treatment program fund
72 established in section **[**192.935**]** **209.015**. Moneys in the blindness education,
73 screening and treatment program fund shall be used solely for the purposes
74 established in section **[**192.935**]** **209.015;** except that the department of revenue
75 shall retain no more than one percent for its administrative costs. The donation
76 prescribed in this subsection is voluntary and may be refused by the applicant for
77 the license at the time of issuance or renewal of the license. The director shall
78 inquire of each applicant at the time the licensee presents the completed
79 application to the director whether the applicant is interested in making the one
80 dollar donation prescribed in this subsection.

81 4. Beginning July 1, 2005, the director shall deny the driving privilege of
82 any person who commits fraud or deception during the examination process or
83 who makes application for an instruction permit, driver's license, or nondriver's
84 license which contains or is substantiated with false or fraudulent information
85 or documentation, or who knowingly conceals a material fact or otherwise
86 commits a fraud in any such application. The period of denial shall be one year
87 from the effective date of the denial notice sent by the director. The denial shall

88 become effective ten days after the date the denial notice is mailed to the
89 person. The notice shall be mailed to the person at the last known address shown
90 on the person's driving record. The notice shall be deemed received three days
91 after mailing unless returned by the postal authorities. No such individual shall
92 reapply for a driver's examination, instruction permit, driver's license, or
93 nondriver's license until the period of denial is completed. No individual who is
94 denied the driving privilege under this section shall be eligible for a limited
95 driving privilege issued under section 302.309.

96 5. All appeals of denials under this section shall be made as required by
97 section 302.311.

98 6. The period of limitation for criminal prosecution under this section
99 shall be extended under subdivision (1) of subsection 3 of section 556.036.

100 7. The director may promulgate rules and regulations necessary to
101 administer and enforce this section. No rule or portion of a rule promulgated
102 pursuant to the authority of this section shall become effective unless it has been
103 promulgated pursuant to chapter 536.

104 8. Notwithstanding any provision of this chapter that requires an
105 applicant to provide proof of Missouri residency for renewal of a noncommercial
106 driver's license, noncommercial instruction permit, or nondriver's license, an
107 applicant who is sixty-five years and older and who was previously issued a
108 Missouri noncommercial driver's license, noncommercial instruction permit, or
109 Missouri nondriver's license is exempt from showing proof of Missouri residency.

110 9. Notwithstanding any provision of this chapter, for the renewal of a
111 noncommercial driver's license, noncommercial instruction permit, or nondriver's
112 license, a photocopy of an applicant's United States birth certificate along with
113 another form of identification approved by the department of revenue, including,
114 but not limited to, United States military identification or United States military
115 discharge papers, shall constitute sufficient proof of Missouri citizenship.

116 10. Notwithstanding any other provision of this chapter, if an applicant
117 does not meet the requirements of subsection 8 of this section and does not have
118 the required documents to prove Missouri residency, United States
119 naturalization, or lawful immigration status, the department may issue a
120 one-year driver's license renewal. This one-time renewal shall only be issued to
121 an applicant who previously has held a Missouri noncommercial driver's license,
122 noncommercial instruction permit, or nondriver's license for a period of fifteen
123 years or more and who does not have the required documents to prove Missouri

124 residency, United States naturalization, or lawful immigration status. After the
125 expiration of the one-year period, no further renewal shall be provided without
126 the applicant producing proof of Missouri residency, United States naturalization,
127 or lawful immigration status.

302.178. 1. Any person between the ages of sixteen and eighteen years
2 who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may
3 apply for, and the director shall issue, an intermediate driver's license entitling
4 the applicant, while having such license in his or her possession, to operate a
5 motor vehicle of the appropriate class upon the highways of this state in
6 conjunction with the requirements of this section. An intermediate driver's
7 license shall be readily distinguishable from a license issued to those over the age
8 of eighteen. All applicants for an intermediate driver's license shall:

9 (1) Successfully complete the examination required by section 302.173;

10 (2) Pay the fee required by subsection 4 of this section;

11 (3) Have had a temporary instruction permit issued pursuant to
12 subsection 1 of section 302.130 for at least a six-month period or a valid license
13 from another state; and

14 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a
15 participant in a federal residential job training program, a driving instructor
16 employed by a federal residential job training program, sign the application
17 stating that the applicant has completed at least forty hours of supervised driving
18 experience under a temporary instruction permit issued pursuant to subsection
19 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
20 twenty-one years of age who supervised such driving. For purposes of this
21 section, the term "emancipated minor" means a person who is at least sixteen
22 years of age, but less than eighteen years of age, who:

23 (a) Marries with the consent of the legal custodial parent or legal
24 guardian pursuant to section 451.080;

25 (b) Has been declared emancipated by a court of competent jurisdiction;

26 (c) Enters active duty in the Armed Forces;

27 (d) Has written consent to the emancipation from the custodial parent or
28 legal guardian; or

29 (e) Through employment or other means provides for such person's own
30 food, shelter and other cost-of-living expenses;

31 (5) Have had no alcohol-related enforcement contacts as defined in section
32 302.525 during the preceding twelve months; and

33 (6) Have no nonalcoholic traffic convictions for which points are assessed
34 pursuant to section 302.302, within the preceding six months.
35 2. An intermediate driver's license grants the licensee the same privileges
36 to operate that classification of motor vehicle as a license issued pursuant to
37 section 302.177, except that no person shall operate a motor vehicle on the
38 highways of this state under such an intermediate driver's license between the
39 hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in
40 subsection 1 of section 302.130; except the licensee may operate a motor vehicle
41 without being accompanied if the travel is to or from a school or educational
42 program or activity, a regular place of employment or in emergency situations as
43 defined by the director by regulation.
44 3. Each intermediate driver's license shall be restricted by requiring that
45 the driver and all passengers in the licensee's vehicle wear safety belts at all
46 times. This safety belt restriction shall not apply to a person operating a
47 motorcycle. For the first six months after issuance of the intermediate driver's
48 license, the holder of the license shall not operate a motor vehicle with more than
49 one passenger who is under the age of nineteen who is not a member of the
50 holder's immediate family. As used in this subsection, an intermediate driver's
51 license holder's immediate family shall include brothers, sisters, stepbrothers or
52 stepsisters of the driver, including adopted or foster children residing in the same
53 household of the intermediate driver's license holder. After the expiration of the
54 first six months, the holder of an intermediate driver's license shall not operate
55 a motor vehicle with more than three passengers who are under nineteen years
56 of age and who are not members of the holder's immediate family. The passenger
57 restrictions of this subsection shall not be applicable to any intermediate driver's
58 license holder who is operating a motor vehicle being used in agricultural
59 work-related activities.
60 4. Notwithstanding the provisions of section 302.177 to the contrary, the
61 fee for an intermediate driver's license shall be five dollars and such license shall
62 be valid for a period of two years.
63 5. Any intermediate driver's licensee accumulating six or more points in
64 a twelve-month period may be required to participate in and successfully
65 complete a driver-improvement program approved by the **[**director of the
66 department of public safety**]** **state highways and transportation**
67 **commission**. The driver-improvement program ordered by the director of
68 revenue shall not be used in lieu of point assessment.

69 6. (1) An intermediate driver's licensee who has, for the preceding
70 twelve-month period, had no alcohol-related enforcement contacts, as defined in
71 section 302.525 and no traffic convictions for which points are assessed, upon
72 reaching the age of eighteen years or within the thirty days immediately
73 preceding their eighteenth birthday may apply for and receive without further
74 examination, other than a vision test as prescribed by section 302.173, a license
75 issued pursuant to this chapter granting full driving privileges. Such person
76 shall pay the required fee for such license as prescribed in section 302.177.

77 (2) If an intermediate driver's license expires on a Saturday, Sunday, or
78 legal holiday, such license shall remain valid for the five business days
79 immediately following the expiration date. In no case shall a licensee whose
80 intermediate driver's license expires on a Saturday, Sunday, or legal holiday be
81 guilty of an offense of driving with an expired or invalid driver's license if such
82 offense occurred within five business days immediately following an expiration
83 date that occurs on a Saturday, Sunday, or legal holiday.

84 (3) The director of revenue shall deny an application for a full driver's
85 license until the person has had no traffic convictions for which points are
86 assessed for a period of twelve months prior to the date of application for license
87 or until the person is eligible to apply for a six-year driver's license as provided
88 for in section 302.177, provided the applicant is otherwise eligible for full driving
89 privileges. An intermediate driver's license shall expire when the licensee is
90 eligible and receives a full driver's license as prescribed in subdivision (1) of this
91 section.

92 7. No person upon reaching the age of eighteen years whose intermediate
93 driver's license and driving privilege is denied, suspended, cancelled or revoked
94 in this state or any other state for any reason may apply for a full driver's license
95 until such license or driving privilege is fully reinstated. Any such person whose
96 intermediate driver's license has been revoked pursuant to the provisions of
97 sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation
98 from the director, pass the complete driver examination, apply for a new license,
99 and pay the proper fee before again operating a motor vehicle upon the highways
100 of this state.

101 8. A person shall be exempt from the intermediate licensing requirements
102 if the person has reached the age of eighteen years and meets all other licensing
103 requirements.

104 9. Any person who violates any of the provisions of this section relating

105 to intermediate drivers' licenses or the provisions of section 302.130 relating to
106 temporary instruction permits is guilty of an infraction, and no points shall be
107 assessed to his or her driving record for any such violation.

108 10. Any rule or portion of a rule, as that term is defined in section
109 536.010, that is created under the authority delegated in this section shall
110 become effective only if it complies with and is subject to all of the provisions of
111 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
112 nonseverable and if any of the powers vested with the general assembly pursuant
113 to chapter 536 to review, to delay the effective date or to disapprove and annul
114 a rule are subsequently held unconstitutional, then the grant of rulemaking
115 authority and any rule proposed or adopted after August 28, 2000, shall be
116 invalid and void.

311.650. The principal office of the supervisor of liquor control shall be at
2 the seat of government at Jefferson City, and the director of the division of
3 **facilities management,** design and construction at the capitol shall provide
4 offices for the liquor control department.

313.210. The "State Lottery Commission" is hereby created. The
2 commission shall control and manage the state lottery. The principal office of the
3 commission shall be located in Jefferson City in quarters provided by the division
4 of **facilities management,** design and construction. That division shall also
5 arrange for other needed office space for the commission or its staff. The
6 commission shall be assigned to the department of revenue as a type III division,
7 but the director of the department of revenue has no supervision, authority or
8 control over the actions or decisions of the lottery commission or the director of
9 the state lottery.

320.260. The division of **facilities management,** design and construction
2 shall provide office space for the state fire marshal and his **or her** employees.

324.032. The division of professional registration shall maintain, for each
2 board in the division, a registry of each person holding a current license, permit,
3 or certificate issued by that board. The registry shall contain the name, Social
4 Security number, and address of each person licensed or registered together with
5 other relevant information as determined by the board. The registry for each
6 board shall at all times be available to the board and copies shall be supplied to
7 the board on request. Copies of the registry, except for the registrant's Social
8 Security number, shall be available from the division or the board to any
9 individual who pays the reasonable copying cost. Any individual may copy the

10 registry during regular business hours. The information in the registry shall be
11 furnished upon request to the **family support** division **[**of child support
12 enforcement**]**. Questions concerning the currency of license of any individual
13 shall be answered, without charge, by the appropriate board. Each year each
14 board may publish, or cause to be published, a directory containing the name and
15 address of each person licensed or registered for the current year together with
16 any other information the board deems necessary. Any expense incurred by the
17 state relating to such publication shall be charged to the board. An official copy
18 of any such publication shall be filed with the director.

334.125. 1. The board shall have a common seal and shall formulate rules
2 and regulations to govern its actions. Provision shall be made by the division of
3 **facilities management,** design and construction for office facilities in Jefferson
4 City, Missouri, where the records and register of the board shall be maintained.
5 2. No rule or portion of a rule promulgated under the authority of this
6 chapter shall become effective unless it has been promulgated pursuant to the
7 provisions of section 536.024.

338.314. Nothing in sections 338.010 to 338.315 shall authorize the board
2 of pharmacy to conduct an inspection of a long-term care facility licensed under
3 the provisions of chapter 198 by the Missouri **[**division of aging or its successors**]**
4 **department of health and senior services**, except that the board of pharmacy
5 may inspect any licensed pharmacy located within a long-term care
6 facility. However, the provisions of sections 338.010 to 338.315 shall apply to all
7 individuals licensed as a pharmacist and practicing pharmacy as defined in
8 section 338.010.

361.010. 1. There is hereby created a "State Division of Finance", which
2 shall be under the management and control of a chief officer who shall be called
3 the "Director of Finance".
4 2. The director of finance shall maintain his **or her** office at the City of
5 Jefferson, reside in the state of Missouri, and shall devote all of his **or her** time
6 to the duties of his **or her** office. The division of **facilities management,**
7 design and construction is hereby required to provide the director of finance and
8 the state division of finance with suitable rooms.
9 3. The division of finance with all of its powers, duties, and functions is
10 assigned by type III transfer under the authority of the Omnibus State
11 Reorganization Act of 1974 and executive order 06-04 to the department of
12 insurance, financial institutions and professional registration. All of the general

13 provisions, definitions, and powers enumerated in section 1 of the Omnibus State
14 Reorganization Act of 1974 and executive order 06-04 shall apply to this
15 department and its divisions, agencies, and personnel.

16 4. Wherever the laws, rules, or regulations of this state make reference
17 to the "division of finance of the department of economic development" or to the
18 "division of finance", such references shall be deemed to refer to the division of
19 finance of the department of insurance, financial institutions and professional
20 registration.

376.819. To the extent that payment has been made by the **MO**
2 **HealthNet** division **[**of medical services**]** for health care items or services
3 furnished to a Medicaid-eligible individual, the **MO HealthNet** division **[**of
4 medical services**]** is considered to have acquired the rights of the
5 Medicaid-eligible individual to payment by any insurer or other party obligated
6 to cover such health care items or services.

452.345. 1. As used in sections 452.345 to 452.350, the term "IV-D case"
2 shall mean a case in which support rights have been assigned to the state of
3 Missouri or where the **family support** division **[**of child support enforcement**]**
4 is providing support enforcement services pursuant to section 454.400.

5 2. At any time the court, upon its own motion, may, or upon the motion
6 of either party shall, order that maintenance or support payments be made to the
7 circuit clerk as trustee for remittance to the person entitled to receive the
8 payments. The circuit clerk shall remit such support payments to the person
9 entitled to receive the payments within three working days of receipt by the
10 circuit clerk. Circuit clerks shall deposit all receipts no later than the next
11 working day after receipt. Payment by a nonguaranteed negotiable financial
12 instrument occurs when the instrument has cleared the depository institution and
13 has been credited to the trust account. Effective October 1, 1999, at any time the
14 court may upon its own motion, or shall upon the motion of either party, order
15 that support payments as required by section 454.530 be made to the family
16 support payment center established in section 454.530 as trustee for remittance
17 to the person entitled to receive the payments. However, in no case shall the
18 court order payments to be made to the payment center if the **family support**
19 division **[**of child support enforcement**]** notifies the court that such payments
20 shall not be made to the center. In such cases, payments shall be made to the
21 clerk as trustee until the division notifies the court that payments shall be
22 directed to the payment center. Further, with the agreement of the division, the

23 court may order payments to be made to the payment center prior to October 1,
24 1999.

25 3. The circuit clerk shall maintain records in the automated child support
26 system which list the amount of payments, the date when payments are required
27 to be made, and the names and addresses of the parties affected by the
28 order. Nothing in this section shall prohibit the **family support** division **[**of
29 child support enforcement**]** from entering information in the records of the
30 automated child support system, as provided for in chapter 454.

31 4. The parties affected by the order shall inform the circuit clerk or the
32 payment center established in section 454.530 of any change of address or of
33 other conditions that may affect the administration of the order.

34 5. For any case in which an order for support or maintenance was entered
35 prior to January 1, 1994, which has not been modified subsequent to that date,
36 except a IV-D case, if a party becomes delinquent in maintenance or support
37 payments in an amount equal to one month's total support obligation, the
38 provisions of this subsection shall apply. If the circuit clerk has been appointed
39 trustee under subsection 2 of this section, or if the person entitled to receive the
40 payments files with the clerk an affidavit stating the particulars of the obligor's
41 noncompliance, the circuit clerk shall send by regular mail notice of the
42 delinquency to the obligor. This notice shall advise the obligor of the
43 delinquency, shall state the amount of the obligation, and shall advise that the
44 obligor's income is subject to withholding for repayment of the delinquency and
45 for payment of current support, as provided in section 452.350. For such cases,
46 the circuit clerk shall, in addition to the notice to the obligor, send by regular
47 mail a notice to the obligee. This notice shall state the amount of the delinquency
48 and shall advise the obligee that income withholding, pursuant to section
49 452.350, is available for collection of support delinquencies and current support,
50 and if the support order includes amounts for child support, that support
51 enforcement services, pursuant to section 454.425, are available through the
52 Missouri **family support** division **[**of child support enforcement**]** of the
53 department of social services.

452.346. Upon written request of a parent of a child, as defined in section
2 **[**452.302**]** **452.160**, who is receiving medical assistance pursuant to section
3 208.151, the **family support** division **[**of child support enforcement**]** shall
4 provide such parent with documentation that allows the child to obtain medical
5 assistance. This section shall not apply to parents of children in the custody of

6 a public agency.

452.347. In any proceeding before a court where child support may be
2 established or modified for an applicant or recipient of child support services
3 pursuant to chapter 454:

4 (1) The applicant or recipient of child support enforcement services shall
5 be provided by any other party with notice pursuant to Rule 41 of the Missouri
6 rules of civil procedures of all proceedings in which support obligations may be
7 established or modified. Notice to an attorney representing a party is deemed
8 notice on the party for purposes of this section; and

9 (2) A copy of any order establishing or modifying a child support
10 obligation, or an order denying a modification shall be mailed to the **family**
11 **support** division **[**of child support enforcement**]** by the court within fourteen days
12 of issuance of such order.

452.350. 1. Until January 1, 1994, except for orders entered or modified
2 in IV-D cases, each order for child support or maintenance entered or modified
3 by the court pursuant to the authority of this chapter, or otherwise, shall include
4 a provision notifying the person obligated to pay such support or maintenance
5 that, upon application by the obligee or the Missouri **family support** division **[**of
6 child support enforcement**]** of the department of social services, the obligor's
7 wages or other income shall be subject to withholding without further notice if the
8 obligor becomes delinquent in maintenance or child support payments in an
9 amount equal to one month's total support obligation. The order shall also
10 contain provisions notifying the obligor that:

11 (1) The withholding shall be for the current month's maintenance and
12 support; and

13 (2) The withholding shall include an additional amount equal to fifty
14 percent of one month's child support and maintenance to defray delinquent child
15 support and maintenance, which additional withholding shall continue until the
16 delinquency is paid in full.

17 2. For all orders entered or modified in IV-D cases, and effective January
18 1, 1994, for every order for child support or maintenance entered or modified by
19 the court pursuant to the authority of this chapter, or otherwise, income
20 withholding pursuant to this section shall be initiated on the effective date of the
21 order, except that such withholding shall not commence with the effective date
22 of the order in any case where:

23 (1) One of the parties demonstrates, and the court finds, that there is good

24 cause not to require immediate income withholding. For purposes of this
25 subdivision, any finding that there is good cause not to require immediate
26 withholding must be based on, at least, a written determination and an
27 explanation by the court that implementing immediate wage withholding would
28 not be in the best interests of the child and proof of timely payments of previously
29 ordered support in cases involving the modification of support orders; or

30 (2) A written agreement is reached between the parties that provides for
31 an alternative arrangement. If the income of an obligor is not withheld as of the
32 effective date of the support order, pursuant to subdivision (1) or (2) of this
33 subsection, or otherwise, such obligor's income shall become subject to
34 withholding pursuant to this section without further exception on the date on
35 which the obligor becomes delinquent in maintenance or child support payments
36 in an amount equal to one month's total support obligation. Such withholding
37 shall be initiated in the manner provided in subsection 4 of this section. All IV-D
38 orders entered or modified by the court shall contain a provision notifying the
39 obligor that he or she shall notify the **family support** division **[**of child support
40 enforcement**]** regarding the availability of medical insurance coverage through an
41 employer or a group plan, provide the name of the insurance provider when
42 coverage is available, and inform the division of any change in access to such
43 insurance coverage. Any income withheld pursuant to this section for a support
44 order initially entered on or after October 1, 1999, shall be paid to the payment
45 center pursuant to section 454.530. Any order of the court entered on or after
46 October 1, 1999, establishing the withholding for a support order as defined in
47 section 454.460, or notice from the clerk issued on or after October 1, 1999,
48 pursuant to this section for a support order shall require payment to the payment
49 center pursuant to section 454.530.

50 3. The provisions of section 432.030 to the contrary notwithstanding, if
51 income withholding has not been initiated on the effective date of the initial or
52 modified order, the obligated party may execute a voluntary income assignment
53 at any time, which assignment shall be filed with the court and shall take effect
54 after service on the employer or other payer.

55 4. The circuit clerk, upon application of the obligee or the **family**
56 **support** division **[**of child support enforcement**]**, shall send, by certified mail,
57 return receipt requested, a written notice to the employer or other payer listed
58 on the application when the obligated party is subject to withholding pursuant
59 to the child support order or subsection 2 of this section. For orders entered or

60 modified in cases known by the circuit clerk to be IV-D cases in which income
61 withholding is to be initiated on the effective date of the order, and effective
62 January 1, 1994, for all orders entered or modified by the court in which income
63 withholding is to be initiated on the effective date of the order, the circuit clerk
64 shall send such notice to the employer or other payer in the manner provided by
65 this section at the time the order is entered without application of any party
66 when an employer or other payer is identified to the circuit clerk by inclusion in
67 the pleadings pursuant to section 452.312, or otherwise. The notice of income
68 withholding shall be prepared by the person entitled to support pursuant to the
69 order, or the legal representative of that person, on a form prescribed by the
70 court, and shall be presented to the clerk of the court at the time the order of
71 support is entered. The notice shall direct the employer or other payer to
72 withhold each month an amount equal to one month's child support and
73 maintenance until further notice from the court. In the event of a delinquency
74 in child support or maintenance payments in an amount equal to one month's
75 total support obligation, the notice further shall direct the employer or other
76 payer to withhold each month an additional amount equal to fifty percent of one
77 month's child support and maintenance until the support delinquency is paid in
78 full. The notice shall also include a statement of exemptions which may apply to
79 limit the portion of the obligated party's disposable earnings which are subject
80 to the withholding pursuant to federal or state law and notify the obligor that the
81 obligor may request a hearing and related information pursuant to this
82 section. The notice shall contain the Social Security number of the obligor if
83 available. The circuit clerk shall send a copy of this notice by regular mail to the
84 last known address of the obligated party. A notice issued pursuant to this
85 section shall be binding on the employer or other payer, and successor employers
86 and payers, two weeks after mailing, and shall continue until further order of the
87 court or the **family support** division **[**of child support enforcement**]**. If the
88 notice does not contain the Social Security number of the obligor, the employer
89 or other payer shall not be liable for withholding from the incorrect obligor. The
90 obligated party may, within that two-week period, request a hearing on the issue
91 of whether the withholding should take effect. The withholding shall not be held
92 in abeyance pending the outcome of the hearing. The obligor may not obtain
93 relief from the withholding by paying overdue support, if any. The only basis for
94 contesting the withholding is a mistake of fact. For the purpose of this section,
95 "mistake of fact" shall mean an error in the amount of arrearages, if applicable,

96 or an error as to the identity of the obligor. The court shall hold its hearing,
97 enter its order disposing of all issues disputed by the obligated party, and notify
98 the obligated party and the employer or other payer, within forty-five days of the
99 date on which the withholding notice was sent to the employer.

100 5. For each payment the employer may charge a fee not to exceed six
101 dollars per month, which shall be deducted from each obligor's moneys, income
102 or periodic earnings, in addition to the amount deducted to meet the support or
103 maintenance obligation subject to the limitations contained in the federal
104 Consumer Credit Protection Act (15 U.S.C. 1673).

105 6. Upon termination of the obligor's employment with an employer upon
106 whom a withholding notice has been served, the employer shall so notify the court
107 in writing. The employer shall also inform the court, in writing, as to the last
108 known address of the obligor and the name and address of the obligor's new
109 employer, if known.

110 7. Amounts withheld by the employer or other payer shall be transmitted,
111 in accordance with the notice, within seven business days of the date that such
112 amounts were payable to the obligated party. For purposes of this section,
113 "business day" means a day that state offices are open for regular business. The
114 employer or other payer shall, along with the amounts transmitted, provide the
115 date each amount was withheld from each obligor. If the employer or other payer
116 is withholding amounts for more than one order, the employer or other payer may
117 combine all such withholdings that are payable to the same circuit clerk or the
118 family support payment center and transmit them as one payment, together with
119 a separate list identifying the cases to which they apply. The cases shall be
120 identified by court case number, name of obligor, the obligor's Social Security
121 number, the IV-D case number, if any, the amount withheld for each obligor, and
122 the withholding date or dates for each obligor, to the extent that such information
123 is known to the employer or other payer. An employer or other payer who fails
124 to honor a withholding notice pursuant to this section may be held in contempt
125 of court and is liable to the obligee for the amount that should have been
126 withheld. Compliance by an employer or other payer with the withholding notice
127 operates as a discharge of liability to the obligor as to that portion of the obligor's
128 periodic earnings or other income so affected.

129 8. As used in this section, the term "employer" includes the state and its
130 political subdivisions.

131 9. An employer shall not discharge or otherwise discipline, or refuse to

132 hire, an employee as a result of a withholding notice issued pursuant to this
133 section. Any obligor who is aggrieved as a result of a violation of this subsection
134 may bring a civil contempt proceeding against the employer by filing an
135 appropriate motion in the cause of action from which the withholding notice
136 issued. If the court finds that the employer discharged, disciplined, or refused to
137 hire the obligor as a result of the withholding notice, the court may order the
138 employer to reinstate or hire the obligor, or rescind any wrongful disciplinary
139 action. If, after the entry of such an order, the employer refuses without good
140 cause to comply with the court's order, or if the employer fails to comply with the
141 withholding notice, the court may, after notice to the employer and a hearing,
142 impose a fine against the employer, not to exceed five hundred dollars. Proceeds
143 of any such fine shall be distributed by the court to the county general revenue
144 fund.

145 10. A withholding entered pursuant to this section may, upon motion of
146 a party and for good cause shown, be amended by the court. The clerk shall
147 notify the employer of the amendment in the manner provided for in subsection
148 4 of this section.

149 11. The court, upon the motion of obligor and for good cause shown, may
150 terminate the withholding, except that the withholding shall not be terminated
151 for the sole reason that the obligor has fully paid past due child support and
152 maintenance.

153 12. A withholding effected pursuant to this section shall have priority over
154 any other legal process pursuant to state law against the same wages, except that
155 where the other legal process is an order issued pursuant to this section or
156 section 454.505, the processes shall run concurrently, up to applicable wage
157 withholding limitations. If concurrently running wage withholding processes for
158 the collection of support obligations would cause the amounts withheld from the
159 wages of the obligor to exceed applicable wage withholding limitations and
160 includes a wage withholding from another state pursuant to section 454.932, the
161 employer shall first satisfy current support obligations by dividing the amount
162 available to be withheld among the orders on a pro rata basis using the
163 percentages derived from the relationship each current support order amount has
164 to the sum of all current child support obligations. Thereafter, delinquencies
165 shall be satisfied using the same pro rata distribution procedure used for
166 distributing current support, up to the applicable limitation. If concurrently
167 running wage withholding processes for the collection of support obligations

168 would cause the amounts withheld from the wages of the obligor to exceed
169 applicable wage withholding limitations and does not include a wage withholding
170 from another state pursuant to section 454.932, the employer shall withhold and
171 pay to the payment center an amount equal to the wage withholding
172 limitations. The payment center shall first satisfy current support obligations by
173 dividing the amount available to be withheld among the orders on a pro rata
174 basis using the percentages derived from the relationship each current support
175 order amount has to the sum of all current child support obligations. Thereafter,
176 arrearages shall be satisfied using the same pro rata distribution procedure used
177 for distributing current support, up to the applicable limitation.

178 13. The remedy provided by this section applies to child support and
179 maintenance orders entered prior to August 13, 1986, notwithstanding the
180 absence of the notice to the obligor provided for in subsection 1 of this section,
181 provided that prior notice from the circuit clerk to the obligor in the manner
182 prescribed in subsection 5 of section 452.345 is given.

183 14. Notwithstanding any provisions of this section to the contrary, in a
184 case in which support rights have been assigned to the state or in which the
185 **family support** division **[**of child support enforcement**]** is providing support
186 enforcement services pursuant to section 454.425, the director of the **family**
187 **support** division **[**of child support enforcement**]** may amend or terminate a
188 withholding order issued pursuant to this section, as provided in this subsection
189 without further action of the court. The director may amend or terminate a
190 withholding order and issue an administrative withholding order pursuant to
191 section 454.505 when the director determines that children for whom the support
192 order applies are no longer entitled to support pursuant to section 452.340, when
193 the support obligation otherwise ends and all arrearages are paid, when the
194 support obligation is modified pursuant to section 454.500, or when the director
195 enters an order that is approved by the court pursuant to section 454.496. The
196 director shall notify the employer and the circuit clerk of such amendment or
197 termination. The director's administrative withholding order or withholding
198 termination order shall preempt and supersede any previous judicial withholding
199 order issued pursuant to this or any other section.

200 15. For the purpose of this section, "income" means any periodic form of
201 payment due to an individual, regardless of source, including wages, salaries,
202 commissions, bonuses, workers' compensation benefits, disability benefits,
203 payments pursuant to a pension or a retirement program and interest.

204 16. If the secretary of the Department of Health and Human Services
205 promulgates a final standard format for an employer income withholding notice,
206 the court shall use or require the use of such notice.

452.370. 1. Except as otherwise provided in subsection 6 of section
2 452.325, the provisions of any judgment respecting maintenance or support may
3 be modified only upon a showing of changed circumstances so substantial and
4 continuing as to make the terms unreasonable. In a proceeding for modification
5 of any child support or maintenance judgment, the court, in determining whether
6 or not a substantial change in circumstances has occurred, shall consider all
7 financial resources of both parties, including the extent to which the reasonable
8 expenses of either party are, or should be, shared by a spouse or other person
9 with whom he or she cohabits, and the earning capacity of a party who is not
10 employed. If the application of the child support guidelines and criteria set forth
11 in section 452.340 and applicable supreme court rules to the financial
12 circumstances of the parties would result in a change of child support from the
13 existing amount by twenty percent or more, a prima facie showing has been made
14 of a change of circumstances so substantial and continuing as to make the present
15 terms unreasonable, if the existing amount was based upon the presumed amount
16 pursuant to the child support guidelines.

17 2. When the party seeking modification has met the burden of proof set
18 forth in subsection 1 of this section, the child support shall be determined in
19 conformity with criteria set forth in section 452.340 and applicable supreme court
20 rules.

21 3. Unless otherwise agreed in writing or expressly provided in the
22 judgment, the obligation to pay future statutory maintenance is terminated upon
23 the death of either party or the remarriage of the party receiving maintenance.

24 4. Unless otherwise agreed in writing or expressly provided in the
25 judgment, provisions for the support of a child are terminated by emancipation
26 of the child. The parent entitled to receive child support shall have the duty to
27 notify the parent obligated to pay support of the child's emancipation and failing
28 to do so, the parent entitled to receive child support shall be liable to the parent
29 obligated to pay support for child support paid following emancipation of a minor
30 child, plus interest.

31 5. If a parent has made an assignment of support rights to the **family**
32 **support** division **[**of family services**]** on behalf of the state as a condition of
33 eligibility for benefits pursuant to the Temporary Assistance for Needy Families

34 program and either party initiates a motion to modify the support obligation by
35 reducing it, the state of Missouri shall be named as a party to the
36 proceeding. The state shall be served with a copy of the motion by sending it by
37 certified mail to the director of the **family support** division **[**of child support
38 enforcement**]**.

39 6. The court shall have continuing personal jurisdiction over both the
40 obligee and the obligor of a court order for child support or maintenance for the
41 purpose of modifying such order. Both obligee and obligor shall notify, in writing,
42 the clerk of the court in which the support or maintenance order was entered of
43 any change of mailing address. If personal service of the motion cannot be had
44 in this state, the motion to modify and notice of hearing shall be served outside
45 the state as provided by supreme court rule 54.14. The order may be modified
46 only as to support or maintenance installments which accrued subsequent to the
47 date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit
48 clerk shall be considered the "appropriate agent" to receive notice of the motion
49 to modify for the obligee or the obligor, but only in those instances in which
50 personal service could not be had in this state.

51 7. If a responsive pleading raising the issues of custody or visitation is
52 filed in response to a motion to modify child support filed at the request of the
53 **family support** division **[**of child support enforcement**]** by a prosecuting attorney
54 or circuit attorney or an attorney under contract with the division, such
55 responsive pleading shall be severed upon request.

56 8. Notwithstanding any provision of this section which requires a showing
57 of substantial and continuing change in circumstances, in a IV-D case filed
58 pursuant to this section by the **family support** division **[**of child support
59 enforcement**]** as provided in section 454.400, the court shall modify a support
60 order in accordance with the guidelines and criteria set forth in supreme court
61 rule 88.01 and any regulations thereunder if the amount in the current order
62 differs from the amount which would be ordered in accordance with such
63 guidelines or regulations.

452.416. 1. Notwithstanding any other provision of law to the contrary,
2 whenever a parent in emergency military service has a change in income due to
3 such military service, such change in income shall be considered a change in
4 circumstances so substantial and continuing as to make the terms of any order
5 or judgment for child support or visitation unreasonable.

6 2. Upon receipt of a notarized letter from the commanding officer of a

7 noncustodial parent in emergency military service which contains the date of the
8 commencement of emergency military service and the compensation of the parent
9 in emergency military service, the director of the **family support** division **[**of
10 child support enforcement**]** shall take appropriate action to seek modification of
11 the order or judgment of child support in accordance with the guidelines and
12 criteria set forth in section 452.340 and applicable supreme court rules. Such
13 notification to the director shall constitute an application for services under
14 section 454.425.

15 3. Upon return from emergency military service the parent shall notify
16 the director of the **family support** division **[**of child support enforcement**]** who
17 shall take appropriate action to seek modification of the order or judgment of
18 child support in accordance with the guidelines and criteria set forth in section
19 452.340 and applicable supreme court rules. Such notification to the director
20 shall constitute an application for services under section 454.425.

21 4. As used in this section, the term "emergency military service" means
22 that the parent is a member of a reserve unit or National Guard unit which is
23 called into active military duty for a period of more than thirty days.

453.005. 1. The provisions of sections 453.005 to 453.400 shall be
2 construed so as to promote the best interests and welfare of the child in
3 recognition of the entitlement of the child to a permanent and stable home.

4 2. The **children's** division **[**of family services**]** and all persons involved
5 in the adoptive placement of children as provided in subdivisions (1), (2) and (4)
6 of section 453.014 shall provide for the diligent recruitment of potential adoptive
7 homes that reflect the ethnic and racial diversity of children in the state for
8 whom adoptive homes are needed.

9 3. Placement of a child in an adoptive home may not be delayed or denied
10 on the basis of race, color or national origin.

453.014. 1. The following persons may place a minor for adoption:

2 (1) The **children's** division **[**of family services**]** of the department of social
3 services;

4 (2) A child placing agency licensed pursuant to sections 210.481 to
5 210.536;

6 (3) The child's parents, without the direct or indirect assistance of an
7 intermediary, in the home of a relative of the child within the third degree;

8 (4) An intermediary, which shall include an attorney licensed pursuant
9 to chapter 484; a physician licensed pursuant to chapter 334; or a clergyman of

10 the parents.

11 2. All persons granted the authority to place a minor child for adoption
12 as designated in subdivision (1), (2) or (4) of subsection 1 of this section shall
13 comply with the rules and regulations promulgated by the department of social
14 services and the department of health and senior services for such placement.

15 3. The **children's division of the** department of social services**[**,
16 division of family services**]** and the department of health and senior services shall
17 promulgate rules and regulations regarding the placement of a minor for
18 adoption.

19 4. No rule or portion of a rule promulgated under the authority of this
20 section shall become effective unless it has been promulgated pursuant to the
21 provisions of section 536.024.

453.015. As used in sections 453.010 to 453.400, the following terms
2 mean:

3 (1) "Minor" or "child", any person who has not attained the age of eighteen
4 years or any person in the custody of the **children's** division **[**of family services**]**
5 who has not attained the age of twenty-one;

6 (2) "Parent", a birth parent or parents of a child, including the putative
7 father of the child, as well as the husband of a birth mother at the time the child
8 was conceived, or a parent or parents of a child by adoption. The putative father
9 shall have no legal relationship unless he has acknowledged the child as his own
10 by affirmatively asserting his paternity;

11 (3) "Putative father", the alleged or presumed father of a child including
12 a person who has filed a notice of intent to claim paternity with the putative
13 father registry established in section 192.016 and a person who has filed a
14 voluntary acknowledgment of paternity pursuant to section 193.087; and

(4) "Stepparent", the spouse of a biological or adoptive parent. The term
2 does not include the state if the child is a ward of the state. The term does not
3 include a person whose parental rights have been terminated.

453.026. 1. As early as is practical before a prospective adoptive parent
2 accepts physical custody of a child, the person placing the child for adoption, as
3 authorized by section 453.014, shall furnish to the court, the guardian ad litem
4 and the prospective adoptive parent a written report regarding the child.

5 2. The person placing the child shall not be held liable for incorrect
6 information as provided by others or unintentional errors when making the
7 written report.

8 3. The **children's division of the** department of social services**[**,
9 division of family services**]** shall promulgate rules and regulations regarding all
10 written information that shall be furnished to the court, the guardian ad litem
11 and the prospective adoptive parent.
12 4. No rule or portion of a rule promulgated under the authority of this
13 section shall become effective unless it has been promulgated pursuant to the
14 provisions of section 536.024.

453.065. As used in sections 453.065 to 453.074, the following words and
2 terms shall have the meanings indicated:
3 (1) "Child", a person within the state who is under the age of eighteen or
4 in the custody of the **children's** division **[**of family services**]** who is in need of
5 medical, dental, educational, mental or other related health services and
6 treatment, as defined in this section, or who belongs to a racial or ethnic
7 minority, who is five years of age or older, or who is a member of a sibling group,
8 and for whom an adoptive home is not readily available. If the physical, dental
9 or mental condition of the child requires care after the age of eighteen, payment
10 can be continued with the approval of the **children's** division **[**of family services**]**
11 of the department of social services and subject to annual review;
12 (2) "Diminishing allotment", a monthly payment which periodically
13 diminishes over a period of not longer than four years at which time it ceases;
14 (3) "Long term subsidy", a continuous monthly payment toward the child's
15 care for a period of more than four years;
16 (4) "Special services", an allotment to a child who is in need of medical,
17 dental, educational, mental health or other related health services and treatment,
18 including treatment for physical handicap, intellectual impairment,
19 developmental disability, mental or emotional disturbance, social maladjustment;
20 (5) "Time limited subsidy", a monthly allotment which is continued for a
21 limited time after legal adoption, not exceeding four years. This compensation
22 is to aid the family in integrating the care of the new child in their home.

453.070. 1. Except as provided in subsection 5 of this section, no decree
2 for the adoption of a child under eighteen years of age shall be entered for the
3 petitioner or petitioners in such adoption as ordered by the juvenile court having
4 jurisdiction, until a full investigation, which includes an assessment of the
5 adoptive parents, an appropriate postplacement assessment and a summary of
6 written reports as provided for in section 453.026, and any other pertinent
7 information relevant to whether the child is suitable for adoption by the

8 petitioner and whether the petitioner is suitable as a parent for the child, has
9 been made. The report shall also include a statement to the effect that the child
10 has been considered as a potential subsidy recipient.

11 2. Such investigation shall be made, as directed by the court having
12 jurisdiction, either by the **children's** division **[**of family services**]** of the
13 department of social services, a juvenile court officer, a licensed child-placement
14 agency, a social worker, a professional counselor, or a psychologist licensed under
15 chapter 337 and associated with a licensed child-placement agency, or other
16 suitable person appointed by the court. The results of such investigation shall
17 be embodied in a written report that shall be submitted to the court within ninety
18 days of the request for the investigation.

19 3. The **[**department of social services, division of family services,**]**
20 **children's division** shall develop rules and regulations regarding the content
21 of the assessment of the petitioner or petitioners. The content of the assessment
22 shall include but not be limited to a report on the condition of the petitioner's
23 home and information on the petitioner's education, financial, marital, medical
24 and psychological status and criminal background check. If an assessment is
25 conducted after August 28, 1997, but prior to the promulgation of rules and
26 regulations by the department concerning the contents of such assessment, any
27 discrepancy between the contents of the actual assessment and the contents of the
28 assessment required by department rule shall not be used as the sole basis for
29 invalidating an adoption. No rule or portion of a rule promulgated pursuant to
30 the authority of this section shall become effective unless it has been promulgated
31 pursuant to the provisions of chapter 536.

32 4. The assessment of petitioner or petitioners shall be submitted to the
33 petitioner and to the court prior to the scheduled hearing of the adoptive petition.

34 5. In cases where the adoption or custody involves a child under eighteen
35 years of age that is the natural child of one of the petitioners and where all of the
36 parents required by this chapter to give consent to the adoption or transfer of
37 custody have given such consent, the juvenile court may waive the investigation
38 and report, except the criminal background check, and enter the decree for the
39 adoption or order the transfer of custody without such investigation and report.

40 6. In the case of an investigation and report made by the **children's**
41 division **[**of family services**]** by order of the court, the court may order the
42 payment of a reasonable fee by the petitioner to cover the costs of the
43 investigation and report.

44 7. Any adult person or persons over the age of eighteen who, as foster
45 parent or parents, have cared for a foster child continuously for a period of nine
46 months or more and bonding has occurred as evidenced by the positive emotional
47 and physical interaction between the foster parent and child, may apply to such
48 authorized agency for the placement of such child with them for the purpose of
49 adoption if the child is eligible for adoption. The agency and court shall give
50 preference and first consideration for adoptive placements to foster
51 parents. However, the final determination of the propriety of the adoption of such
52 foster child shall be within the sole discretion of the court.

53 8. (1) Nothing in this section shall be construed to permit discrimination
54 on the basis of disability or disease of a prospective adoptive parent.

55 (2) The disability or disease of a prospective adoptive parent shall not
56 constitute a basis for a determination that the petitioner is unfit or not suitable
57 to be an adoptive parent without a specific showing that there is a causal
58 relationship between the disability or disease and a substantial and significant
59 risk of harm to a child.

453.074. 1. The **children's** division **[**of family services**]** shall have the
2 following duties in the administration of the subsidy program:

3 (1) Notify all petitioners for adoption of the availability of subsidies for
4 a child;

5 (2) Provide all petitioners for adoption with the rules and eligibility
6 requirements for subsidies;

7 (3) Inform the parents of a child receiving a subsidy of reductions or other
8 modifications in the terms and conditions of the written agreement;

9 (4) Establish procedures for the resolution of disputes involving the delay,
10 denial, amount or type of subsidy;

11 (5) File an annual report to the legislature in the budget proposal on the
12 adoption subsidy program, including but not limited to, the number and types of
13 subsidies being paid, an accounting of state and federal funds expended, and a
14 projection of future monetary needs to maintain the subsidy program;

15 (6) Comply with all federal laws relating to adoption subsidies in order
16 to maintain the eligibility of the state of Missouri for federal funds.

17 2. The provisions of this section shall not apply to the adoption of a child
18 by the spouse of a biological parent or an adoptive parent.

453.077. 1. When a child has been placed with the petitioner for the
2 required six-month placement period, the person conducting the preplacement

assessment of the adoption or other persons authorized to conduct assessments pursuant to section 453.070 shall provide the court with a postplacement assessment. The specific content of which shall be determined by rule by the **children's division of the** department of social services**[**, division of family services**]**. The postplacement assessment shall include an update of the preplacement assessment which was submitted to the court pursuant to section 453.070, and a report on the emotional, physical and psychological status of the child. If an assessment is conducted after August 28, 1997, but prior to the promulgation of rules and regulations by the department concerning the contents of such assessment, any discrepancy between the contents of the actual assessment and the contents of the assessment required by department rule shall not be used as the sole basis for invalidating an adoption.

2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

453.102. 1. After an adoptive placement has been made, the **children's** division **[**of family services**]** or other child-placing agency shall inform the adoptive parents of postplacement services available to them and the child. Such services may include, aiding the family in contacting adoptive family support groups, providing family counseling, periodic visitation by the agency and any other resources or services that would assist the family and the child in adjusting to the adoption.

2. In the event that an adoptive placement or a final adoption is disrupted resulting in the removal of the child from the home of the adoptive parents, the **children's** division **[**of family services**]** or other child-placing agency shall assist the parents and the child by providing or arranging contact with support groups, counseling or any other service deemed necessary to aid the family and the child in adjusting to the removal.

453.110. 1. No person, agency, organization or institution shall surrender custody of a minor child, or transfer the custody of such a child to another, and no person, agency, organization or institution shall take possession or charge of a minor child so transferred, without first having filed a petition before the circuit court sitting as a juvenile court of the county where the child may be, praying that such surrender or transfer may be made, and having obtained such an order from such court approving or ordering transfer of custody.

2. If any such surrender or transfer is made without first obtaining such

9 an order, such court shall, on petition of any public official or interested person,
10 agency, organization or institution, order an investigation and report as described
11 in section 453.070 to be completed by the **children's** division **[**of family services**]**
12 and shall make such order as to the custody of such child in the best interest of
13 such child.

14 3. Any person violating the terms of this section shall be guilty of a class
15 D felony.

16 4. The investigation required by subsection 2 of this section shall be
17 initiated by the **children's** division **[**of family services**]** within forty-eight hours
18 of the filing of the court order requesting the investigation and report and shall
19 be completed within thirty days. The court shall order the person having custody
20 in violation of the provisions of this section to pay the costs of the investigation
21 and report.

22 5. This section shall not be construed to prohibit any parent, agency,
23 organization or institution from placing a child with another individual for care
24 if the right to supervise the care of the child and to resume custody thereof is
25 retained, or from placing a child with a licensed foster home within the state
26 through a child-placing agency licensed by this state as part of a preadoption
27 placement.

28 6. After the filing of a petition for the transfer of custody for the purpose
29 of adoption, the court may enter an order of transfer of custody if the court finds
30 all of the following:

31 (1) A family assessment has been made as required in section 453.070 and
32 has been reviewed by the court;

33 (2) A recommendation has been made by the guardian ad litem;

34 (3) A petition for transfer of custody for adoption has been properly filed
35 or an order terminating parental rights has been properly filed;

36 (4) The financial affidavit has been filed as required under section
37 453.075;

38 (5) The written report regarding the child who is the subject of the
39 petition containing the information has been submitted as required by section
40 453.026;

41 (6) Compliance with the Indian Child Welfare Act, if applicable; and

42 (7) Compliance with the Interstate Compact on the Placement of Children
43 pursuant to section 210.620.

44 7. A hearing on the transfer of custody for the purpose of adoption is not

45 required if:

46 (1) The conditions set forth in subsection 6 of this section are met;

47 (2) The parties agree and the court grants leave; and

48 (3) Parental rights have been terminated pursuant to section 211.444 or
49 211.447.

453.400. 1. A stepparent shall support his or her stepchild to the same
2 extent that a natural or adoptive parent is required to support his or her child so
3 long as the stepchild is living in the same home as the stepparent. However,
4 nothing in this section shall be construed as abrogating or in any way
5 diminishing the duty a parent otherwise would have to provide child support, and
6 no court shall consider the income of a stepparent, or the amount actually
7 provided for a stepchild by a stepparent, in determining the amount of child
8 support to be paid by a natural or adoptive parent.

9 2. A natural or adoptive parent shall be liable to a stepparent for the sum
10 of money expended by a stepparent for the support of a stepchild when that sum
11 of money was expended because of the neglect or refusal of the natural or
12 adoptive parent to pay any part of or all of the court-ordered amount of support.

13 3. This section shall not abrogate or diminish the common law right which
14 a stepparent may possess to recover from a natural or adoptive parent the
15 expense of providing necessaries for a stepchild in the absence of a court order for
16 child support determining the amount of support to be paid by a natural or
17 adoptive parent.

18 4. This section shall not be construed as granting to a stepparent any
19 right to the care and custody of a stepchild or as granting a stepchild any right
20 to inherit from a stepparent under the general statutory laws governing descent
21 and distribution.

22 5. This section shall apply without regard to whether public assistance is
23 being provided on behalf of the stepchild or stepchildren in question.

24 6. This section shall be construed to apply only to support obligations
25 incurred on or after July 1, 1977, notwithstanding that a marriage giving rise to
26 the support obligation occurred prior to July 1, 1977.

27 7. With respect to section 208.040, this section shall not be construed to
28 render a child ineligible for public assistance on the basis of the child's not being
29 deprived of parental support, but it shall be construed to permit the inclusion of
30 the income of a stepparent in the determination of eligibility for benefits and in
31 the determination of the amount of the assistance payment.

32 8. In the determination of eligibility for benefits and in the determination
33 of the amount of the assistance payment under section 208.150, that portion of
34 the stepparent's income, as defined by the **family support** division **[**of family
35 services**]** in the administration of aid to families with dependent children, shall
36 be considered.

454.400. 1. There is established within the department of social services
2 the "**Family Support** Division **[**of Child Support Enforcement**]**" to administer
3 the state plan for child support enforcement. The duty pursuant to the state plan
4 to litigate or prosecute support actions shall be performed by the appropriate
5 prosecuting attorney, or other attorney pursuant to a cooperative agreement with
6 the department. The department shall fully utilize existing IV-A staff of the
7 **family support** division **[**of child support enforcement**]** to perform child support
8 enforcement duties approved by the United States Department of Health and
9 Human Services and consistent with federal requirements as specified in P.L.
10 93-647 and 45 CFR, section 303.20.

11 2. In addition to the powers, duties and functions vested in the **family**
12 **support** division **[**of child support enforcement**]** by other provisions of this
13 chapter or by other laws of this state, the **family support** division **[**of child
14 support enforcement**]** shall have the power:

15 (1) To sue and be sued;

16 (2) To make contracts and carry out the duties imposed upon it by this or
17 any other law;

18 (3) To administer, disburse, dispose of and account for funds, commodities,
19 equipment, supplies or services, and any kind of property given, granted, loaned,
20 advanced to or appropriated by the state of Missouri for any of the purposes
21 herein;

22 (4) To administer oaths, issue subpoenas for witnesses, examine such
23 witnesses under oath, and make and keep a record of the same;

24 (5) To adopt, amend and repeal rules and regulations necessary or
25 desirable to carry out the provisions of this chapter and which are not
26 inconsistent with the constitution or laws of this state;

27 (6) To cooperate with the United States government in matters of mutual
28 concern pertaining to any duties wherein the **family support** division **[**of child
29 support enforcement**]** is acting as a state agency, including the adoption of such
30 methods of administration as are found by the United States government to be
31 necessary for the efficient operation of the state plan hereunder;

32 (7) To make such reports in such form and containing such information
33 as the United States government may, from time to time, require, and comply
34 with such provisions as the United States government may, from time to time,
35 find necessary to assure the correctness and verification of such reports;
36 (8) To appoint, when and if it may deem necessary, advisory committees
37 to provide professional or technical consultation in respect to child support
38 enforcement problems and program administration. The members of such
39 advisory committees shall receive no compensation for their services other than
40 expenses actually incurred in the performance of their official duties. The
41 number of members of each such advisory committee shall be determined by the
42 **family support** division **[**of child support enforcement**]**, and such advisory
43 committees shall consult with the **family support** division **[**of child support
44 enforcement**]** in respect to problems and policies incident to the administration
45 of the particular function germane to their respective field of competence;
46 (9) To initiate or cooperate with other agencies in developing measures for
47 the enforcement of support obligations;
48 (10) To collect statistics, make special fact-finding studies and publish
49 reports in reference to child support enforcement;
50 (11) To establish or cooperate in research or demonstration projects
51 relative to child support enforcement and the welfare program which will help
52 improve the administration and effectiveness of programs carried on or assisted
53 pursuant to the federal Social Security Act and the programs related thereto;
54 (12) To accept gifts and grants of any property, real or personal, and to
55 sell such property and expend such gifts or grants not inconsistent with the
56 administration of the state plan for child support enforcement and within the
57 limitations of the donor thereof;
58 (13) To review every three years or such shorter cycle as the division may
59 establish, upon the request of the obligee, the obligor or if there is an assignment
60 under Part A of the federal Social Security Act, upon the request of the division,
61 obligee or obligor taking into account the best interest of the child, the adequacy
62 of child support orders in IV-D cases to determine whether modification is
63 appropriate pursuant to the guidelines established by supreme court rule 88.01,
64 to establish rules pursuant to chapter 536, to define the procedure and frequency
65 of such reviews, and to initiate proceedings for modification where such reviews
66 determine that a modification is appropriate. This subdivision shall not be
67 construed to require the division or its designees to represent the interests of an

68 absent parent against the interests of a custodial parent or the state;
69 (14) To provide services relating to the establishment of paternity and the
70 establishment, modification and enforcement of child support obligations.
71 The division shall provide such services:
72 (a) Unless, as provided in this chapter, good cause or other exception
73 exists, to each child for whom:
74 a. Assistance is provided under the state program funded under Part IV-A
75 of the Social Security Act;
76 b. Benefits or services for foster care maintenance are provided under the
77 state program funded under Part IV-E of the Social Security Act; or
78 c. Medical assistance is provided under the state plan approved under
79 Title XIX of the Social Security Act; and
80 (b) To any other child, if an individual applies for such services with
81 respect to such child;
82 (15) To enforce support obligations established with respect to:
83 (a) A child for whom the state provides services under the state plan for
84 child support; or
85 (b) The custodial parent of a child;
86 (16) To enforce support orders against the parents of the noncustodial
87 parent, jointly and severally, in cases where such parents have a minor child who
88 is the parent and the custodial parent is receiving assistance under the state
89 program funded under Part A of Title IV of the Social Security Act; and
90 (17) To prevent a child support debtor from fraudulently transferring
91 property to avoid payment of child support. If the division has knowledge of such
92 transfer, the division shall:
93 (a) Seek to void such transfer; or
94 (b) Obtain a settlement in the best interest of the child support creditor.
95 3. No rule or portion of a rule promulgated pursuant to the authority of
96 this chapter shall become effective unless it has been promulgated pursuant to
97 the provisions of section 536.024.

454.403. Notwithstanding any other provision of law to the contrary,
2 applicants for a professional, occupational or recreational license not coming
3 under the purview of the division of professional registration shall be required by
4 the appropriate licensing authority to provide the applicant's Social Security
5 number on any application for a license, permit or certificate, or any renewal of
6 a license, permit or certificate. The **family support** division **[**of child support

enforcement**]** is authorized to coordinate with and assist with such licensing authorities to develop procedures to implement this requirement.

454.405. 1. Each county shall cooperate with the **family support** division **[**of child support enforcement**]** in the enforcement of support obligations under the state plan by appropriating a sufficient sum of money for the offices of the prosecuting attorney or, by entering into a multiple county agreement to share the costs of enforcement of support obligations and appropriating sufficient funds for such enforcement, and by appropriating to the circuit clerk a sufficient sum to enable those offices to perform any duty imposed under this law or any other law with respect to the enforcement of support obligations or to the transmittal of support moneys to the **family support** division **[**of child support enforcement**]** for deposit in the state treasury to the credit of the child support enforcement fund.

2. The **family support** division **[**of child support enforcement**]** shall enter into cooperative agreements with city or county governing bodies or officers, including, but not necessarily limited to, circuit courts, circuit clerks and prosecuting attorneys who choose to enter into a cooperative agreement, except that the director of the **family support** division **[**of child support enforcement**]** may, not less than sixty days prior to the expiration date of an existing cooperative agreement, notify a city or county governing body or officer that the division will not enter into a cooperative agreement because the city or county governing body or officer failed to comply with the terms of the existing cooperative agreement, or with rules established by the division pursuant to subsection 4 of this section. The notice shall be in writing and shall set forth the reason for not entering into a new cooperative agreement. The notice shall be sent by certified mail, return receipt requested, to all city or county signatories of the existing cooperative agreement. Within thirty days of receipt of the notice, the city or county governing body or officer may submit to the director of the **family support** division **[**of child support enforcement**]** objections to the findings of the director, or a proposed plan to bring the city, county or officer into compliance. The director shall respond to the objections or the proposed plan prior to the expiration date of the existing cooperative agreement.

3. The cooperative agreements to be executed shall provide, as a minimum, for the following:

(1) For the governing body of the city or county to hire such additional stenographic, secretarial and administrative assistants as may be required to

35 administer the child support enforcement program within that jurisdiction or, if
36 the city or county is a participant in a multiple county agreement, to participate
37 in the cost of the additional staff;

38 (2) For the city or county, upon recommendation of the prosecuting
39 attorney, to hire such additional assistant prosecuting attorneys as may be
40 required to administer the child support enforcement program within that
41 jurisdiction or, if the city or county is a participant in a multiple county
42 agreement, to participate in the cost of attorneys retained for that purpose;

43 (3) For the city or county to furnish office space and other administrative
44 requirements for the proper administration of the child support enforcement
45 program within that jurisdiction or, if the city or county is a participant in a
46 multiple county agreement, to participate in the cost of the office space and other
47 administrative requirements;

48 (4) For the reimbursement by the state from moneys received from the
49 federal government of reasonable and necessary costs, as determined by the
50 director of the **family support** division **[**of child support enforcement**]**,
51 associated with enforcement of support obligations by the county or city or, if
52 applicable, the multiple county unit, at the applicable rate, to be paid at least
53 monthly if properly authenticated vouchers are submitted by the city or
54 county. Payments shall be made no later than thirty days from the date of
55 submission of the vouchers;

56 (5) For the city or county or, if applicable, the multiple county unit, to
57 maintain financial and performance records required by federal regulation to be
58 available for inspection by representatives of the department of social services,
59 the state auditor, or the United States Department of Health and Human
60 Services; and

61 (6) For the payment of incentive payments by the state from moneys
62 received from the federal government as provided by the Social Security Act and
63 federal and state regulations promulgated thereunder. The **family support**
64 division **[**of child support enforcement**]** shall calculate and promptly pay to the
65 city or county a basic incentive payment not less than the minimum incentive
66 payment rate established by 45 CFR 303.52; provided, however, that the total
67 amount paid as incentives for non-AFDC collections shall not exceed the total
68 amount paid as incentives for AFDC collections, unless otherwise agreed upon in
69 the cooperative agreement between the state and county or city. Incentive
70 payments by the state to the counties shall not occur for any period during which

71 the state does not receive incentive payments from the federal government.

72 4. The **family support** division **[**of child support enforcement**]** shall have
73 the authority to promulgate rules pursuant to this section, section 454.400 and
74 chapter 536 in order to establish criteria for record keeping and performance
75 relating to the effective administration of the child support enforcement program,
76 which shall apply to a city or county office or officer, or multiple county unit, with
77 whom a cooperative agreement is entered. The division may cancel a cooperative
78 agreement with a city or county office if the office fails to comply with the rules
79 established under this subsection, or fails to comply with the terms of the
80 cooperative agreement. The division director shall notify the city or county
81 governing body or officer in writing, setting forth the reason for the
82 cancellation. Notice of cancellation shall be sent by certified mail, return receipt
83 requested, to all city or county signatories of the cooperative agreement, and shall
84 be mailed at least sixty days prior to the effective date of cancellation. Within
85 thirty days of receipt of the notice, the city or county governing body or officer
86 may submit to the director of the **family support** division **[**of child support
87 enforcement**]** objections to the findings of the director, or a proposed plan to bring
88 the city, county or officer into compliance with the cooperative agreement or rules
89 established under this subsection. The director shall respond to the objections
90 or proposed plan prior to the effective date of cancellation.

91 5. At any time after the director determines not to enter into a cooperative
92 agreement under subsection 2 of this section or cancels a cooperative agreement
93 under subsection 4 of this section, the city or county governing body or officer
94 may request that a new cooperative agreement be negotiated. At the time of the
95 request, the city or county governing body or officer shall submit a proposed plan
96 for compliance with a cooperative agreement or with rules established under this
97 section. After the request and submission of the proposed plan, the director may
98 enter into a cooperative agreement with the city or county governing body or
99 officer. The cooperative agreement shall contain the provisions set out in
100 subsection 3 of this section.

101 6. The limitations set out in chapter 56 regarding the salaries and the
102 number of assistant prosecuting attorneys and the stenographic or administrative
103 personnel shall not apply, and the county or city governing body shall appropriate
104 sufficient funds to compensate such additional staff or multiple county unit for
105 implementing the provisions of the child support enforcement program.

106 7. With the approval of the city or county governing body and the director

107 of the **family support** division **[**of child support enforcement**]**, and for the
108 purpose of investigating the child support cases, the prosecuting attorney, circuit
109 attorney or multiple county unit may employ sufficient investigators to properly
110 administer the provisions of the child support enforcement program.

454.408. The **family support** division **[**of child support enforcement**]**:

2 (1) Shall determine whether a person who has applied for or is receiving
3 assistance from a program funded pursuant to Part A or Part E of Title IV of the
4 Social Security Act, Title XIX of the Social Security Act or the Food Stamp Act is
5 cooperating in good faith with the division in establishing the paternity of, or in
6 establishing, modifying or enforcing a support order for any child of such person
7 by providing the division with the name of the noncustodial parent or any other
8 information the division may require. The division may, by regulation, excuse
9 compliance with the provisions of this subsection on a case-by-case basis for good
10 cause or other exceptions as the division may deem to be in the best interest of
11 the child;

12 (2) Shall require as a condition of cooperation that such person supply
13 additional information deemed necessary by the division and appear at any
14 interviews, hearings or legal proceedings;

15 (3) Shall require as a condition of cooperation that such person and such
16 person's child submit to genetic testing pursuant to a judicial or administrative
17 order;

18 (4) May request that such person sign a voluntary acknowledgment of
19 paternity, after notice of the rights and consequences of such an acknowledgment,
20 but may not require such person to sign an acknowledgment or otherwise
21 relinquish the right to a genetic test as a condition of cooperation and eligibility
22 for assistance from a state program funded pursuant to Part A or Part E of Title
23 IV of the Social Security Act, Title XIX of the Social Security Act or the Food
24 Stamp Act; and

25 (5) Shall promptly notify such person, the **family support** division **[**of
26 family services**]**, or the **MO HealthNet** division **[**of medical services**]** of every
27 determination made pursuant to this section, including a determination that such
28 person is not cooperative and the basis for such determination.

454.415. 1. For the purposes of this section, the term "IV-A agency" shall
2 mean:

3 (1) An agency that has been designated by a state to administer programs
4 pursuant to Title IV-A of the Social Security Act;

5 (2) An agency that has been designated by a state to administer programs
6 pursuant to Title IV-D of the Social Security Act; or
7 (3) Any other entity entitled to receive and disburse child support
8 payments in that state.
9 2. When a court has ordered support payments to a person who has made
10 an assignment of support rights to the **family support** division **[**of family
11 services**]** or the IV-A agency of another state on behalf of this or such other state,
12 the **family support** division **[**of child support enforcement**]** shall notify the court.
13 (1) Until October 1, 1999, upon such notice, the court shall order all
14 support payments to be made to the clerk of the court as trustee for the division
15 of family services or the other state's IV-A agency, whichever is appropriate, as
16 assignee of the support rights. The clerk shall forward all support payments to
17 the department of social services, which payments have been identified by the
18 department for deposit in the appropriate fund within the state treasury when
19 assignments have been made to the division of family services. The clerk shall
20 forward support payments to the other state's IV-D agency when assignments
21 have been made to that state's IV-A agency. Notification to the court by the
22 division of child support enforcement of the assignment of support rights shall,
23 in and of itself, authorize the court to make the clerk trustee, notwithstanding
24 any provision of any existing court order, statute, or other law to the contrary,
25 and the court need not hold a hearing on the matter. The amount of the
26 obligation owed to this state or the other state's IV-A agency shall be the amount
27 specified in a court order which covers the assigned rights. The clerk shall keep
28 an accurate record of such orders and such payments and shall note such
29 assignment in the case file in such a manner as to make the fact of the
30 assignment easily discernible.
31 (2) Effective October 1, 1999, support payments are to be made to the
32 payment center pursuant to section 454.530 as trustee for the **family support**
33 division **[**of family services**]** or other state's IV-A agency, whichever is
34 appropriate, as assignee of the support rights. The payment center shall forward
35 all support payments to the state, which payments have been identified by the
36 **family support** division **[**of child support enforcement**]** for deposit in the
37 appropriate fund within the state treasury when assignments have been made to
38 the **family support** division **[**of family services**]**. The payment center shall
39 forward support payments to the other state's IV-D agency when assignments
40 have been made to that state's IV-A agency. Notification to the court by the

41 **family support** division **[**of child support enforcement**]** of the assignment of
42 support rights shall, in and of itself, make the payment center trustee,
43 notwithstanding any provision of any existing court order or state law to the
44 contrary, and the court shall not be required to hold a hearing on the
45 matter. The amount of the obligation owed to this state or the other state's IV-A
46 agency shall be the amount specified in a court order which covers the assigned
47 rights. The payment center shall keep an accurate record of such orders and
48 payments.

49 3. (1) Upon termination of the assignment for any case in which
50 payments are not to be made to the payment center pursuant to section 454.530,
51 the clerk of the court shall continue as trustee for the **family support** division
52 **[**of family services**]** or the other state's IV-A agency for any accrued unpaid
53 support at the time of the termination and as trustee for the obligee for any
54 support becoming due after the termination. If there has been an assignment to
55 the **family support** division **[**of family services**]** and there is no current
56 assignment to another state's IV-A agency, the clerk of the court shall forward to
57 the obligee all payments for support accruing subsequent to the termination and
58 shall forward to the department of social services all payments for support which
59 had accrued and were unpaid at the time of the termination. If there has been
60 an assignment to another state's IV-A agency and there is no current assignment
61 to the **family support** division **[**of family services**]**, the clerk of the court shall
62 continue to forward to that state's IV-D agency all payments for support accruing
63 subsequent to the termination of the assignment as well as all payments for
64 support which had accrued and were unpaid at the time of the
65 termination. When there has been an assignment to the **family support**
66 division **[**of family services**]**, the clerk of the court shall apply payments first to
67 support which has accrued subsequent to the termination, to the extent thereof,
68 and then to support which accrued prior to termination, except such payments
69 collected by the **family support** division **[**of child support enforcement**]** through
70 debt setoff or legal process shall be forwarded to the department of social
71 services, unless the department of social services directs otherwise. After
72 termination of the assignment, the trusteeship may be dissolved upon motion of
73 a party after notice and hearing on behalf of all parties to the proceeding or
74 pursuant to subsections 3 to 7 of section 454.430. Prior to termination of the
75 assignment, no motion may be filed, nor maintained, for the purpose of
76 terminating or abating any trusteeship in favor of the **family support** division

77 **[**of family services**]** or another state's IV-A agency.

78 (2) Effective October 1, 1999, upon termination of the assignment for any
79 case in which payments are to be made to the payment center pursuant to section
80 454.530, the payment center shall continue as trustee for the **family support**
81 division **[**of family services**]** or the other state's IV-A agency for any accrued
82 unpaid support at the time of the termination and as trustee for the obligee for
83 any support coming due after the termination. If there has been an assignment
84 to the **family support** division **[**of family services**]** and there is no current
85 assignment to another state's IV-A agency, the payment center shall forward to
86 the obligee all payments for support which accrue after the termination and shall
87 forward to the **family support** division **[**of child support enforcement**]** all
88 payments for support which had accrued and were unpaid at the time of
89 termination. If there has been an assignment to another state's IV-A agency and
90 there is no current assignment to the **family support** division **[**of family
91 services**]**, the payment center shall continue to forward to that state's IV-D
92 agency all payments for support which accrue after the termination of the
93 assignment as well as all payments for support which had accrued and were
94 unpaid at the time of termination. If there has been an assignment to the **family**
95 **support** division **[**of family services**]**, the payment center shall apply payments
96 first to support which accrues after the termination, to the extent thereof, and
97 then to support which accrued prior to termination; except that such payments
98 collected by the **family support** division **[**of child support enforcement**]** through
99 debt setoff or legal process shall be forwarded to the **family support** division **[**of
100 child support enforcement**]**, unless the division directs otherwise. After
101 termination of the assignment, the trusteeship may be dissolved upon motion of
102 a party after notice and hearing on behalf of all parties to the proceeding or
103 pursuant to subsections 3 to 7 of section 454.430. Prior to termination of the
104 assignment, no motion shall be filed or maintained for the purpose of terminating
105 or abating any trusteeship in favor of the **family support** division **[**of family
106 services**]** or another state's IV-A agency.

107 4. For purposes of this section, "assignment" includes an assignment to
108 the state by a person who has applied or is receiving assistance under a program
109 funded pursuant to Part A of Title IV or Title XIX of the Social Security Act.

454.420. Any legal action necessary to establish or enforce support
2 obligations owed to the state shall be brought by prosecuting attorneys, or other
3 attorneys under cooperative agreement with the **family support** division **[**of

4 child support enforcement**]**, upon being furnished notice by the division of such
5 obligation. If the amount of the support obligation owed to the state has not been
6 determined because no court order exists, the **family support** division **[**of child
7 support enforcement**]** may refer the case to the appropriate prosecuting attorney,
8 or other attorney under cooperative agreement with the division, for
9 establishment and enforcement of a support order or order for
10 reimbursement. When a recipient is no longer eligible for aid to families with
11 dependent children benefits, the assignment shall terminate, unless the recipient
12 and the **family support** division **[**of child support enforcement**]** agree otherwise,
13 except for those unpaid support obligations still owing to the state under the
14 assignment at the time of the discontinuance of aid. Upon referral from the
15 **family support** division **[**of child support enforcement**]**, such unpaid obligations
16 shall be collected by the prosecuting attorney, or other attorney under cooperative
17 agreement with the division, up to the amount of unreimbursed aid paid by the
18 **family support** division **[**of family services**]** prior to or after execution of the
19 assignment of support rights. Moneys collected pursuant to this section shall be
20 paid to the department of social services for deposit in the child support
21 enforcement fund in the state treasury.

454.425. The **family support** division **[**of child support enforcement**]**
2 shall render child support services authorized pursuant to this chapter to persons
3 who are not recipients of public assistance as well as to such recipients. Services
4 may be provided to children, custodial parents, noncustodial parents and other
5 persons entitled to receive support. An application may be required by the
6 division for services and fees may be charged by the division pursuant to 42
7 U.S.C. Section 654 and federal regulations. Services provided under a state plan
8 shall be made available to residents of other states on the same terms as
9 residents of this state. If a family receiving services ceases to receive assistance
10 under a state program funded under Part A of Title IV of the Social Security Act,
11 the division shall provide appropriate notice to such family, and services shall
12 continue under the same terms and conditions as that provided to other
13 individuals under the state plan, except that an application for continued services
14 shall not be required and the requirement for payment of fees shall not apply to
15 the family.

454.430. 1. For the purposes of this section, the term "IV-D agency"
2 means an agency that has been designated by a state to administer programs
3 pursuant to Title IV-D of the Social Security Act or any other entity entitled to

4 receive and disburse child support payments in that state.

5 2. When a court has ordered support payments to a person who is
6 receiving child support services pursuant to section 454.425, or pursuant to
7 application for IV-D agency services in another state, the **family support**
8 division **[**of child support enforcement**]** shall so notify the court. Until October
9 1, 1999, upon such notice the court shall order all support payments to be made
10 to the clerk of the court as trustee for such person. The notification to the court
11 by the division shall, in and of itself, authorize the court to make the clerk
12 trustee, notwithstanding any provision of any existing court order, statute, or
13 other law to the contrary, and the court need not hold a hearing on the
14 matter. The clerk shall keep an accurate record of such orders and such
15 payments, and shall report all such collections to the division in the manner
16 specified by the division. The circuit clerk shall forward all such payments to the
17 person receiving child support services pursuant to section 454.425, or to the IV-D
18 agency in the state in which the person is currently receiving IV-D services, as
19 appropriate. Effective October 1, 1999, upon notice by the division, all support
20 payments shall be made to the payment center pursuant to section 454.530 as
21 trustee for such person. The notification by the division shall, in and of itself,
22 authorize the payment center pursuant to section 454.530 to be trustee,
23 notwithstanding any provision of any existing court order or state law to the
24 contrary, and the court shall not be required to hold a hearing on the
25 matter. The payment center shall keep an accurate record of such orders and
26 payments, and shall report all such collections to the division in a manner
27 specified by the division. The payment center shall forward all such payments
28 to the person receiving child support services pursuant to section 454.425 or to
29 the IV-D agency in the state in which the person is currently receiving IV-D
30 services, as appropriate.

31 3. The division is authorized to terminate trusteeship responsibilities for
32 future support in IV-D cases pursuant to the procedures set forth in this section.
33 If the division determines that the order no longer provides a continuing
34 obligation for support or the custodial party is no longer receiving child support
35 enforcement services, the division shall send a notice of its intent to terminate
36 the trusteeship by regular mail to the custodial and noncustodial parties. The
37 notice shall advise each party that unless written objection is received by the
38 division within fifteen days of the date the notice is sent, the trusteeship for
39 current support shall be terminated. Unless a party objects to the termination

40 of the trusteeship in writing within the specified period, the division shall
41 terminate the trusteeship for current support.
42 4. If an objection is filed by either party to the case, the trusteeship may
43 be terminated for future support only upon the filing of a motion with the court
44 in which the trusteeship is established and after notice to all parties and hearing
45 on the motion.
46 5. If the requirements of subsection 3 of this section have been met, the
47 trusteeship responsibilities for future support shall terminate. The trusteeship
48 shall remain in effect only to the extent that payments are made to satisfy any
49 accrued unpaid support that was due as of the date of the notice. The notice
50 shall, in and of itself, terminate the trusteeship responsibilities for future
51 support, and the court need not hold a hearing on the matter.
52 6. Any party whose trusteeship is terminated pursuant to this section may
53 reopen a trusteeship pursuant to section 452.345.
54 7. Termination of a trusteeship pursuant to this section shall not, in and
55 of itself, constitute a judicial determination as to the rights of a party to receive
56 support or the obligation of a party to pay support pursuant to a support order
57 entered in the case.

454.432. 1. The circuit clerk in a case that is not a IV-D case or the
2 division in a IV-D case shall record credits on the automated child support system
3 records established pursuant to this chapter or chapter 452 for amounts not
4 received by the clerk or the division.
5 2. Credits allowed pursuant to this section shall include, but not be
6 limited to, in-kind payments as provided in this section, amounts collected from
7 an obligor from federal and state income tax refunds, state lottery payments,
8 Social Security payments, unemployment and workers' compensation benefits,
9 income withholdings authorized by law, liens, garnishment actions, abatements
10 pursuant to section 452.340, and any other amounts required to be credited by
11 statute or case law.
12 3. Credits shall be recorded on the trusteeship record for payments
13 received by the **family support** division **[**of child support enforcement**]** and, at
14 the discretion of the **family support** division **[**of child support enforcement**]**, and
15 upon receipt of waivers requested pursuant to subsection 4 of this section, credits
16 may be given on state debt judgments obtained pursuant to subsection 1 of
17 section 454.465 for completion of such activities as job training and education, if
18 mutually agreed upon by the division and the obligor. The circuit clerk shall

19 make such credits upon receipt of paper or electronic notification of the amount
20 of the credit from the division. The division may record the credit or adjust the
21 records to reflect payments and disbursements shown on the trusteeship record
22 when the trusteeship record is contained or maintained in the automated child
23 support system established in this chapter.

24 4. The director of the department of social services shall apply to the
25 United States Secretary of Health and Human Services for all waivers of
26 requirements pursuant to federal law necessary to implement the provisions of
27 subsection 3 of this section.

28 5. Credits shall be entered on the automated child support system for
29 direct and in-kind payments received by the custodial parent when the custodial
30 parent files an affidavit stating the particulars of the direct and in-kind payments
31 to be credited on the court record with the circuit clerk; however, no such credits
32 shall be entered for periods during which child support payments are assigned to
33 the state pursuant to law. Such credits may include, but shall not be limited to,
34 partial and complete satisfaction of judgment for support arrearages.

35 6. Nothing contained in this section shall prohibit satisfaction of judgment
36 as provided for in sections 511.570 to 511.620 and by supreme court rule.

37 7. Application for the federal earned income tax credit shall, when
38 applicable, be required as a condition of participating in the alternative child
39 support credit programs of subsection 3 of this section.

454.433. 1. When a tribunal of another state as defined in section 454.850
2 has ordered support payments to a person who has made an assignment of child
3 support rights to the **family support** division **[**of family services**]** or who is
4 receiving child support services pursuant to section 454.425, the **family support**
5 division **[**of child support enforcement**]** may notify the court of this state in the
6 county in which the obligor, obligee or the child resides or works. Until October
7 1, 1999, upon such notice the circuit clerk shall accept all support payments and
8 remit such payments to the person or entity entitled to receive the
9 payments. Effective October 1, 1999, the division shall order the payment center
10 to accept all support payments and remit such payments to the person or entity
11 entitled to receive the payments.

12 2. Notwithstanding any provision of law to the contrary, the notification
13 to the court by the division shall authorize the court to make the clerk
14 trustee. The clerk shall keep an accurate record of such payments and shall
15 report all collections to the division in the manner specified by the

16 division. Effective October 1, 1999, the duties of the clerk as trustee pursuant to
17 this section shall terminate and all payments shall be made to the payment
18 center pursuant to section 454.530.

454.435. 1. Each prosecuting attorney may enter into a cooperative
2 agreement or may enter into a multiple county agreement to litigate or prosecute
3 any action necessary to secure support for any person referred to such office by
4 the **family support** division **[**of child support enforcement**]** including, but not
5 limited to, reciprocal actions under this chapter, actions to establish, modify and
6 enforce support obligations, actions to enforce medical support obligations ordered
7 in conjunction with a child support obligation, actions to obtain reimbursement
8 for the cost of medical care provided by the state for which an obligor is liable
9 under subsection 9 of section 208.215, and actions to establish the paternity of a
10 child for whom support is sought. In all cases where a prosecuting attorney seeks
11 the establishment or modification of a support obligation, the prosecuting
12 attorney shall, in addition to periodic monetary support, seek and enforce orders
13 from the court directing the obligated parent to maintain medical insurance on
14 behalf of the child for whom support is sought, which insurance shall, in the
15 opinion of the court, be sufficient to provide adequate medical coverage; or to
16 otherwise provide for such child's necessary medical expenses.

17 2. In all cases where a prosecuting attorney has entered into a cooperative
18 agreement to litigate or prosecute an action necessary to secure child support,
19 and an information is not filed or civil action commenced within sixty days of the
20 receipt of the referral from the division, the division may demand return of the
21 referral and the case filed and the prosecuting attorney shall return the referral
22 and the case file. The division may then use any other attorney which it employs
23 or with whom it has a cooperative agreement to establish or enforce the support
24 obligation.

25 3. As used in this section, the term "prosecuting attorney" means, with
26 reference to any city not within a county, the circuit attorney.

27 4. Prosecuting attorneys are hereby authorized to initiate judicial or
28 administrative modification proceedings on IV-D cases at the request of the
29 division.

454.440. 1. As used in this section, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Business" includes any corporation, partnership, association,
4 individual, and labor or other organization including, but not limited to, a public

5 utility or cable company;
6 (2) "Division", the Missouri **family support** division **[**of child support
7 enforcement**]** of the department of social services;
8 (3) "Financial entity" includes any bank, trust company, savings and loan
9 association, credit union, insurance company, or any corporation, association,
10 partnership, or individual receiving or accepting money or its equivalent on
11 deposit as a business;
12 (4) "Government agency", any department, board, bureau or other agency
13 of this state or any political subdivision of the state;
14 (5) "Information" includes, but is not necessarily limited to, the following
15 items:
16 (a) Full name of the parent;
17 (b) Social Security number of the parent;
18 (c) Date of birth of the parent;
19 (d) Last known mailing and residential address of the parent;
20 (e) Amount of wages, salaries, earnings or commissions earned by or paid
21 to the parent;
22 (f) Number of dependents declared by the parent on state and federal tax
23 information and reporting forms;
24 (g) Name of company, policy numbers and dependent coverage for any
25 medical insurance carried by or on behalf of the parent;
26 (h) Name of company, policy numbers and cash values, if any, for any life
27 insurance policies or annuity contracts, carried by or on behalf of, or owned by,
28 the parent;
29 (i) Any retirement benefits, pension plans or stock purchase plans
30 maintained on behalf of, or owned by, the parent and the values thereof, employee
31 contributions thereto, and the extent to which each benefit or plan is vested;
32 (j) Vital statistics, including records of marriage, birth or divorce;
33 (k) Tax and revenue records, including information on residence address,
34 employer, income or assets;
35 (l) Records concerning real or personal property;
36 (m) Records of occupational, professional or recreational licenses or
37 permits;
38 (n) Records concerning the ownership and control of corporations,
39 partnerships or other businesses;
40 (o) Employment security records;

41 (p) Records concerning motor vehicles;
42 (q) Records of assets or liabilities;
43 (r) Corrections records;
44 (s) Names and addresses of employers of parents;
45 (t) Motor vehicle records; and
46 (u) Law enforcement records;
47 (6) "Parent", a biological or adoptive parent, including a presumed or
48 putative father. The word parent shall also include any person who has been
49 found to be such by:
50 (a) A court of competent jurisdiction in an action for dissolution of
51 marriage, legal separation, or establishment of the parent and child relationship;
52 (b) The division under section 454.485;
53 (c) Operation of law under section 210.823; or
54 (d) A court or administrative tribunal of another state.
55 2. For the purpose of locating and determining financial resources of the
56 parents relating to establishment of paternity or to establish, modify or enforce
57 support orders, the division or other state IV-D agency may request and receive
58 information from the federal Parent Locator Service, from available records in
59 other states, territories and the District of Columbia, from the records of all
60 government agencies, and from businesses and financial entities. A request for
61 information from a public utility or cable television company shall be made by
62 subpoena authorized pursuant to this chapter. The government agencies,
63 businesses, and financial entities shall provide information, if known or
64 chronicled in their business records, notwithstanding any other provision of law
65 making the information confidential. In addition, the division may use all
66 sources of information and available records and, pursuant to agreement with the
67 secretary of the United States Department of Health and Human Services, or the
68 secretary's designee, request and receive from the federal Parent Locator Service
69 information pursuant to 42 U.S.C. Sections 653 and 663, to determine the
70 whereabouts of any parent or child when such information is to be used to locate
71 the parent or child to enforce any state or federal law with respect to the
72 unlawful taking or restraining of a child, or of making or enforcing a child
73 custody or visitation order.
74 3. Notwithstanding the provisions of subsection 2 of this section, no
75 financial entity shall be required to provide the information requested by the
76 division or other state IV-D agency unless the division or other state IV-D agency

77 alleges that the parent about whom the information is sought is an officer, agent,
78 member, employee, depositor, customer or the insured of the financial institution,
79 or unless the division or other state IV-D agency has complied with the provisions
80 of section 660.330.

81 4. Any business or financial entity which has received a request from the
82 division or other state IV-D agency as provided by subsections 2 and 3 of this
83 section shall provide the requested information or a statement that any or all of
84 the requested information is not known or available to the business or financial
85 entity, within sixty days of receipt of the request and shall be liable to the state
86 for civil penalties up to one hundred dollars for each day after such sixty-day
87 period in which it fails to provide the information so requested. Upon request of
88 the division or other state IV-D agency, the attorney general shall bring an action
89 in a circuit court of competent jurisdiction to recover the civil penalty. The court
90 shall have the authority to determine the amount of the civil penalty to be
91 assessed.

92 5. Any business or financial entity, or any officer, agent or employee of
93 such entity, participating in good faith in providing information requested
94 pursuant to subsections 2 and 3 of this section shall be immune from liability,
95 civil or criminal, that might otherwise result from the release of such information
96 to the division.

97 6. Upon request of the division or other state IV-D agency, any parent
98 shall complete a statement under oath, upon such form as the division or other
99 state IV-D agency may specify, providing information, including, but not
100 necessarily limited to, the parent's monthly income, the parent's total income for
101 the previous year, the number and name of the parent's dependents and the
102 amount of support the parent provides to each, the nature and extent of the
103 parent's assets, and such other information pertinent to the support of the
104 dependent as the division or other state IV-D agency may request. Upon request
105 of the division or other state IV-D agency, such statements shall be completed
106 annually. Failure to comply with this subsection is a class A misdemeanor.

107 7. The disclosure of any information provided to the business or financial
108 entity by the division or other state IV-D agency, or the disclosure of any
109 information regarding the identity of any applicant for or recipient of public
110 assistance, by an officer or employee of any business or financial entity, or by any
111 person receiving such information from such employee or officer is
112 prohibited. Any person violating this subsection is guilty of a class A

113 misdemeanor.

114 8. Any person who willfully requests, obtains or seeks to obtain
115 information pursuant to this section under false pretenses, or who willfully
116 communicates or seeks to communicate such information to any agency or person
117 except pursuant to this chapter, is guilty of a class A misdemeanor.

118 9. For the protection of applicants and recipients of services pursuant to
119 sections 454.400 to 454.645, all officers and employees of, and persons and
120 entities under contract to, the state of Missouri are prohibited, except as
121 otherwise provided in this subsection, from disclosing any information obtained
122 by them in the discharge of their official duties relative to the identity of
123 applicants for or recipients of services or relating to proceedings or actions to
124 establish paternity or to establish or enforce support, or relating to the contents
125 of any records, files, papers and communications, except in the administration of
126 the child support program or the administration of public assistance, including
127 civil or criminal proceedings or investigations conducted in connection with the
128 administration of the child support program or the administration of public
129 assistance. Such officers, employees, persons or entities are specifically
130 prohibited from disclosing any information relating to the location of one party
131 to another party:

132 (1) If a protective order has been entered against the other party; or

133 (2) If there is reason to believe that such disclosure of information may
134 result in physical or emotional harm to the other party.

135 In any judicial proceedings, except such proceedings as are directly concerned
136 with the administration of these programs, such information obtained in the
137 discharge of official duties relative to the identity of applicants for or recipients
138 of child support services or public assistance, and records, files, papers,
139 communications and their contents shall be confidential and not admissible in
140 evidence. Nothing in this subsection shall be construed to prohibit the circuit
141 clerk from releasing information, not otherwise privileged, from court records for
142 reasons other than the administration of the child support program, if such
143 information does not identify any individual as an applicant for or recipient of
144 services pursuant to sections 454.400 to 454.645. Anyone who purposely or
145 knowingly violates this subsection is guilty of a class A misdemeanor.

454.445. No deposit or other filing fee, court fee, library fee, or fee for
2 making copies of documents shall be required to be paid by the **family support**
3 division **[**of child support enforcement**]**, or any attorney bringing action pursuant

4 to a referral by the **family support** division **[**of child support enforcement**]**, by
5 any circuit clerk or other county or state officer for the filing of any action or
6 document necessary to establish paternity, or to establish, modify or enforce a
7 child support obligation.

454.450. 1. Whenever a custodian of a child, or other person, receives
2 support moneys paid to him or her, which moneys are paid in whole or in part in
3 satisfaction of a support obligation which is owed to the **family support** division
4 **[**of family services pursuant to**] under** subsection 2 of section 454.465, or which
5 has been assigned to the **family support** division **[**of family services pursuant
6 to**] under** subsection 2 of section 208.040, the moneys shall be remitted to the
7 department of social services within ten days of receipt by such custodian or other
8 person. If not so remitted, such custodian or other person shall be indebted to
9 the department in an amount equal to the amount of the support money received
10 and not remitted. By not paying over the moneys to the department, such
11 custodian or other person is deemed, without the necessity of signing any
12 document, to have made an irrevocable assignment to the **family support**
13 division **[**of family services**]** of any support delinquency owed which is not already
14 assigned to the **family support** division **[**of family services**]** or to any support
15 delinquency which may accrue in the future in an amount equal to the amount
16 of the support money retained. The department may utilize any available
17 administrative or legal process to collect the assigned delinquency to effect
18 recoupment and satisfaction of the debt incurred by reason of the failure of such
19 custodian or other person to remit. The department is also authorized to make
20 a setoff to effect satisfaction of the debt by deduction from support moneys in its
21 possession or in the possession of any clerk of the court or other forwarding agent
22 which would otherwise be payable to such custodian or other person for the
23 satisfaction of any support delinquency. Nothing in this section authorizes the
24 department to make a setoff as to current support paid during the month for
25 which the payment is due and owing.

26 2. A custodian of a child, or other person, who has made an assignment
27 of support rights to the **family support** division **[**of family services,**]** shall not
28 make any agreement with any private attorney or other person regarding the
29 collection of assigned support obligations without approval of the department of
30 social services. If any private attorney or other person who in good faith and
31 without knowledge of such assignment collects all or part of the assigned support
32 obligations, any agreement regarding the distribution of the proceeds of the

33 assigned support obligations by such private attorney or other person shall not
34 bind the department; provided, however, the department shall be liable to such
35 private attorney or other person for a fee computed in accordance with subsection
36 3 of this section. When a private attorney or other person has begun to collect a
37 support obligation, and thereafter a notice of assignment of support rights to the
38 division is filed with the court pursuant to section 454.415, notice of such
39 assignment shall be given to that attorney or other person as provided by
40 supreme court rule 43.01.

41 3. (1) Where an assignment of support rights has been made to the
42 **family support** division **[**of family services**]** but notice of such assignment was
43 not filed with the court pursuant to section 454.415, a private attorney who in
44 good faith and without knowledge of such assignment collects all or part of such
45 assigned support obligation shall be awarded by the department a fee of
46 twenty-five percent of the support obligation collected. Such fees shall be paid
47 out of state funds in lieu of federal funds.

48 (2) Where an assignment of support rights has been made to the **family**
49 **support** division **[**of family services**]** and notice of the assignment was not filed
50 with the court pursuant to section 454.415 until after the private attorney has
51 begun collection proceedings, a private attorney who collects assigned support
52 obligations shall be awarded a fee, as the court shall determine, based upon the
53 time expended, but in no event shall the fee exceed twenty-five percent of the
54 support obligation collected.

55 (3) Where no assignment of support rights has been made to the **family**
56 **support** division **[**of family services**]** until after the private attorney has collected
57 any part of the support obligation, no recoupment shall be had by the department
58 of the portion collected, and the fee awarded to the private attorney or other
59 person shall be the fee negotiated between the client and the private attorney or
60 other person.

61 4. A person commits the crime of stealing, as defined by section 570.030,
62 if **[**he**]** **such person** takes, obtains, uses, transfers, conceals, or retains
63 possession of child support payments which have been assigned to the **family**
64 **support** division **[**of family services**]** with the purpose to deprive the division
65 thereof, either without the consent of the division or by means of deceit or
66 coercion.

454.455. 1. In any case wherein an order for child support has been
2 entered and the legal custodian and obligee pursuant to the order relinquishes

physical custody of the child to a caretaker relative without obtaining a modification of legal custody, and the caretaker relative makes an assignment of support rights to the **family support** division **[**of family services**]** in order to receive aid to families with dependent children benefits, the relinquishment and the assignment, by operation of law, shall transfer the child support obligation pursuant to the order to the division in behalf of the state. The assignment shall terminate when the caretaker relative no longer has physical custody of the child, except for those unpaid support obligations still owing to the state pursuant to the assignment at that time.

2. As used in subsection 1 of this section, the term "caretaker relative" includes only those persons listed in subdivision (2) of subsection 1 of section 208.040.

3. If an order for child support has been entered, no assignment of support has been made, and the legal custodian and obligee under the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, or the child is placed by the court in the legal custody of a state agency, the division may, thirty days after the transfer of custody and upon notice to the obligor and obligee, direct the obligor or other payer to change the payee to the caretaker relative or appropriate state agency. An order changing the payee to a caretaker relative shall terminate when the caretaker relative no longer has physical custody of the child, or the state agency is relieved of legal custody, except for the unpaid support obligations still owed to the caretaker relative or the state.

4. If there has been an assignment of support to an agency or division of the state or a requirement to pay through a state disbursement unit, the division may, upon notice to the obligor and obligee, direct the obligor or other payer to change the payee to the appropriate state agency.

454.460. As used in sections 454.400 to 454.560, unless the context clearly indicates otherwise, the following terms mean:

(1) "Court", any circuit court of this state and any court or agency of any other state having jurisdiction to determine the liability of persons for the support of another person;

(2) "Court order", any judgment, decree, or order of any court which orders payment of a set or determinable amount of support money;

(3) "Department", the department of social services of the state of Missouri;

10 (4) "Dependent child", any person under the age of twenty-one who is not
11 otherwise emancipated, self-supporting, married, or a member of the Armed
12 Forces of the United States;
13 (5) "Director", the director of the **family support** division **[**of child
14 support enforcement**]**, or the director's designee;
15 (6) "Division", the **family support** division **[**of child support enforcement**]**
16 of the department of social services of the state of Missouri;
17 (7) "IV-D agency", an agency designated by a state to administer programs
18 under Title IV-D of the Social Security Act;
19 (8) "IV-D case", a case in which services are being provided pursuant to
20 section 454.400;
21 (9) "Obligee", any person, state, or political subdivision to whom or to
22 which a duty of support is owed as determined by a court or administrative
23 agency of competent jurisdiction;
24 (10) "Obligor", any person who owes a duty of support as determined by
25 a court or administrative agency of competent jurisdiction;
26 (11) "Parent", a biological or adoptive parent, including a presumed or
27 putative father. The word parent shall also include any person who has been
28 found to be such by:
29 (a) A court of competent jurisdiction in an action for dissolution of
30 marriage, legal separation, or establishment of the parent and child relationship;
31 (b) The division under section 454.485;
32 (c) Operation of law under section 210.823; or
33 (d) A court or administrative tribunal of another state;
34 (12) "Public assistance", any cash or benefit pursuant to Part IV-A, Part
35 IV-B, Part IV-E, or Title XIX of the federal Social Security Act paid by the
36 department to or for the benefit of any dependent child or any public assistance
37 assigned to the state;
38 (13) "State", any state or political subdivision, territory or possession of
39 the United States, District of Columbia, and the Commonwealth of Puerto Rico;
40 (14) "Support order", a judgment, decree or order, whether temporary,
41 final or subject to modification, issued by a court or administrative agency of
42 competent jurisdiction for the support and maintenance of a child, including a
43 child who has attained the age of majority pursuant to the law of the issuing
44 state, or of the parent with whom the child is living and providing monetary
45 support, health care, child care, arrearages or reimbursement for such child, and

46 which may include related costs and fees, interest and penalties, income
47 withholding, attorneys' fees and other relief.

454.465. 1. For purposes of sections 454.460 to 454.505, a payment of
2 public assistance by the **family support** division **[**of family services**]** to or for the
3 benefit of any dependent child, including any payment made for the benefit of the
4 caretaker of the child, creates an obligation, to be called "state debt", which is due
5 and owing to the department by the parent, or parents, absent from the home
6 where the dependent child resided at the time the public assistance was
7 paid. The amount of the state debt shall be determined as follows:

8 (1) Where there exists a court order directed to a parent which covers that
9 parent's support obligation to a dependent during a period in which the **family**
10 **support** division **[**of family services**]** provided public assistance to or for the
11 benefit of that dependent, the state debt of that parent shall be an amount equal
12 to the obligation ordered by the court, including arrearages and unpaid medical
13 expenses, up to the full amount of public assistance paid; or

14 (2) Where no court order covers a parent's support obligation to a
15 dependent during a period in which the **family support** division **[**of family
16 services**]** provided public assistance to or for the benefit of that dependent, the
17 state debt may be set or reset by the director in an amount not to exceed the
18 amount of public assistance so provided by the **family support** division **[**of
19 family services**]**.

20 2. No agreement between any obligee and any obligor regarding any duty
21 of support, or responsibility therefor, or purporting to settle past, present, or
22 future support obligations either as settlement or prepayment shall act to reduce
23 or terminate any rights of the division to recover from that obligor for public
24 assistance provided.

25 3. The division shall have the right to make a motion to a court or
26 administrative tribunal for modification of any court order creating a support
27 obligation which has been assigned to the **family support** division **[**of family
28 services**]** to the same extent as a party to that action.

29 4. The department, or any division thereof, as designated by the
30 department director is hereby authorized to promulgate such rules pursuant to
31 section 454.400 and chapter 536 as may be necessary to carry out the provisions
32 of this chapter and the requirements of the federal Social Security Act, including,
33 but not necessarily limited to, the opportunity for a hearing to contest an order
34 of the division establishing or modifying support rules for narrowing issues and

35 simplifying the methods of proof at hearings, and establishing procedures for
36 notice and the manner of service to be employed in all proceedings and remedies
37 instituted pursuant to sections 454.460 to 454.505.

38 5. Service pursuant to sections 454.460 to 454.505 may be made on the
39 parent or other party in the manner prescribed for service of process in a civil
40 action, by an authorized process server appointed by the director, or by certified
41 mail, return receipt requested. The director may appoint any uninterested party,
42 including, but not necessarily limited to, employees of the division, to serve such
43 process. For the purposes of this subsection, a parent who refuses receipt of
44 service by certified mail is deemed to have been served.

45 6. Creation of or exemption from a state debt pursuant to this section
46 shall not limit any rights which the department has or may obtain pursuant to
47 common or statutory law, including, but not limited to, those obtained pursuant
48 to an assignment of support rights obtained pursuant to section 208.040.

454.472. No garnishment, withholding, or other financial legal proceeding
2 under chapter 454 to enforce a support order as defined in section 454.460 shall
3 be levied or maintained by the **family support** division **[**of child support
4 enforcement**]** against a party who alleges that no current or unpaid child support
5 is due if, after review of the allegations and evidence, the division determines
6 that no current or unpaid child support is due. The enforcement action may
7 continue pending a review by the division, and the division may only levy an
8 enforcement action if current or unpaid support should later become due and
9 owing. The division shall advise a party to a support obligation being enforced
10 by the division of the amount currently due under the support order and how that
11 amount was calculated upon request.

454.478. In cases where an administrative order is entered pursuant to
2 the provisions of section 454.470 or section 454.476, the director of the **family**
3 **support** division **[**of child support enforcement**]** may, upon petition of the party
4 obligated to pay support and upon good cause shown, order the recipient to
5 furnish the party obligated to pay support with a regular summary of expenses
6 paid by such parent on behalf of the child. The director shall prescribe the form
7 and substance of the summary.

454.490. 1. A true copy of any order entered by the director pursuant to
2 sections 454.460 to 454.997, along with a true copy of the return of service, may
3 be filed with the clerk of the circuit court in the county in which the judgment of
4 dissolution or paternity has been entered, or if no such judgment was entered, in

5 the county where either the parent or the dependent child resides or where the
6 support order was filed. Upon filing, the clerk shall enter the order in the
7 judgment docket. Upon docketing, the order shall have all the force, effect, and
8 attributes of a docketed order or decree of the circuit court, including, but not
9 limited to, lien effect and enforceability by supplementary proceedings, contempt
10 of court, execution and garnishment. Any administrative order or decision of the
11 **family support** division **[**of child support enforcement**]** filed in the office of the
12 circuit clerk of the court shall not be required to be signed by an attorney, as
13 provided by supreme court rule of civil procedures 55.03(a), or required to have
14 any further pleading other than the director's order.

15 2. In addition to any other provision to enforce an order docketed
16 pursuant to this section or any other support order of the court, the court may,
17 upon petition by the division, require that an obligor who owes past due support
18 to pay support in accordance with a plan approved by the court, or if the obligor
19 is subject to such plan and is not incapacitated, the court may require the obligor
20 to participate in work activities.

21 3. In addition to any other provision to enforce an order docketed
22 pursuant to this section or any other support order of the court, division or other
23 IV-D agency, the director may order that an obligor who owes past due support
24 to pay support in accordance with a plan approved by the director, or if the
25 obligor is subject to such plan and is not incapacitated, the director may order the
26 obligor to participate in work activities. The order of the director shall be filed
27 with a court pursuant to subsection 1 of this section and shall be enforceable as
28 an order of the court.

29 4. As used in this section, "work activities" include:

30 (1) Unsubsidized employment;

31 (2) Subsidized private sector employment;

32 (3) Subsidized public sector employment;

33 (4) Work experience (including work associated with the refurbishing of
34 publicly assisted housing) if sufficient private sector employment is not available;

35 (5) On-the-job training;

36 (6) Job search and readiness assistance;

37 (7) Community services programs;

38 (8) Vocational educational training, not to exceed twelve months for any
39 individual;

40 (9) Job skills training directly related to employment;

41 (10) Education directly related to employment for an individual who has
42 not received a high school diploma or its equivalent;
43 (11) Satisfactory attendance at a secondary school or course of study
44 leading to a certificate of general equivalence for an individual who has not
45 completed secondary school or received such a certificate; or
46 (12) The provision of child care services to an individual who is
47 participating in a community service program.

454.495. 1. Until October 1, 1999, when an administrative order has been
2 docketed pursuant to section 454.490, the court shall order all support payments
3 to be made to the circuit clerk as trustee for the division of family services or
4 other person entitled to receive such payments pursuant to the order. The filing
5 of such order by the director shall in and of itself authorize the court to make the
6 circuit clerk the trustee, notwithstanding any existing court order, statute, or
7 other law to the contrary, and the court need not hold a hearing on the
8 matter. The circuit clerk shall:
9 (1) Forward all such payments to the department or other person entitled
10 to receive such payments pursuant to the order;
11 (2) Keep an accurate record of the orders and the payments; and
12 (3) Report all such collections to the department in the manner specified
13 by the department.
14 2. Effective October 1, 1999, and if an administrative order has been
15 docketed pursuant to section 454.490, the payment center pursuant to section
16 454.530 shall be trustee for the **family support** division **[**of family services**]** or
17 other person entitled to receive such payments pursuant to the order. The order
18 by the director shall, in and of itself, authorize the payment center to be the
19 trustee, notwithstanding any existing court order or state law to the contrary, and
20 the court shall not be required to hold a hearing on the matter. The payment
21 center shall:
22 (1) Forward all such payments to the department or other person entitled
23 to receive such payments pursuant to the order;
24 (2) Keep an accurate record of the orders and payments; and
25 (3) Report all such collections to the division in the manner specified by
26 the division.
27 3. As used in this section, "assignment" includes an assignment to the
28 state by a person who has applied for or is receiving assistance under a program
29 funded pursuant to Part A of Title IV or Title XIX of the Social Security Act.

454.496. 1. At any time after the entry of a court order for child support in a case in which support rights have been assigned to the state pursuant to section 208.040, or a case in which support enforcement services are being provided pursuant to section 454.425, the obligated parent, the obligee or the **family support** division **[**of child support enforcement**]** may file a motion to modify the existing child support order pursuant to this section, if a review has first been completed by the director of **[**child support enforcement pursuant to**]** **the family support division under** subdivision (13) of subsection 2 of section 454.400. The motion shall be in writing in a form prescribed by the director, shall set out the reasons for modification and shall state the telephone number and address of the moving party. The motion shall be served in the same manner provided for in subsection 5 of section 454.465 upon the obligated parent, the obligee and the division, as appropriate. In addition, if the support rights are held by the **family support** division **[**of family services**]** on behalf of the state, the moving party shall mail a true copy of the motion by certified mail to the person having custody of the dependent child at the last known address of that person. The party against whom the motion is made shall have thirty days either to resolve the matter by stipulated agreement or to serve the moving party and the director, as appropriate, by regular mail with a written response setting forth any objections to the motion and a request for hearing. When requested, the hearing shall be conducted pursuant to section 454.475 by hearing officers designated by the department of social services. In such proceedings, the hearing officers shall have the authority granted to the director pursuant to subsection 6 of section 454.465.

2. When no objections and request for hearing have been served within thirty days, the director, upon proof of service, shall enter an order granting the relief sought. Copies of the order shall be mailed to the parties within fourteen days of issuance.

3. A motion to modify made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order unless so ordered by the court in which the order is docketed.

4. The only support payments which may be modified are payments accruing subsequent to the service of the motion upon all parties to the motion.

5. The party requesting modification shall have the burden of proving that a modification is appropriate pursuant to the provisions of section 452.370.

6. Notwithstanding the provisions of section 454.490 to the contrary, an

37 administrative order modifying a court order is not effective until the
38 administrative order is filed with and approved by the court that entered the
39 court order. The court may approve the administrative order if no party affected
40 by the decision has filed a petition for judicial review pursuant to sections
41 536.100 to 536.140. After the thirty-day time period for filing a petition of
42 judicial review pursuant to chapter 536 has passed, the court shall render its
43 decision within fifteen days. If the court finds the administrative order should
44 be approved, the court shall make a written finding on the record that the order
45 complies with section 452.340 and applicable supreme court rules and approve
46 the order. If the court finds that the administrative order should not be
47 approved, the court shall set the matter for trial de novo.

48 7. If a petition for judicial review is filed, the court shall review all
49 pleadings and the administrative record, as defined in section 536.130, pursuant
50 to section 536.140. After such review, the court shall determine if the
51 administrative order complies with section 452.340 and applicable supreme court
52 rules. If it so determines, the court shall make a written finding on the record
53 that the order complies with section 452.340 and applicable supreme court rules
54 and approve the order or, if after review pursuant to section 536.140 the court
55 finds that the administrative order does not comply with supreme court rule
56 88.01, the court may select any of the remedies set forth in subsection 5 of section
57 536.140. The court shall notify the parties and the division of any setting
58 pursuant to this section.

59 8. Notwithstanding the venue provisions of chapter 536 to the contrary,
60 for the filing of petitions for judicial review of final agency decisions and
61 contested cases, the venue for the filing of a petition for judicial review contesting
62 an administrative order entered pursuant to this section modifying a judicial
63 order shall be in the court which entered the judicial order. In such cases in
64 which a petition for judicial review has been filed, the court shall consider the
65 matters raised in the petition and determine if the administrative order complies
66 with section 452.340 and applicable supreme court rules. If the court finds that
67 the administrative order should not be approved, the court shall set the matter
68 for trial de novo. The court shall notify the parties and the division of the setting
69 of such proceeding. If the court determines that the matters raised in the
70 petition are without merit and that the administrative order complies with the
71 provisions of section 452.340 and applicable supreme court rules, the court shall
72 approve the order.

454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and 454.475, the obligated parent, the division, or the person or agency having custody of the dependent child may file a motion for modification with the director. Such motion shall be in writing, shall set forth the reasons for modification, and shall state the address of the moving party. The motion shall be served by the moving party in the manner provided for in subsection 5 of section 454.465 upon the obligated parent or the party holding the support rights, as appropriate. In addition, if the support rights are held by the **family support** division **[**of family services**]** on behalf of the state, a true copy of the motion shall be mailed by the moving party by certified mail to the person having custody of the dependent child at the last known address of that person. A hearing on the motion shall then be provided in the same manner, and determinations shall be based on considerations set out in section 454.475, unless the party served fails to respond within thirty days, in which case the director may enter an order by default. If the child for whom the order applies is no longer in the custody of a person receiving public assistance or receiving support enforcement services from the department, or a division thereof, pursuant to section 454.425, the director may certify the matter for hearing to the circuit court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370. If the director does not certify the matter for hearing to the circuit court, service of the motion to modify shall be considered complete upon personal service, or on the date of mailing, if sent by certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the appropriate agent to receive the notice of the motion to modify for the obligee or the obligor, but only in those instances in which the matter is not certified to circuit court for hearing, and only when service of the motion is attempted on the obligee or obligor by certified mail.

2. A motion for modification made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order pending the modification proceeding unless so ordered by the court.

3. Only payments accruing subsequent to the service of the motion for modification upon all named parties to the motion may be modified. Modification may be granted only upon a showing of a change of circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for

37 modification of any child support award, the director, in determining whether or
38 not a substantial change in circumstances has occurred, shall consider all
39 financial resources of both parties, including the extent to which the reasonable
40 expenses of either party are, or should be, shared by a spouse or other person
41 with whom he or she cohabits, and the earning capacity of a party who is not
42 employed. If the application of the guidelines and criteria set forth in supreme
43 court rule 88.01 to the financial circumstances of the parties would result in a
44 change of child support from the existing amount by twenty percent or more, then
45 a prima facie showing has been made of a change of circumstances so substantial
46 and continuing as to make the present terms unreasonable.

47 4. The circuit court may, upon such terms as may be just, relieve a parent
48 from an administrative order entered against that parent because of mistake,
49 inadvertence, surprise, or excusable neglect.

50 5. No order entered pursuant to section 454.476 shall be modifiable
51 pursuant to this section, except that an order entered pursuant to section 454.476
52 shall be amended by the director to conform with any modification made by the
53 court that entered the court order upon which the director based his or her order.

54 6. When the party seeking modifications has met the burden of proof set
55 forth in subsection 3 of this section, then the child support shall be determined
56 in conformity with the criteria set forth in supreme court rule 88.01.

57 7. The last four digits of the Social Security number of the parents shall
58 be recorded on any order entered pursuant to this section. The full Social
59 Security number of each party and each child shall be retained in the manner
60 required by section 509.520.

454.505. 1. In addition to any other remedy provided by law for the
2 enforcement of support, if a support order has been entered, the director shall
3 issue an order directing any employer or other payer of the parent to withhold
4 and pay over to the division, the payment center pursuant to section 454.530 or
5 the clerk of the circuit court in the county in which a trusteeship is or will be
6 established, money due or to become due the obligated parent in an amount not
7 to exceed federal wage garnishment limitations. For administrative child support
8 orders issued pursuant to sections other than section 454.476, the director shall
9 not issue an order to withhold and pay over in any case in which:

10 (1) One of the parties demonstrates, and the director finds, that there is
11 good cause not to require immediate income withholding. For purposes of this
12 subdivision, any finding that there is good cause not to require immediate

13 withholding shall be based on, at least, a written determination and an
14 explanation by the director that implementing immediate wage withholding would
15 not be in the best interests of the child and proof of timely payments of previously
16 ordered support in cases involving the modification of support orders; or
17 (2) A written agreement is reached between the parties that provides for
18 an alternative payment arrangement.
19 If the income of an obligor is not withheld as of the effective date of the support
20 order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such
21 obligor's income shall become subject to withholding pursuant to this section,
22 without further exception, on the date on which the obligor becomes delinquent
23 in maintenance or child support payments in an amount equal to one month's
24 total support obligation.
25 2. An order entered pursuant to this section shall recite the amount
26 required to be paid as continuing support, the amount to be paid monthly for
27 arrearages and the Social Security number of the obligor if available. In addition,
28 the order shall contain a provision that the obligor shall notify the **family**
29 **support** division **[**of child support enforcement**]** regarding the availability of
30 medical insurance coverage through an employer or a group plan, provide the
31 name of the insurance provider when coverage is available, and inform the
32 division of any change in access to such insurance coverage. A copy of section
33 454.460 and this section shall be appended to the order.
34 3. An order entered pursuant to this section shall be served on the
35 employer or other payer either by regular mail or by certified mail, return receipt
36 requested or may be issued through electronic means, and shall be binding on the
37 employer or other payer two weeks after mailing or electronic issuance of such
38 service. A copy of the order and a notice of property exempt from withholding
39 shall be mailed to the obligor at the obligor's last known address. The notice
40 shall advise the obligor that the withholding has commenced and the procedures
41 to contest such withholding pursuant to section 454.475 on the grounds that such
42 withholding or the amount withheld is improper due to a mistake of fact by
43 requesting a hearing thirty days from mailing the notice. At such a hearing the
44 certified copy of the court order and the sworn or certified statement of
45 arrearages shall constitute prima facie evidence that the director's order is valid
46 and enforceable. If a prima facie case is established, the obligor may only assert
47 mistake of fact as a defense. For purposes of this section, "mistake of fact" means
48 an error in the amount of the withholding or an error as to the identity of the

49 obligor. The obligor shall have the burden of proof on such issues. The obligor
50 may not obtain relief from the withholding by paying the overdue support. The
51 employer or other payer shall withhold from the earnings or other income of each
52 obligor the amount specified in the order, and may deduct an additional sum not
53 to exceed six dollars per month as reimbursement for costs, except that the total
54 amount withheld shall not exceed the limitations contained in the federal
55 Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payer
56 shall transmit the payments as directed in the order within seven business days
57 of the date the earnings, money due or other income was payable to the
58 obligor. For purposes of this section, "business day" means a day that state
59 offices are open for regular business. The employer or other payer shall, along
60 with the amounts transmitted, provide the date the amount was withheld from
61 each obligor. If the order does not contain the Social Security number of the
62 obligor, the employer or other payer shall not be liable for withholding from the
63 incorrect obligor.

64 4. If the order is served on a payer other than an employer, it shall be a
65 lien against any money due or to become due the obligated parent which is in the
66 possession of the payer on the date of service or which may come into the
67 possession of the payer after service until further order of the director, except for
68 any deposits held in two or more names in a financial institution.

69 5. The division shall notify an employer or other payer upon whom such
70 an order has been directed whenever all arrearages have been paid in full, and
71 whenever, for any other reason, the amount required to be withheld and paid over
72 to the payment center pursuant to the order as to future pay periods is to be
73 reduced or redirected. If the parent's support obligation is required to be paid
74 monthly and the parent's pay periods are at more frequent intervals, the
75 employer or other payer may, at the request of the obligee or the director,
76 withhold and pay over to the payment center an equal amount at each pay period
77 cumulatively sufficient to comply with the withholding order.

78 6. An order issued pursuant to subsection 1 of this section shall be a
79 continuing order and shall remain in effect and be binding upon any employer or
80 other payer upon whom it is directed until a further order of the director. Such
81 orders shall terminate when all children for whom the support order applies are
82 emancipated or deceased, or the support obligation otherwise ends, and all
83 arrearages are paid. No order to withhold shall be terminated solely because the
84 obligor has fully paid arrearages.

85 7. An order issued pursuant to subsection 1 of this section shall have
86 priority over any other legal process pursuant to state law against the same
87 wages, except that where the other legal process is an order issued pursuant to
88 this section or section 452.350, the processes shall run concurrently, up to
89 applicable wage withholding limitations. If concurrently running wage
90 withholding processes for the collection of support obligations would cause the
91 amounts withheld from the wages of the obligor to exceed applicable wage
92 withholding limitations and includes a wage withholding from another state
93 pursuant to section 454.932, the employer shall first satisfy current support
94 obligations by dividing the amount available to be withheld among the orders on
95 a pro rata basis using the percentages derived from the relationship each current
96 support order amount has to the sum of all current child support
97 obligations. Thereafter, arrearages shall be satisfied using the same pro rata
98 distribution procedure used for distributing current support, up to the applicable
99 limitation. If concurrently running wage withholding processes for the collection
100 of support obligations would cause the amounts withheld from the wages of the
101 obligor to exceed applicable wage withholding limitations and does not include a
102 wage withholding from another state pursuant to section 454.932, the employer
103 shall withhold and pay to the payment center an amount equal to the wage
104 withholding limitations. The payment center shall first satisfy current support
105 obligations by dividing the amount available to be withheld among the orders on
106 a pro rata basis using the percentages derived from the relationship each current
107 support order amount has to the sum of all current child support
108 obligations. Thereafter, arrearages shall be satisfied using the same pro rata
109 distribution procedure used for distributing current support, up to the applicable
110 limitation.

111 8. No employer or other payer who complies with an order entered
112 pursuant to this section shall be liable to the parent, or to any other person
113 claiming rights derived from the parent, for wrongful withholding. An employer
114 or other payer who fails or refuses to withhold or pay the amounts as ordered
115 pursuant to this section shall be liable to the party holding the support rights in
116 an amount equal to the amount which became due the parent during the relevant
117 period and which, pursuant to the order, should have been withheld and paid
118 over. The director is hereby authorized to bring an action in circuit court to
119 determine the liability of an employer or other payer for failure to withhold or
120 pay the amounts as ordered. If a court finds that a violation has occurred, the

121 court may fine the employer in an amount not to exceed five hundred
122 dollars. The court may also enter a judgment against the employer for the
123 amounts to be withheld or paid, court costs and reasonable attorney's fees.

124 9. The remedy provided by this section shall be available where the state
125 or any of its political subdivisions is the employer or other payer of the obligated
126 parent in the same manner and to the same extent as where the employer or
127 other payer is a private party.

128 10. An employer shall not discharge, or refuse to hire or otherwise
129 discipline, an employee as a result of an order to withhold and pay over certain
130 money authorized by this section. If any such employee is discharged within
131 thirty days of the date upon which an order to withhold and pay over certain
132 money is to take effect, there shall arise a rebuttable presumption that such
133 discharge was a result of such order. This presumption shall be overcome only
134 by clear, cogent and convincing evidence produced by the employer that the
135 employee was not terminated because of the order to withhold and pay over
136 certain money. The director is hereby authorized to bring an action in circuit
137 court to determine whether the discharge constitutes a violation of this
138 subsection. If the court finds that a violation has occurred, the court may enter
139 an order against the employer requiring reinstatement of the employee and may
140 fine the employer in an amount not to exceed one hundred fifty dollars. Further,
141 the court may enter judgment against the employer for the back wages, costs,
142 attorney's fees, and for the amount of child support which should have been
143 withheld and paid over during the period of time the employee was wrongfully
144 discharged.

145 11. If an obligor for whom an order to withhold has been issued pursuant
146 to subsection 1 of this section terminates the obligor's employment, the employer
147 shall, within ten days of the termination, notify the division of the termination,
148 shall provide to the division the last known address of the obligor, if known to the
149 employer, and shall provide to the division the name and address of the obligor's
150 new employer, if known. When the division determines the identity of the
151 obligor's new employer, the director shall issue an order to the new employer as
152 provided in subsection 1 of this section.

153 12. If an employer or other payer is withholding amounts for more than
154 one order issued pursuant to subsection 1 of this section, the employer or other
155 payer may transmit all such withholdings which are to be remitted to the same
156 circuit clerk, other collection unit or to the payment center after October 1, 1999,

157 as one payment together with a separate list identifying obligors for whom a
158 withholding has been made and the amount withheld from each obligor so listed,
159 and the withholding date or dates for each obligor.

160 13. For purposes of this section, "income" means any periodic form of
161 payment due to an individual, regardless of source, including wages, salaries,
162 commissions, bonuses, workers' compensation benefits, disability benefits,
163 payments pursuant to a pension or a retirement program, and interest.

164 14. The employer shall withhold funds as directed in the notice, except if
165 an employer receives an income withholding order issued by another state, the
166 employer shall apply the income withholding law of the state of the obligor's
167 principal place of employment in determining:

168 (1) The employer's fee for processing an income withholding order;

169 (2) The maximum amount permitted to be withheld from the obligor's
170 income;

171 (3) The time periods within which the employer shall implement the
172 income withholding order and forward the child support payments;

173 (4) The priorities for withholding and allocating income withheld for
174 multiple child support obligees; and

175 (5) Any withholding terms and conditions not specified in the order.

176 15. If the secretary of the Department of Health and Human Services
177 promulgates a final standard format for an employer income withholding notice,
178 the director shall use such notice prescribed by the secretary.

454.513. 1. Any attorney initiating any legal proceedings at the request
2 of the Missouri **family support** division **[**of child support enforcement**]** shall
3 represent the state of Missouri, department of social services, **family support**
4 division **[**of child support enforcement**]** exclusively. An attorney/client relationship
5 shall not exist between the attorney and any applicant or recipient of child support
6 enforcement services for and on behalf of a child or children, without regard to
7 the name in which legal proceedings are initiated. The provisions of this section
8 shall apply to a prosecuting attorney, circuit attorney, attorney employed by the
9 state or attorney under contract with the **family support** division **[**of child
10 support enforcement**]**.

11 2. An attorney representing the division in a proceeding in which a child
12 support obligation may be established or modified shall, whenever possible, notify
13 an applicant or recipient of child support enforcement services of such
14 proceedings if such applicant or recipient is a party to such a proceeding but is

15 not represented by an attorney.

454.530. 1. On or before October 1, 1999, the **family support** division
2 **[**of child support enforcement**]** shall establish and operate a state disbursement
3 unit to be known as the "Family Support Payment Center" for the receipt and
4 disbursement of payments pursuant to support orders for:

5 (1) All cases enforced by the division pursuant to section 454.400; and

6 (2) Any case required by federal law to be collected or disbursed by the
7 payment center including, but not limited to, cases in which a support order is
8 initially issued on or after January 1, 1994, in which the income of the obligor is
9 subject to withholding; and

10 (3) Beginning July 1, 2001:

11 (a) Any other case with a support order in which payments are ordered
12 or directed by a court or the division to be made to the payment center or in
13 which the income of the obligor is subject to withholding; and

14 (b) Any case prior to July 1, 2001, in which support payments are ordered
15 paid to the clerk of the court as trustee pursuant to section 452.345.

16 2. The family support payment center shall be operated by the division,
17 in conjunction with other state agencies pursuant to a cooperative agreement, or
18 by a contractor responsible directly to the division. Notwithstanding any other
19 provision of law to the contrary, after notice by the division or the court that
20 issued the support order to the obligor that all future payments shall be made to
21 the payment center, the payment center shall become trustee for payments made
22 by parents, employers, states and other entities, and all future payments shall
23 be made to the payment center. The payment center shall disburse payments to
24 custodial parents and other obligees, the state or agencies of other states. If the
25 payment center is operated by a contractor and the contractor receives and
26 disburses the payments, the contractor shall have an annual audit conducted by
27 an independent certified public accountant. The audit will determine whether
28 funds received are disbursed or otherwise accounted for, and make
29 recommendations as to the procedures and changes that the contractor should
30 take to protect the funds received from misappropriation and theft. A copy of the
31 audit shall be delivered to the division, the office of administration and the office
32 of the state courts administrator.

33 3. Except as otherwise provided in sections 454.530 to 454.560, the
34 payment center shall disburse support payments within two business days after
35 receipt from the employer or other source of periodic income, if sufficient

36 information identifying the payee is provided. As used in sections 454.530 to
37 454.560, "business day" means a day state government offices are open for regular
38 business. Disbursement of payments made toward arrearages may be delayed
39 until the resolution of any timely appeal with respect to such arrearage or upon
40 order of a court.

41 4. The family support payment center shall establish an electronic funds
42 transfer system for the transfer of child support payments. Obligees who want
43 electronic transfer of support payments to a designated account shall complete an
44 application for direct deposit and submit it to the family support payment
45 center. The family support payment center may issue an electronic access card
46 for the purpose of disbursing support payments to any obligee not using
47 automated deposit to a designated account. Any person or employer may, without
48 penalty, choose to disburse payments to the payment center by check or draft
49 instead of by electronic transfer.

454.531. 1. Whenever a parent or other person receives support moneys
2 for a child paid to him or her by the **family support** division **[**of child support
3 enforcement pursuant to**]** **under** the provisions of chapter 454, and the division
4 subsequently determines that such payment, through no fault of the division, was
5 erroneously made, either in good faith, or due to fraud or receipt of inaccurate
6 information from the recipient of such support, such parent or other person shall
7 be indebted to the division in an amount equal to the amount of the support
8 money received by the parent or other person for that child. The division may
9 utilize any available administrative or legal process to collect the erroneously
10 paid support to effect recoupment and satisfaction of the debt incurred by reason
11 of the failure of such parent or other person to reimburse the division for such
12 erroneously paid child support. The division is also authorized to make a setoff
13 to effect satisfaction of the debt by deduction from support moneys for that child
14 in its possession or in the possession of any clerk of the court or other forwarding
15 agent which would otherwise be payable to such parent or other person for the
16 satisfaction of any support reimbursement. Nothing in this section authorizes the
17 division to make a setoff as to current support paid during the month for which
18 the payment is due and owing.

19 2. A person commits the crime of stealing, as defined by section 570.030,
20 if he or she knowingly retains possession of child support payments which have
21 been erroneously paid by the division through no fault of the division and the
22 division has requested reimbursement of such support paid, if the purpose is to

23 deprive the division of such reimbursement, either without the consent of the
24 division or by means of deceit or coercion.

454.565. Beginning in 2000, the **family support** division **[**of child
2 support enforcement**]** shall report to the general assembly regarding the family
3 support payment center by December 1, 2000, and by each December first
4 thereafter. Such report shall include recommendations and an analysis of the
5 efficiency and effectiveness of the system.

454.600. As used in sections 454.600 to 454.645, the following terms
2 mean:

3 (1) "Court", any circuit court establishing a support obligation pursuant
4 to an action under this chapter, chapter 210, chapter 211 or chapter 452;

5 (2) "Director", the director of the **family support** division **[**of child
6 support enforcement**]** of the department of social services;

7 (3) "Division", the **family support** division **[**of child support enforcement**]**
8 of the department of social services;

9 (4) "Employer", any individual, organization, agency, business or
10 corporation hiring an obligor for pay;

11 (5) "Health benefit plan", any benefit plan or combination of plans, other
12 than public assistance programs, providing medical or dental care or benefits
13 through insurance or otherwise, including but not limited to health service
14 corporations, as defined in section 354.010; prepaid dental plans, as defined in
15 section 354.700; health maintenance organization plans, as defined in section
16 354.400; and self-insurance plans, to the extent allowed by federal law;

17 (6) "Minor child", a child for whom a support obligation exists under law;

18 (7) "Obligee", a person to whom a duty of support is owed or a person,
19 including any division of the department of social services, who has commenced
20 a proceeding for enforcement of an alleged duty of support or for registration of
21 a support order, regardless of whether the person to whom a duty of support is
22 owed is a recipient of public assistance;

23 (8) "Obligor", a person owing a duty of support or against whom a
24 proceeding for the enforcement of a duty of support or registration of a support
25 order is commenced; and

26 (9) "IV-D case", a case in which support rights have been assigned to the
27 state of Missouri pursuant to section 208.040, or in which the **family support**
28 division **[**of child support enforcement**]** is providing support enforcement services
29 pursuant to section 454.425.

454.700. 1. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and a parent is eligible through employment, under the provisions of the federal Comprehensive Omnibus Budget Reconciliation Act (COBRA) or the provisions of section 376.892, or for health coverage through an insurer or group health plan, any insurers, including group health plans as defined in Section 607(1) of the federal Employee Retirement Income Security Act of 1974, offering, issuing, or renewing policies in this state on or after July 1, 1994, shall:

(1) Permit such parent to enroll under such coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;

(2) Permit enrollment of a child under coverage upon application by the child's other parent, the **family support** division **[**of child support enforcement**]**, the **MO HealthNet** division **[**of medical services**]**, or the tribunal of another state, if the parent required by a court or administrative order to provide health coverage fails to make application to obtain coverage for such child;

(3) Not disenroll or eliminate coverage of a child unless:

(a) The insurer is provided satisfactory written evidence that such court or administrative order is no longer in effect; or

(b) The insurer is provided satisfactory written evidence that the child is or will be enrolled in comparable health coverage through another insurer which will take effect no later than the effective date of the disenrollment; or

(c) The employer or union eliminates family health coverage for all of its employees or members; or

(d) Any available continuation coverage is not elected or the period of such coverage expires.

2. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and the parent is eligible for such health coverage through an employer doing business in Missouri, the employer or union shall:

(1) Permit such parent to enroll under such family coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;

(2) Enroll a child under family coverage upon application by the child's other parent, the **family support** division **[**of child support enforcement**]**, the

37 **MO HealthNet** division **[**of medical services**]**, or a tribunal of another state, if
38 a parent is enrolled but fails to make application to obtain coverage of such child;
39 and
40 (3) Not disenroll or eliminate coverage of any such child unless:
41 (a) The employer or union is provided satisfactory written evidence that
42 such court or administrative order is no longer in effect; or
43 (b) The employer or union is provided satisfactory written evidence that
44 the child is or will be enrolled in comparable health coverage through another
45 insurer which will take effect not later than the effective date of such
46 disenrollment; or
47 (c) The employer or union has eliminated family health coverage for all
48 of its employees or members.
49 3. No insurer may impose any requirements on a state agency, which has
50 been assigned the rights of an individual eligible for medical assistance under
51 chapter 208 and covered for health benefits from the insurer, that are different
52 from requirements applicable to an agent or assignee of any other individual so
53 covered.
54 4. All insurers shall in any case in which a child has health coverage
55 through the insurer of a noncustodial parent:
56 (1) Provide such information to the custodial parent or legal guardian as
57 may be necessary for the child to obtain benefits through such coverage;
58 (2) Permit the custodial parent or legal guardian, or provider, with the
59 custodial parent's approval, to submit claims for covered services without the
60 approval of the noncustodial parent; and
61 (3) Make payment on claims submitted in accordance with subdivision (2)
62 of this subsection directly to the parent, the provider, or the **MO HealthNet**
63 division **[**of medical services**]**.
64 5. The **MO HealthNet** division **[**of medical services**]** may garnish the
65 wages, salary, or other employment income of, and require withholding amounts
66 from state tax refunds, pursuant to section 143.783, to any person who:
67 (1) Is required by court or administrative order to provide coverage of the
68 costs of health services to a child who is eligible for medical assistance under
69 Medicaid; and
70 (2) Has received payment from a third party for the costs of such services
71 to such child, but has not used such payment to reimburse, as appropriate, either
72 the other parent or guardian of such child or the provider of such services, to the

extent necessary to reimburse the **MO HealthNet** division **[**of medical services**]** for expenditures for such costs under its plan. However, claims for current or past due child support shall take priority over claims by the **MO HealthNet** division **[**of medical services**]**.

6. The remedies for the collection and enforcement of medical support established in this section are in addition to and not in substitution for other remedies provided by law and apply without regard to when the order was entered.

454.853. The courts and the **family support** division **[**of child support enforcement**]** are the tribunals of this state.

454.902. (a) The **family support** division **[**of child support enforcement**]** is the state information agency under sections 454.850 to 454.997.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under sections 454.850 to 454.997, and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under sections 454.850 to 454.997, received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and Social Security.

454.1000. As used in sections 454.1000 to 454.1025, the following terms mean:

(1) "Arrearage", the amount created by a failure to provide:

(a) Support to a child pursuant to an administrative or judicial support order; or

6 (b) Support to a spouse if the judgment or order requiring payment of
7 spousal support also requires payment of child support and such spouse is the
8 custodial parent;
9 (2) "Child", a person for whom child support is due pursuant to a support
10 order;
11 (3) "Court", any circuit court of the state that enters a support order or
12 a circuit court in which such order is registered or filed;
13 (4) "Director", the director of the **family support** division **[**of child
14 support enforcement**]**;
15 (5) "Division", the **family support** division **[**of child support enforcement**]**
16 of the department of social services;
17 (6) "IV-D case", a case in which support rights are assigned to the state
18 pursuant to section 208.040 or the division is providing support enforcement
19 services pursuant to section 454.425;
20 (7) "License", a license, certificate, registration or authorization issued by
21 a licensing authority granting a person a right or privilege to engage in a
22 business, occupation, profession, recreation or other related privilege that is
23 subject to suspension, revocation, forfeiture or termination by the licensing
24 authority prior to its date of expiration, except for any license issued by the
25 department of conservation. Licenses include licenses to operate motor vehicles
26 pursuant to chapter 302, but shall not include motor vehicle registrations
27 pursuant to chapter 301;
28 (8) "Licensing authority", any department, except for the department of
29 conservation, division, board, agency or instrumentality of this state or any
30 political subdivision thereof that issues a license. Any board or commission
31 assigned to the division of professional registration is included in the definition
32 of licensing authority;
33 (9) "Obligee":
34 (a) A person to whom payments are required to be made pursuant to a
35 support order; or
36 (b) A public agency of this or any other state which has the right to
37 receive current or accrued support payments or provides support enforcement
38 services pursuant to this chapter;
39 (10) "Obligor", a person who owes a duty of support;
40 (11) "Order suspending a license", an order issued by a court or the
41 director to suspend a license. The order shall contain the name of the obligor,

42 date of birth of the obligor, the type of license and the Social Security number of
43 the obligor;
44 (12) "Payment plan" includes, but is not limited to, a written plan
45 approved by the court or division that incorporates an income withholding
46 pursuant to sections 452.350 and 454.505 or a similar plan for periodic payment
47 of an arrearage, and current and future support, if applicable;
48 (13) "Support order", an order providing a determinable amount for
49 temporary or final periodic payment of support. Such order may include payment
50 of a determinable amount of insurance, medical or other expenses of the child
51 issued by:
52 (a) A court of this state;
53 (b) A court or administrative agency of competent jurisdiction of another
54 state, an Indian tribe, or a foreign country; or
55 (c) The director of the division.

454.1003. 1. A court or the director of the **family support** division **[**of
2 child support enforcement**]** may issue an order, or in the case of a business,
3 professional or occupational license, only a court may issue an order, suspending
4 an obligor's license and ordering the obligor to refrain from engaging in a licensed
5 activity in the following cases:
6 (1) When the obligor is not making child support payments in accordance
7 with a support order and owes an arrearage in an amount greater than or equal
8 to three months support payments or two thousand five hundred dollars,
9 whichever is less, as of the date of service of a notice of intent to suspend such
10 license; or
11 (2) When the obligor or any other person, after receiving appropriate
12 notice, fails to comply with a subpoena of a court or the director concerning
13 actions relating to the establishment of paternity, or to the establishment,
14 modification or enforcement of support orders, or order of the director for genetic
15 testing.
16 2. In any case but a IV-D case, upon the petition of an obligee alleging the
17 existence of an arrearage, a court with jurisdiction over the support order may
18 issue a notice of intent to suspend a license. In a IV-D case, the director, or a
19 court at the request of the director, may issue a notice of intent to suspend.
20 3. The notice of intent to suspend a license shall be served on the obligor
21 personally or by certified mail. If the proposed suspension of license is based on
22 the obligor's support arrearage, the notice shall state that the obligor's license

23 shall be suspended sixty days after service unless, within such time, the obligor:
24 (1) Pays the entire arrearage stated in the notice;
25 (2) Enters into and complies with a payment plan approved by the court
26 or the division; or
27 (3) Requests a hearing before the court or the director.
28 4. In a IV-D case, the notice shall advise the obligor that hearings are
29 subject to the contested case provisions of chapter 536.
30 5. If the proposed suspension of license is based on the alleged failure to
31 comply with a subpoena relating to paternity or a child support proceeding, or
32 order of the director for genetic testing, the notice of intent to suspend shall
33 inform the person that such person's license shall be suspended sixty days after
34 service, unless the person complies with the subpoena or order.
35 6. If the obligor fails to comply with the terms of repayment agreement,
36 a court or the division may issue a notice of intent to suspend the obligor's
37 license.
38 7. In addition to the actions to suspend or withhold licenses pursuant to
39 this chapter, a court or the director of the **family support** division **[**of child
40 support enforcement**]** may restrict such licenses in accordance with the provisions
41 of this chapter.

454.1023. The **family support** division **[**of child support enforcement**]** is
2 hereby authorized, pursuant to a cooperative agreement with the supreme court,
3 to develop procedures which shall permit the clerk of the supreme court to
4 furnish the division, at least once each year, with a list of persons currently
5 licensed to practice law in this state. If any such person has an arrearage in an
6 amount equal to or greater than three months of support payments or two
7 thousand five hundred dollars, the division shall notify the clerk of the supreme
8 court that such person has an arrearage.

454.1027. Notwithstanding any provision of sections 454.1000 to 454.1027
2 to the contrary, the following procedures shall apply between the **family**
3 **support** division **[**of child support enforcement**]** and the department of
4 conservation regarding the suspension of hunting and fishing licenses:
5 (1) The **family support** division **[**of child support enforcement**]** shall be
6 responsible for making the determination whether an individual's license should
7 be suspended based on the reasons specified in section 454.1003, after ensuring
8 that each individual is provided due process, including appropriate notice and
9 opportunity for administrative hearing;

10 (2) If the **family support** division **[**of child support enforcement**]**
11 determines, after completion of all due process procedures available to an
12 individual, that an individual's license should be suspended, the division shall
13 notify the department of conservation. The department or commission shall
14 develop a rule consistent with a cooperative agreement between the **family**
15 **support** division **[**of child support enforcement**]**, the department of conservation
16 and the conservation commission, and in accordance with 42 U.S.C. Section
17 666(a)(16) which shall require the suspension of a license for any person based
18 on the reasons specified in section 454.1003. Such suspension shall remain in
19 effect until the department is notified by the division that such suspension should
20 be stayed or terminated because the individual is now in compliance with
21 applicable child support laws.

454.1029. For obligors that have been making regular child support
2 payments in accordance with an agreement entered into with the **family**
3 **support** division **[**of child support enforcement**]**, the license shall not be
4 suspended while the obligor honors such agreement.

483.163. 1. Each circuit clerk, except the circuit clerk in any city not
2 within a county, shall cooperate with the prosecuting attorney and **family**
3 **support** division **[**of child support enforcement**]** in the investigation and
4 documentation of possible criminal nonsupport pursuant to section 568.040.
5 2. Other provisions of law to the contrary notwithstanding, for the
6 performance of the duties prescribed in subsection 1 of this section, each circuit
7 clerk, except the circuit clerk in any city not within a county, in addition to any
8 other compensation provided by law, shall receive five thousand dollars per year
9 beginning January 1, 1997. Such compensation shall be payable in equal
10 installments in the same manner and at the same time as other compensation is
11 paid to the circuit clerk.
12 3. For every year beginning July 1, 1998, the amount of increased
13 compensation established in subsection 2 of this section shall be adjusted by any
14 salary adjustment authorized pursuant to section 476.405.

487.080. Except as provided in section 487.130 and, notwithstanding any
2 other provision of law to the contrary, the family court shall have exclusive
3 original jurisdiction to hear and determine the following matters:
4 (1) All actions or proceedings governed by chapter 452 including but not
5 limited to dissolution of marriage, legal separation, separate maintenance, child
6 custody and modification actions;

7 (2) Actions for annulment of marriage;
8 (3) Adoption actions and all actions and proceedings conducted pursuant
9 to the provisions of chapter 453;
10 (4) Juvenile proceedings and all actions as provided for in chapter 211;
11 (5) Actions to establish the parent and child relationship, except actions
12 to establish a person as an heir, devisee or trust beneficiary, and all actions
13 provided for in chapter 210;
14 (6) Actions for determination of support duties and for enforcement of
15 support, including actions under the uniform reciprocal enforcement of support
16 act and actions provided for in chapter 454. Family court personnel shall not
17 duplicate any functions performed by the **family support** division **[**of child
18 support enforcement**]** or local prosecuting attorney but shall cooperate with the
19 **family support** division **[**of child support enforcement**]** or the local prosecuting
20 attorney;
21 (7) Adult abuse and child protection actions and all actions provided for
22 in chapter 455;
23 (8) Change of name actions;
24 (9) Marriage license waiting period waivers under chapter 451.

487.150. The administrative judge of the family court, or if none, the
2 presiding judge of each circuit having a family court division or each circuit
3 having a family court division in a county in the circuit may appoint a family
4 court coordinating committee, which shall meet at least quarterly and shall serve
5 as a liaison for the professions, agencies and organizations which utilize or
6 provide services connected with the family court. The committee may be
7 comprised of the following:
8 (1) A family court judge, commissioner and administrator;
9 (2) Two members of the Missouri Bar who are actively engaged in the
10 practice of family law;
11 (3) A representative from the **children's** division **[**of family services**]**;
12 (4) A representative from the division of youth services;
13 (5) Two professional counselors, psychologists or psychiatrists;
14 (6) A representative from a local educational institution;
15 (7) A representative from the general public;
16 (8) A representative from an organized grandparents' association; and
17 (9) A representative from a domestic violence coalition.

513.430. 1. The following property shall be exempt from attachment and

execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was

purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section **[**456.072**]** **456.014**, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan,

that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its **[**division of family**]** **department of social** services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

516.350. 1. Every judgment, order or decree of any court of record of the United States, or of this or any other state, territory or country, except for any judgment, order, or decree awarding child support or maintenance or dividing pension, retirement, life insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment which mandates the making of payments over a period of time or payments in the future, shall be presumed to be paid and satisfied after the expiration of ten years from the date

of the original rendition thereof, or if the same has been revived upon personal service duly had upon the defendant or defendants therein, then after ten years from and after such revival, or in case a payment has been made on such judgment, order or decree, and duly entered upon the record thereof, after the expiration of ten years from the last payment so made, and after the expiration of ten years from the date of the original rendition or revival upon personal service, or from the date of the last payment, such judgment shall be conclusively presumed to be paid, and no execution, order or process shall issue thereon, nor shall any suit be brought, had or maintained thereon for any purpose whatever. An action to emancipate a child, and any personal service or order rendered thereon, shall not act to revive the support order.

2. In any judgment, order, or decree awarding child support or maintenance, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 31, 1982.

3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other employee benefits in connection with a dissolution of marriage, legal separation or annulment, each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date that periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders, or decrees which have not been presumed paid pursuant to subsection 1 of this section as of August 28, 2001.

4. In any judgment, order or decree awarding child support or maintenance, payment duly entered on the record as provided in subsection 1 of this section shall include recording of payments or credits in the automated child support system created pursuant to chapter 454 by the **family support** division **[**of child support enforcement**]** or payment center pursuant to chapter 454.

577.608. 1. The **[**department of public safety**]** **state highways and transportation commission** shall certify or cause to be certified ignition interlock devices required by sections 577.600 to 577.614 and publish a list of approved devices.

2. The **[**department of public safety**]** **commission** shall adopt guidelines

6 for the proper use of the ignition interlock devices in full compliance with sections
7 577.600 to 577.614.
8 3. The **[**department of public safety**]** **commission** shall use information
9 from an independent agency to certify ignition interlock devices on or off the
10 premises of the manufacturer in accordance with the guidelines. The cost of
11 certification shall be borne by the manufacturers of interlock ignition devices. In
12 certifying the devices, those which do not impede the safe operation of the vehicle
13 and which have the fewest opportunities to be bypassed so as to render the
14 provisions of sections 577.600 to 577.614 ineffective shall be certified.
15 4. No model of ignition interlock device shall be certified unless it meets
16 the accuracy requirements specified by the guidelines of the **[**department of public
17 safety**]** **commission**.
18 5. Before certifying any device, the **[**department of public safety**]**
19 **commission** shall consult with the National Highway Traffic Safety
20 Administration regarding the use of ignition interlock devices.

590.040. 1. The POST commission shall set the minimum number of
2 hours of basic training for licensure as a peace officer no lower than four hundred
3 seventy and no higher than six hundred, with the following exceptions:
4 (1) Up to one thousand hours may be mandated for any class of license
5 required for commission by a state law enforcement agency;
6 (2) As few as one hundred twenty hours may be mandated for any class
7 of license restricted to commission as a reserve peace officer with police powers
8 limited to the commissioning political subdivision;
9 (3) Persons validly licensed on August 28, 2001, may retain licensure
10 without additional basic training;
11 (4) Persons licensed and commissioned within a county of the third
12 classification before July 1, 2002, may retain licensure with one hundred twenty
13 hours of basic training if the commissioning political subdivision has adopted an
14 order or ordinance to that effect;
15 (5) Persons serving as a reserve officer on August 27, 2001, within a
16 county of the first classification or a county with a charter form of government
17 and with more than one million inhabitants on August 27, 2001, having
18 previously completed a minimum of one hundred sixty hours of training, shall be
19 granted a license necessary to function as a reserve peace officer only within such
20 county. For the purposes of this subdivision, the term "reserve officer" shall
21 mean any person who serves in a less than full-time law enforcement capacity,

22 with or without pay and who, without certification, has no power of arrest and
23 who, without certification, must be under the direct and immediate
24 accompaniment of a certified peace officer of the same agency at all times while
25 on duty; and

26 (6) The POST commission shall provide for the recognition of basic
27 training received at law enforcement training centers of other states, the military,
28 the federal government and territories of the United States regardless of the
29 number of hours included in such training and shall have authority to require
30 supplemental training as a condition of eligibility for licensure.

31 2. The director shall have the authority to limit any exception provided
32 in subsection 1 of this section to persons remaining in the same commission or
33 transferring to a commission in a similar jurisdiction.

34 3. The basic training of every peace officer, except agents of the
35 conservation commission, shall include at least thirty hours of training in the
36 investigation and management of cases involving domestic and family
37 violence. Such training shall include instruction, specific to domestic and family
38 violence cases, regarding: report writing; physical abuse, sexual abuse, child
39 fatalities and child neglect; interviewing children and alleged perpetrators; the
40 nature, extent and causes of domestic and family violence; the safety of victims,
41 other family and household members and investigating officers; legal rights and
42 remedies available to victims, including rights to compensation and the
43 enforcement of civil and criminal remedies; services available to victims and their
44 children; the effects of cultural, racial and gender bias in law enforcement; and
45 state statutes. Said curriculum shall be developed and presented in consultation
46 with the department of health and senior services, the **children's** division **[**of
47 family services**]**, public and private providers of programs for victims of domestic
48 and family violence, persons who have demonstrated expertise in training and
49 education concerning domestic and family violence, and the Missouri coalition
50 against domestic violence.

595.030. 1. No compensation shall be paid unless the claimant has
2 incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous
3 weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall
4 mean unreimbursed or unreimbursable expenses or indebtedness reasonably
5 incurred:

6 (1) For medical care or other services, including psychiatric, psychological
7 or counseling expenses, necessary as a result of the crime upon which the claim

is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the **children's** division **[**of family services**]** personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337; or

(4) Professional counselor licensed pursuant to chapter 337.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss,

44 together with loss of earnings or support from gainful employment, not to exceed
45 two hundred dollars per week, resulting from such injury or death. In the event
46 of death of the victim, an award may be made for reasonable and necessary
47 expenses actually incurred for preparation and burial not to exceed five thousand
48 dollars.

49 6. Any compensation for loss of earnings or support from gainful
50 employment shall be in an amount equal to the actual loss sustained not to
51 exceed two hundred dollars per week; provided, however, that no award pursuant
52 to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two
53 or more persons are entitled to compensation as a result of the death of a person
54 which is the direct result of a crime or in the case of a sexual assault, the
55 compensation shall be apportioned by the department of public safety among the
56 claimants in proportion to their loss.

57 7. The method and timing of the payment of any compensation pursuant
58 to sections 595.010 to 595.075 shall be determined by the department.

595.036. 1. **For any claim filed on or after August 28, 2014,** any
2 party aggrieved by a decision of the department **of public safety** on a claim
3 under the provisions of sections 595.010 to **[**595.070**]** **595.075** may, within thirty
4 days following the date of notification **[**of mailing**]** of such decision, file a petition
5 with the **[**division of workers' compensation of the department of labor and
6 industrial relations**]** **department** to have such decision heard de novo by **[**an
7 administrative law judge**]** **the director**. The **[**administrative law judge**]**
8 **director** may affirm**[**,**]** **or** reverse**[**, or set aside**]** the **department's** decision **[**of
9 the department of public safety**]** on the basis of the evidence previously submitted
10 in such case or may take additional evidence **[**or may remand the matter to the
11 department of public safety with directions**]** **in reviewing the decision**. The
12 **[**division of workers' compensation**]** **department** shall promptly notify the
13 **[**parties**]** **party** of its decision and the reasons therefor.

14 2. Any **[**of the parties to a decision of an administrative law judge of the
15 division of workers' compensation, as provided by subsection 1 of this section, on
16 a claim heard under the provisions of sections 595.010 to 595.070**]** **party**
17 **aggrieved by the department's decision** may, within thirty days following
18 the date of notification **[**or mailing**]** of such decision, file a petition with the **[**labor
19 and industrial relations**]** **administrative hearing** commission to **[**have**]** **appeal**
20 such decision **[**reviewed by the commission. The commission may allow or deny
21 a petition for review. If a petition is allowed, the commission may affirm, reverse,

22 or set aside the decision of the division of workers' compensation on the basis of
23 the evidence previously submitted in such case or may take additional evidence
24 or may remand the matter to the division of workers' compensation with
25 directions. The commission shall promptly notify the parties of its decision and
26 the reasons therefor.

27 3. Any petition for review filed pursuant to subsection 1 of this section
28 shall be deemed to be filed as of the date endorsed by the United States Postal
29 Service on the envelope or container in which such petition is received.

30 4. Any party who is aggrieved by a final decision of the labor and
31 industrial relations commission pursuant to the provisions of subsections 2 and
32 3 of this section shall within thirty days from the date of the final decision appeal
33 the decision to the court of appeals. Such appeal may be taken by filing notice
34 of appeal with commission, whereupon the commission shall, under its certificate,
35 return to the court all documents and papers on file in the matter, together with
36 a transcript of the evidence, the findings and award, which shall thereupon
37 become the record of the cause. Upon appeal no additional evidence shall be
38 heard and, in the absence of fraud, the findings of fact made by the commission
39 within its powers shall be conclusive and binding. The court, on appeal, shall
40 review only questions of law and may modify, reverse, remand for rehearing, or
41 set aside the award upon any of the following grounds and no other:

42 (1) That the commission acted without or in excess of its powers;

43 (2) That the award was procured by fraud;

44 (3) That the facts found by the commission do not support the award;

45 (4) That there was not sufficient competent evidence in the record to
46 warrant the making of the award**] as provided in section 621.275**.

595.037. 1. All information submitted to the department **[**or division of
2 workers' compensation**]** and any hearing of the **[**division of workers' compensation**]**
3 **department** on a claim filed pursuant to sections 595.010 to 595.075 shall be open
4 to the public except for the following claims which shall be deemed closed and
5 confidential:

6 (1) A claim in which the alleged assailant has not been brought to trial
7 and disclosure of the information or a public hearing would adversely affect either
8 the apprehension, or the trial, of the alleged assailant;

9 (2) A claim in which the offense allegedly perpetrated against the victim
10 is rape, sodomy or sexual abuse and it is determined by the department **[**or
11 division of workers' compensation**]** to be in the best interest of the victim or of the

12 victim's dependents that the information be kept confidential or that the public
13 be excluded from the hearing;
14 (3) A claim in which the victim or alleged assailant is a minor; or
15 (4) A claim in which any record or report obtained by the department **[**or
16 division of workers' compensation**]**, the confidentiality of which is protected by
17 any other law, shall remain confidential subject to such law.
18 2. The department **[**and division of workers' compensation, by separate
19 order,**]** may close any record, report or hearing if it determines that the interest
20 of justice would be frustrated rather than furthered if such record or report was
21 disclosed or if the hearing was open to the public.

595.060. The director shall promulgate rules and regulations necessary
2 to implement the provisions of sections 595.010 to 595.220 as provided in this
3 section and chapter 536. **[**In the performance of its functions under section
4 595.036, the division of workers' compensation is authorized to promulgate rules
5 pursuant to chapter 536 prescribing the procedures to be followed in the
6 proceedings under section 595.036.**]** Any rule or portion of a rule, as that term is
7 defined in section 536.010, that is created under the authority delegated in this
8 section shall become effective only if it complies with and is subject to all of the
9 provisions of chapter 536 and, if applicable, section 536.028. This section and
10 chapter 536 are nonseverable and if any of the powers vested with the general
11 assembly pursuant to chapter 536 to review, to delay the effective date, or to
12 disapprove and annul a rule are subsequently held unconstitutional, then the
13 grant of rulemaking authority and any rule proposed or adopted after August 28,
14 2009, shall be invalid and void.

610.029. 1. A public governmental body keeping its records in an
2 electronic format is strongly encouraged to provide access to its public records to
3 members of the public in an electronic format. A public governmental body is
4 strongly encouraged to make information available in usable electronic formats
5 to the greatest extent feasible. A public governmental body **[**may**]** **shall** not enter
6 into a contract for the creation or maintenance of a public records database if that
7 contract impairs the ability of the public to inspect or copy the public records of
8 that agency, including public records that are online or stored in an electronic
9 record-keeping system used by the agency. Such contract **[**may**]** **shall** not allow
10 any impediment that as a practical matter makes it more difficult for the public
11 to inspect or copy the records than to inspect or copy the public governmental
12 body's records. For purposes of this section, a usable electronic format shall

13 allow, at a minimum, viewing and printing of records. However, if the public
14 governmental body keeps a record on a system capable of allowing the copying of
15 electronic documents into other electronic documents, the public governmental
16 body shall provide data to the public in such electronic format, if requested. The
17 activities authorized pursuant to this section **[**may**]** **shall** not take priority over
18 the primary responsibilities of a public governmental body. For purposes of this
19 section the term "electronic services" means online access or access via other
20 electronic means to an electronic file or database. This subsection shall not apply
21 to contracts initially entered into before August 28, 2004.

22 2. Public governmental bodies shall include in a contract for electronic
23 services provisions that:

24 (1) Protect the security and integrity of the information system of the
25 public governmental body and of information systems that are shared by public
26 governmental bodies; and

27 (2) Limit the liability of the public governmental body providing the
28 services.

29 3. Each public governmental body may consult with the **[**division of data
30 processing and telecommunications**]** **information technology services division**
31 of the office of administration to develop the electronic services offered by the public
32 governmental body to the public pursuant to this section.

610.120. 1. Records required to be closed shall not be destroyed; they
2 shall be inaccessible to the general public and to all persons other than the
3 defendant except as provided in this section and section 43.507. The closed
4 records shall be available to: criminal justice agencies for the administration of
5 criminal justice pursuant to section 43.500, criminal justice employment,
6 screening persons with access to criminal justice facilities, procedures, and
7 sensitive information; to law enforcement agencies for issuance or renewal of a
8 license, permit, certification, or registration of authority from such agency
9 including but not limited to watchmen, security personnel, private investigators,
10 and persons seeking permits to purchase or possess a firearm; those agencies
11 authorized by section 43.543 to submit and when submitting fingerprints to the
12 central repository; the sentencing advisory commission created in section 558.019
13 for the purpose of studying sentencing practices in accordance with section
14 43.507; to qualified entities for the purpose of screening providers defined in
15 section 43.540; the department of revenue for driver license administration; the
16 **[**division of workers' compensation**]** **department of public safety** for the

17 purposes of determining eligibility for crime victims' compensation pursuant to
18 sections 595.010 to 595.075, department of health and senior services for the
19 purpose of licensing and regulating facilities and regulating in-home services
20 provider agencies and federal agencies for purposes of criminal justice
21 administration, criminal justice employment, child, elderly, or disabled care, and
22 for such investigative purposes as authorized by law or presidential executive
23 order.

24 2. These records shall be made available only for the purposes and to the
25 entities listed in this section. A criminal justice agency receiving a request for
26 criminal history information under its control may require positive identification,
27 to include fingerprints of the subject of the record search, prior to releasing closed
28 record information. Dissemination of closed and open records from the Missouri
29 criminal records repository shall be in accordance with section 43.509. All
30 records which are closed records shall be removed from the records of the courts,
31 administrative agencies, and law enforcement agencies which are available to the
32 public and shall be kept in separate records which are to be held confidential and,
33 where possible, pages of the public record shall be retyped or rewritten omitting
34 those portions of the record which deal with the defendant's case. If retyping or
35 rewriting is not feasible because of the permanent nature of the record books,
36 such record entries shall be blacked out and recopied in a confidential book.

620.010. 1. There is hereby created a "Department of Economic
2 Development" to be headed by a director appointed by the governor, by and with
3 the advice and consent of the senate. All of the general provisions, definitions
4 and powers enumerated in section 1 of the Omnibus State Reorganization Act of
5 1974 shall continue to apply to this department and its divisions, agencies and
6 personnel.

7 2. The powers, duties and functions vested in the public service
8 commission, chapters 386, 387, 388, 389, 390, 392, 393, and others, and the
9 administrative hearing commission, sections 621.015 to 621.198 and others, are
10 transferred by type III transfers to the department of economic development. The
11 director of the department is directed to provide and coordinate staff and
12 equipment services to these agencies in the interest of facilitating the work of the
13 bodies and achieving optimum efficiency in staff services common to all the
14 bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of
15 the public service commission from presenting additional budget requests or from
16 explaining or clarifying its budget requests to the governor or general assembly.

17 3. The powers, duties and functions vested in the office of the public
18 counsel are transferred by type III transfer to the department of economic
19 development. Funding for the general counsel's office shall be by general
20 revenue.

21 4. The public service commission is authorized to employ such staff as it
22 deems necessary for the functions performed by the general counsel other than
23 those powers, duties and functions relating to representation of the public before
24 the public service commission.

25 5. All the powers, duties and functions vested in the tourism commission,
26 chapter 258 and others, are transferred to the "Division of Tourism", which is
27 hereby created, by type III transfer.

28 6. All the powers, duties and functions of the department of community
29 affairs, chapter 251 and others, not otherwise assigned, are transferred by type
30 I transfer to the department of economic development, and the department of
31 community affairs is abolished. The director of the department of economic
32 development may assume all the duties of the director of community affairs or
33 may establish within the department such subunits and advisory committees as
34 may be required to administer the programs so transferred. The director of the
35 department shall appoint all members of such committees and heads of subunits.

36 7. The state council on the arts, chapter 185 and others, is transferred by
37 type II transfer to the department of economic development, and the members of
38 the council shall be appointed by the director of the department.

39 8. The Missouri housing development commission, chapter 215, is
40 assigned to the department of economic development, but shall remain a
41 governmental instrumentality of the state of Missouri and shall constitute a body
42 corporate and politic.

43 9. All the authority, powers, duties, functions, records, personnel,
44 property, matters pending and other pertinent vestiges of the division of
45 manpower planning of the department of social services are transferred by a type
46 I transfer to the "Division of **[**Job Development and Training**]** **Workforce**
47 **Development**", which is hereby created, within the department of economic
48 development. The division of manpower planning within the department of social
49 services is abolished. The provisions of section 1 of the Omnibus State
50 Reorganization Act of 1974, Appendix B, relating to the manner and procedures
51 for transfers of state agencies shall apply to the transfers provided in this section.

52 10. **All the authority, powers, functions, records, personnel,**

53 **property, contracts, matters pending and other pertinent vestiges of the**
54 **division of employment security within the department of labor and**
55 **industrial relations related to job training and labor exchange that are**
56 **funded with or based upon Wagner-Peyser funds, and other federal and**
57 **state workforce development programs administered by the division of**
58 **employment security are transferred by a type I transfer to the division**
59 **of workforce development within the department of economic**
60 **development.**

61 **11.** Any rule or portion of a rule, as that term is defined in section
62 536.010, that is created under the authority delegated in this section shall
63 become effective only if it complies with and is subject to all of the provisions of
64 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
65 nonseverable and if any of the powers vested with the general assembly pursuant
66 to chapter 536 to review, to delay the effective date, or to disapprove and annul
67 a rule are subsequently held unconstitutional, then the grant of rulemaking
68 authority and any rule proposed or adopted after August 28, 2008, shall be
69 invalid and void.

[288.270.**]** **620.484.** The provisions of the Wagner-Peyser Act (29 U.S.C.A.
2 Sec. 49 et seq.), as amended, are hereby accepted by this state and the division
3 of **[**employment security**]** **workforce development of the department of**
4 **economic development** is hereby designated and constituted the agency of this
5 state for the purposes of said act. The division shall establish and maintain free
6 public employment offices in such number and in such places as may be necessary
7 for the proper administration of this chapter and for the purposes of performing
8 such functions as are within the purview of the Wagner-Peyser Act.

620.490. The department of economic development shall promulgate rules
2 providing for the coordination of state and federal job training resources
3 administered by the department of economic development, including the **[**service
4 delivery**]** **local workforce investment** areas established in the state to
5 administer federal funds pursuant to the federal **[**Job Training Partnership**]**
6 **Workforce Investment** Act or its successor, for the provision of assistance to
7 businesses in this state relating to the creation of new jobs in the state. The
8 department shall include in these rules the methods to be followed by any
9 business engaged in the creation of new jobs in state to ensure that economically
10 disadvantaged citizens receive opportunities for employment in the new jobs
11 created. No rule or portion of a rule promulgated pursuant to the authority of

12 this section shall become effective unless it has been promulgated pursuant to the
13 provisions of section 536.024.

620.556. As used in sections 620.552 to 620.574 the following terms mean:

2 (1) "Corps" and "youth corps", the Missouri youth service and conservation
3 corps;

4 (2) "Division", the division of **[**job development and training**]** **workforce**
5 **development** within the department of economic development;

6 (3) **"Local workforce investment boards", the local workforce**
7 **investment boards established under Section 117 of the Workforce**
8 **Investment Act, Public Law 105-220, as amended, or any other**
9 **succeeding administrative body established by subsequent federal**
10 **legislation to provide for the local administration and expenditure of**
11 **funding for employment and job training and approved by the division**
12 **of workforce development;**

13 **(4)** "Participant", a person who has been hired, or who has been accepted
14 as a volunteer, and who meets the program eligibility criteria established by
15 sections 620.552 to 620.574;

16 **[**(4) "Private industry council", the private industry councils established
17 pursuant to the Job Training Partnership Act, Public Law 97-300, as amended,
18 or any other succeeding administrative body established by subsequent federal
19 legislation to provide for the local administration and expenditure of funding for
20 employment and job training and approved by the division of job training and
21 development;**]**

22 (5) "Project", an undertaking designed to provide or assist in providing
23 services to promote conservation, public health, education and welfare among the
24 general population. The term includes, but is not limited to:

25 (a) The rehabilitation of substandard housing;

26 (b) The repair, restoration and maintenance of public facilities and
27 amenities;

28 (c) Assistance with the organization and delivery of educational and
29 health services;

30 (d) Assistance for the elderly homebound;

31 (e) Delivery of food to the hungry and elderly;

32 (f) Restoration or development of park facilities;

33 (g) Trail construction and maintenance;

34 (h) Litter control;

35 (i) Land and soil conservation and rehabilitation;
36 (j) Road repair;
37 (k) Land reclamation;
38 (l) Reforestation; and
39 (m) Other undertakings which benefit the control, management,
40 restoration and conservation of the bird, fish, game, forestry, or wildlife resources,
41 and soil or water resources of this state;
42 (6) "Project sponsor", state agencies, including the departments of
43 elementary and secondary education, social services, labor and industrial
44 relations, conservation, and natural resources and the University of Missouri
45 extension system; any unit of local government, including school districts; private
46 not-for-profit corporations or organizations; administrative entities designated
47 pursuant to the requirements of the **[**Job Training Partnership**]** **Workforce**
48 **Investment** Act and any subsequent amendments; and community-based
49 organizations.

620.558. 1. The Missouri youth service and conservation corps shall
2 consist of the following programs:
3 (1) A year-round community services and conservation program for young
4 adults;
5 (2) A summer employment program;
6 (3) A volunteer program for youths.
7 2. In selecting participants for the youth service and conservation corps,
8 the director of the division shall give preference to persons who are high school
9 dropouts and who are at risk of not graduating from high school. The director
10 may segregate programs and funds to serve such persons to enhance the
11 efficiency of administering any federal **[**Job Training Partnership**]** **Workforce**
12 **Investment** Act funds which are available to the youth service and conservation
13 corps.
14 3. Residents of both urban and rural areas of the state shall be eligible
15 to apply to participate in the youth service and conservation corps. No person
16 who has been convicted of a felony within the previous two years shall be eligible
17 to participate in the youth service and conservation corps. Participants shall be
18 unemployed at the time of their enrollment.

620.560. 1. The community services and conservation program for young
2 adults shall consist of projects offering participants paid work experience
3 integrated with educational activities which may include, but is not limited to,

4 employability skills training and educational remediation activities.
5 2. Participants who are high school dropouts shall work toward the
6 completion of their graduate equivalency diploma and shall be excused from work
7 according to a planned work schedule proposed by the project sponsor and
8 approved by the division of **[**job development and training**]** **workforce**
9 **development** in its review of a project application, to allow them to attend
10 classes or gain instruction. The division of **[**job development and training**]**
11 **workforce development** shall work with the department of elementary and
12 secondary education to establish criteria for determining participants who may
13 be at risk of not earning a high school diploma. Participants who meet these
14 criteria shall be required to attend remediation classes designed to assist in the
15 retention and successful completion of high school according to a planned work
16 schedule proposed by the project sponsor and approved by the division in its
17 review of a project application. All participants shall be paid a wage according
18 to a work plan approved by the division, and commensurate with the number of
19 hours worked by the participant. During the last three weeks of employment, all
20 participants may be granted eight hours of paid time each week to search for
21 permanent employment.

620.562. 1. The summer employment program shall consist of projects
2 offering needed paid work experience integrated with educational activities which
3 may include, but is not limited to, employability skills training and educational
4 remediation activities. Participants shall be unemployed at the time of their
5 enrollment.
6 2. Participants in the program shall be paid a wage according to a work
7 plan approved by the division of **[**job development and training**]** **workforce**
8 **development**, and commensurate with the number of hours worked by the
9 participant. If participants are high school dropouts, they shall be required to
10 work toward the completion of their graduate equivalency diploma while
11 employed in the summer employment and remediation program. The division of
12 **[**job development and training**]** **workforce development** shall work with the
13 department of elementary and secondary education to establish criteria for
14 determining participants who may be at risk of not earning a high school
15 diploma. Participants who meet these criteria shall be required to attend
16 remediation classes designed to assist in the retention and successful completion
17 of high school.

620.566. 1. The division of **[**job development and training**]** **workforce**

2 **development** within the department of economic development is hereby
3 authorized to administer the Missouri youth service and conservation corps
4 programs and adopt rules and regulations governing their operation and
5 participation requirements.

6 2. The division shall cooperate with and may directly contract with all
7 state agencies, local units of government and any of the governor's advisory
8 councils or commissions, or their successor agencies, and with private
9 not-for-profit organizations in delivery of youth corps programs. For purposes of
10 this section, the contracting process of the division with these entities need not
11 be governed by the provisions of chapter 34.

12 3. Upon application to the division and subject to the availability of funds,
13 the division is authorized to provide funding assistance through contracts with
14 administrative entities, designated pursuant to the **[**Job Training Partnership**]**
15 **Workforce Investment** Act and any subsequent amendments, and project
16 sponsors. The application shall form the basis for the contract agreement and,
17 at a minimum, shall include:

18 (1) A general project description, including the extent to which it satisfies
19 community development or resource conservation objectives and whether or not
20 such objectives are stated within any municipal, county, regional or state agency
21 plan;

22 (2) The number of corps members to be assigned to each project, a
23 description of the nature and duration of their employment or volunteer work,
24 and a description of combinations or sequences of education or vocational training
25 to be provided;

26 (3) The amount of total funds required to sustain the project,
27 distinguishing between the amounts required for corps members' wages and
28 stipends, if any, and the amounts required for other purposes;

29 (4) A statement of the amount and purpose of funding assistance
30 requested from the division and the manner and timing of its disbursement;

31 (5) A description of the interagency coordination, technical assistance and
32 financial support which together with the funding assistance, the resources of the
33 applicant and support from any other source, is sufficient to ensure the success
34 of the project. The commitment of financial support from the project sponsor
35 shall be equal to or greater than twenty-five percent of the amount of the total
36 project cost.

37 4. An application shall only be submitted to the division after review by

38 the private industry council operating within the service delivery area in which
39 the project is to be located, regardless of the actual project sponsor. It shall
40 include the signatures of the [private industry council chairman] **workforce**
41 **investment board chairperson** and the designated chief local elected official
42 of the [service delivery] **local workforce investment** area.

43 5. The division shall ensure that all affected state agencies are made
44 aware of the application and are provided the opportunity to offer comments
45 related to the project feasibility, including the identification of other available
46 funds for the project.

620.570. 1. The Missouri training and employment council, as established
2 in section 620.523, shall review and recommend criteria for evaluating project
3 funding assistance, program criteria, and other requirements and priorities to be
4 used by the division in the evaluation and monitoring of Missouri youth service
5 and conservation corps projects.

6 2. The division shall work with the department of higher education, the
7 department of elementary and secondary education, all colleges, universities and
8 lending institutions throughout the state to develop a system of academic credit,
9 tuition grants and deferred loan repayment incentives for young adults who enroll
10 and complete participation in corps programs. The division shall adopt rules
11 under chapter 536 designed to implement any such incentive programs.

12 3. The **division of workforce development of the** department of
13 economic development [and the department of labor and industrial relations]
14 shall establish and promote the recruitment of "Show-Me Employers" which shall
15 consist of Missouri-based corporations and businesses agreeing to interview, for
16 entry-level jobs, participants successfully completing a youth corps program.

17 4. The division of [employment security within the department of labor
18 and industrial relations] **workforce development of the department of**
19 **economic development** shall recognize and promote within the labor exchange
20 system the youth service corps and the potential benefits of hiring participants
21 who have successfully completed any of the corps' programs.

620.572. The directors of the departments of conservation, economic
2 development, social services, elementary and secondary education, labor and
3 industrial relations, and natural resources and the director of the University of
4 Missouri extension system shall meet regularly to establish appropriate
5 allocations from their respective budgets to be made for the operation of the
6 Missouri youth service and conservation corps. Funding for the operation of the

7 corps may come from, but not be limited to, moneys available through the federal
8 Carl Perkins Act, the federal **[**Job Training Partnership**]** **Workforce Investment**
9 Act, the federal Wagner-Peyser Act, the one-eighth of one cent sales tax as
10 authorized by Sections 43(a) and 43(b) of Article IV of the Missouri Constitution,
11 and other discretionary funds which may be available to the various departments
12 and to the governor's office.

620.1100. 1. The "Youth Opportunities and Violence Prevention Program"
2 is hereby established in the division of community and economic development of
3 the department of economic development to broaden and strengthen opportunities
4 for positive development and participation in community life for youth, and to
5 discourage such persons from engaging in criminal and violent behavior. For the
6 purposes of section 135.460, this section and section 620.1103, the term "advisory
7 committee" shall mean an advisory committee to the division of community and
8 economic development established pursuant to this section composed of ten
9 members of the public. The ten members of the advisory committee shall include
10 members of the private sector with expertise in youth programs, and at least one
11 person under the age of twenty-one. Such members shall be appointed for
12 two-year terms by the director of the department of economic development.

13 2. The "Youth Opportunities and Violence Prevention Fund" is hereby
14 established in the state treasury and shall be administered by the department of
15 economic development. The department may accept for deposit into the fund any
16 grants, bequests, gifts, devises, contributions, appropriations, federal funds, and
17 any other funds from whatever source derived. Moneys in the fund shall be used
18 solely for purposes provided in section 135.460, this section and section
19 620.1103. Any unexpended balance in the fund at the end of a fiscal year shall
20 be exempt from the provisions of section 33.080 relating to the transfer of
21 unexpended balances to the general revenue fund.

22 3. The department of economic development in conjunction with the
23 advisory committee shall establish program criteria and evaluation methods for
24 tax credits claimed pursuant to section 135.460. Such criteria and evaluation
25 methods shall measure program effectiveness and outcomes, and shall give
26 priority to local, neighborhood, community-based programs. The department
27 shall monitor and evaluate all programs funded pursuant to section 135.460, this
28 section and section 620.1103. Such programs shall provide a priority for
29 applications from areas of the state which have statistically higher incidence of
30 crime, violence and poverty and such programs shall be funded before the

31 programs which have applied from areas which do not exhibit crime, violence, and
32 poverty to the same degree. The committee shall focus and support specific
33 programs designed to generate self-esteem and a positive self-reliance in youth
34 and which abate youth violence.

35 4. The department shall develop and operate a database which lists all
36 participating and related programs. The database shall include indexes and cross
37 references and shall be accessible by the public by computer-modem
38 connection. The **information technology services** division **[**of data processing
39 and telecommunications**]** of the office of administration and the department of
40 economic development shall cooperate with the advisory committee in the
41 development and operation of the program.

620.1580. 1. There is hereby established within the department of
2 economic development the "Advisory Committee for Electronic Commerce". The
3 purpose of the committee shall be to advise the various agencies of the state of
4 Missouri on issues related to electronic commerce.

5 2. The committee shall be composed of thirteen members, who shall be
6 appointed by the director of the department of economic development, as follows:

7 (1) One member shall be the director of the department of economic
8 development;

9 (2) One member shall be an employee of the department of revenue;

10 (3) One member shall be an employee of the department of labor and
11 industrial relations;

12 (4) One member shall be the secretary of state;

13 (5) One member shall be the chief information officer for the **[**office of
14 technology**] information technology services division**;

15 (6) Seven members shall be from the business community, with at least
16 one such member being from an organization representative of industry, and with
17 at least one such member being from an organization representative of
18 independent businesses, and with at least one such member being from an
19 organization representative of retail business, and with at least one such member
20 being from an organization representative of local or regional commerce; and

21 (7) One member shall be from the public at large.

22 3. The members of the committee shall serve for terms of two years
23 duration, and may be reappointed at the discretion of the director of the
24 department of economic development. Members of the committee shall not be
25 compensated for their services, but shall be reimbursed for actual and necessary

26 expenses incurred in the performance of their service on the committee.

27 4. The director of the department of economic development shall serve as
28 chair of the committee and shall designate an employee or employees of the
29 department of economic development to staff the committee, or to chair the
30 committee in the director's absence.

31 5. The committee shall meet at such places and times as are designated
32 by the director of the department of economic development, but shall not meet
33 less than twice per calendar year.

621.275. 1. Any person shall have the right to appeal to the
2 **administrative hearing commission from any decision made by the**
3 **department of public safety under section 595.036 regarding such**
4 **person's claim for compensation as provided in sections 595.010 to**
5 **595.075.**

6 **2. Any person filing an appeal with the administrative hearing**
7 **commission shall be entitled to a hearing before the commission. The**
8 **person shall file a petition with the commission within thirty days after**
9 **the decision of the director of the department of public safety is sent**
10 **in the United States mail or within thirty days after the decision is**
11 **delivered, whichever is earlier. The director's decision shall contain**
12 **a notice of the person's right to appeal:**

13 **"If you were adversely affected by this decision, you may appeal**
14 **to the administrative hearing commission. To appeal, you must file a**
15 **petition with the administrative hearing commission within thirty days**
16 **after the date this decision was delivered. If your petition is sent by**
17 **registered or certified mail, it will be deemed filed on the date it is**
18 **mailed; if it is sent by any method other than registered mail, it will be**
19 **deemed filed on the date it is received by the commission.".**

20 **3. Decisions of the administrative hearing commission under this**
21 **section shall be binding subject to appeal by either party. The**
22 **procedures established under chapter 536 shall apply to any hearings**
23 **and determinations under this section.**

630.097. 1. The department of mental health shall develop, in
2 partnership with all departments represented on the children's services
3 commission, a unified accountable comprehensive children's mental health service
4 system. The department of mental health shall establish a state interagency
5 comprehensive children's mental health service system team comprised of

6 representation from:
7 (1) Family-run organizations and family members;
8 (2) Child advocate organizations;
9 (3) The department of health and senior services;
10 (4) The department of social services' children's division, division of youth
11 services, and the **MO HealthNet** division **[**of medical services**]**;
12 (5) The department of elementary and secondary education;
13 (6) The department of mental health's division of alcohol and drug abuse,
14 division of developmental disabilities, and the division of comprehensive
15 psychiatric services;
16 (7) The department of public safety;
17 (8) The office of state courts administrator;
18 (9) The juvenile justice system; and
19 (10) Local representatives of the member organizations of the state team
20 to serve children with emotional and behavioral disturbance problems,
21 developmental disabilities, and substance abuse problems.
22 The team shall be called "The Comprehensive System Management Team". There
23 shall be a stakeholder advisory committee to provide input to the comprehensive
24 system management team to assist the departments in developing strategies and
25 to ensure positive outcomes for children are being achieved. The department of
26 mental health shall obtain input from appropriate consumer and family advocates
27 when selecting family members for the comprehensive system management team,
28 in consultation with the departments that serve on the children's services
29 commission. The implementation of a comprehensive system shall include all
30 state agencies and system partner organizations involved in the lives of the
31 children served. These system partners may include private and not-for-profit
32 organizations and representatives from local system of care teams and these
33 partners may serve on the stakeholder advisory committee. The department of
34 mental health shall promulgate rules for the implementation of this section in
35 consultation with all of the departments represented on the children's services
36 commission.
37 2. The department of mental health shall, in partnership with the
38 departments serving on the children's services commission and the stakeholder
39 advisory committee, develop a state comprehensive children's mental health
40 service system plan. This plan shall be developed and submitted to the governor,
41 the general assembly, and children's services commission by December,

42 2004. There shall be subsequent annual reports that include progress toward
43 outcomes, monitoring, changes in populations and services, and emerging
44 issues. The plan shall:
45 (1) Describe the mental health service and support needs of Missouri's
46 children and their families, including the specialized needs of specific segments
47 of the population;
48 (2) Define the comprehensive array of services including services such as
49 intensive home-based services, early intervention services, family support
50 services, respite services, and behavioral assistance services;
51 (3) Establish short- and long-term goals, objectives, and outcomes;
52 (4) Describe and define the parameters for local implementation of
53 comprehensive children's mental health system teams;
54 (5) Describe and emphasize the importance of family involvement in all
55 levels of the system;
56 (6) Describe the mechanisms for financing, and the cost of implementing
57 the comprehensive array of services;
58 (7) Describe the coordination of services across child-serving agencies and
59 at critical transition points, with emphasis on the involvement of local schools;
60 (8) Describe methods for service, program, and system evaluation;
61 (9) Describe the need for, and approaches to, training and technical
62 assistance; and
63 (10) Describe the roles and responsibilities of the state and local
64 child-serving agencies in implementing the comprehensive children's mental
65 health care system.
66 3. The comprehensive system management team shall collaborate to
67 develop uniform language to be used in intake and throughout the provision of
68 services.
69 4. The comprehensive children's mental health services system shall:
70 (1) Be child centered, family focused, strength based, and family driven,
71 with the needs of the child and family dictating the types and mix of services
72 provided, and shall include the families as full participants in all aspects of the
73 planning and delivery of services;
74 (2) Provide community-based mental health services to children and their
75 families in the context in which the children live and attend school;
76 (3) Respond in a culturally competent and responsive manner;
77 (4) Emphasize prevention, early identification, and intervention;

78 (5) Assure access to a continuum of services that:
79 (a) Educate the community about the mental health needs of children;
80 (b) Address the unique physical, behavioral, emotional, social,
81 developmental, and educational needs of children;
82 (c) Are coordinated with the range of social and human services provided
83 to children and their families by local school districts, the departments of social
84 services, health and senior services, and public safety, juvenile offices, and the
85 juvenile and family courts;
86 (d) Provide a comprehensive array of services through an integrated
87 service plan;
88 (e) Provide services in the least restrictive most appropriate environment
89 that meets the needs of the child; and
90 (f) Are appropriate to the developmental needs of children;
91 (6) Include early screening and prompt intervention to:
92 (a) Identify and treat the mental health needs of children in the least
93 restrictive environment appropriate to their needs; and
94 (b) Prevent further deterioration;
95 (7) Address the unique problems of paying for mental health services for
96 children, including:
97 (a) Access to private insurance coverage;
98 (b) Public funding, including:
99 a. Assuring that funding follows children across departments; and
100 b. Maximizing federal financial participation;
101 (c) Private funding and services;
102 (8) Assure a smooth transition from child to adult mental health services
103 when needed;
104 (9) Coordinate a service delivery system inclusive of services, providers,
105 and schools that serve children and youth with emotional and behavioral
106 disturbance problems, and their families through state agencies that serve on the
107 state comprehensive children's management team; and
108 (10) Be outcome based.
109 5. By August 28, 2007, and periodically thereafter, the children's services
110 commission shall conduct and distribute to the general assembly an evaluation
111 of the implementation and effectiveness of the comprehensive children's mental
112 health care system, including an assessment of family satisfaction and the
113 progress of achieving outcomes.

632.070. The [division of family services of the] department of social services through its county family service offices shall cooperate with the facilities, programs and services operated or funded by the department in locating, referring and interviewing any persons who are in need of comprehensive psychiatric services. The parents or legal custodians of any minors shall consent to the treatment of the minors, and they shall be advised that they have the right to consult their regular physicians before giving their consent to any treatment.

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a director appointed by the governor with the advice and consent of the senate. The department's role will be to provide overall coordination in the state's public safety and law enforcement program, to provide channels of coordination with local and federal agencies in regard to public safety, law enforcement and with all correctional and judicial agencies in regard to matters pertaining to its responsibilities as they may interrelate with the other agencies or offices of state, local or federal governments.

2. All the powers, duties and functions of the state highway patrol, chapter 43 and others, are transferred by type II transfer to the department of public safety. The governor by and with the advice and consent of the senate shall appoint the superintendent of the patrol. With the exception of sections 43.100 to 43.120 relating to financial procedures, the director of public safety shall succeed the state highways and transportation commission in approving actions of the superintendent and related matters as provided in chapter 43. Uniformed members of the patrol shall be selected in the manner provided by law and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to affect the funding of appropriations or the operation of chapter 104 relating to retirement system coverage or section 226.160 relating to workers' compensation for members of the patrol.

3. All the powers, duties and functions of the supervisor of liquor control, chapter 311 and others, are transferred by type II transfer to the department of public safety. The supervisor shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor or director of the department as

29 provided in section 311.670.

30 4. **[**The director of public safety, superintendent of the highway patrol and
31 transportation division of the department of economic development are to
32 examine the motor carrier inspection laws and practices in Missouri to determine
33 how best to enforce the laws with a minimum of duplication, harassment of
34 carriers and to improve the effectiveness of supervision of weight and safety
35 requirements and to report to the governor and general assembly by January 1,
36 1975, on their findings and on any actions taken.

37 5. The Missouri division of highway safety is transferred by type I
38 transfer to the department of public safety. The division shall be in charge of a
39 director who shall be appointed by the director of the department.

40 6.**]** All the powers, duties and functions of the safety and fire prevention
41 bureau of the department of public health and welfare are transferred by type I
42 transfer to the director of public safety.

43 **[**7.**]** **5.** All the powers, duties and functions of the state fire marshal,
44 chapter 320 and others, are transferred to the department of public safety by a
45 type I transfer.

46 **[**8.**]** **6.** All the powers, duties and functions of the law enforcement
47 assistance council administering federal grants, planning and the like relating to
48 Public Laws 90-351, 90-445 and related acts of Congress are transferred by type
49 I transfer to the director of public safety. The director of public safety shall
50 appoint such advisory bodies as are required by federal laws or regulations. The
51 council is abolished.

52 **[**9.**]** **7.** The director of public safety shall promulgate motor vehicle
53 regulations and be ex officio a member of the safety compact commission in place
54 of the director of revenue and all powers, duties and functions relating to chapter
55 307 are transferred by type I transfer to the director of public safety.

56 **[**10.**]** **8.** The office of adjutant general and the state militia are assigned
57 to the department of public safety; provided, however, nothing herein shall be
58 construed to interfere with the powers and duties of the governor as provided in
59 Article IV, Section 6 of the Constitution of the state of Missouri or chapter 41.

60 **[**11.**]** **9.** All the powers, duties and functions of the Missouri boat
61 commission, chapter 306 and others, are transferred by type I transfer to the
62 "Missouri State Water Patrol", which is hereby created, in the department of
63 public safety. The Missouri boat commission and the office of secretary to the
64 commission are abolished. All deputy boat commissioners and all other

65 employees of the commission who were employed on February 1, 1974, shall be
66 transferred to the water patrol without further qualification. Effective January
67 1, 2011, all the powers, duties, and functions of the Missouri state water patrol
68 are transferred to the division of water patrol within the Missouri state highway
69 patrol as set out in section 43.390.

70 **[**12.**]** **10.** The Missouri veterans's commission, chapter 42, is assigned to
71 the department of public safety.

72 **[**13.**]** **11.** Any rule or portion of a rule, as that term is defined in section
73 536.010, that is created under the authority delegated in this section shall
74 become effective only if it complies with and is subject to all of the provisions of
75 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
76 nonseverable and if any of the powers vested with the general assembly pursuant
77 to chapter 536 to review, to delay the effective date, or to disapprove and annul
78 a rule are subsequently held unconstitutional, then the grant of rulemaking
79 authority and any rule proposed or adopted after August 28, 2009, shall be
80 invalid and void.

660.010. 1. There is hereby created a "Department of Social Services" in
2 charge of a director appointed by the governor, by and with the advice and
3 consent of the senate. All the powers, duties and functions of the director of the
4 department of public health and welfare, chapters 191 and 192, and others, not
5 previously reassigned by executive reorganization plan number 2 of 1973 as
6 submitted by the governor under chapter 26 except those assigned to the
7 department of mental health, are transferred by type I transfer to the director of
8 the department of social services and the office of the director, department of
9 public health and welfare is abolished. The department of public health and
10 welfare is abolished. All employees of the department of social services shall be
11 covered by the provisions of chapter 36 except the director of the department and
12 **[**his**]** **the director's** secretary, all division directors and their secretaries, and
13 no more than three additional positions in each division which may be designated
14 by the division director.

15 2. It is the intent of the general assembly in establishing the department
16 of social services, as provided herein, to authorize the director of the department
17 to coordinate the state's programs devoted to those unable to provide for
18 themselves and for the rehabilitation of victims of social disadvantage. The
19 director shall use the resources provided to the department to provide
20 comprehensive programs and leadership striking at the roots of dependency,

21 disability and abuse of society's rules with the purpose of improving service and
22 economical operations. The department is directed to take all steps possible to
23 consolidate and coordinate the field operations of the department to maximize
24 service to the citizens of the state.

25 3. **[**All the powers, duties and functions of the division of welfare, chapters
26 205, 207, 208, 209, and 210 and others, are transferred by type I transfer to the
27 "Division of Family Services" which is hereby created in the department of social
28 services. The director of the division shall be appointed by the director of the
29 department.**]** All references to the division of welfare shall hereafter be construed
30 to mean the **[**division of family services of the**]** department of social services **or**
31 **the appropriate division within the department**.

32 4. The state's responsibility under public law 452 of the eighty-eighth
33 Congress and others, pertaining to the Office of Economic Opportunity, is
34 transferred by type I transfer to the department of social services.

35 5. The state's responsibility under public law 73, Older Americans Act of
36 1965, of the eighty-ninth Congress is transferred by type I transfer to the
37 department of social services.

38 6. All the powers, duties and functions vested by law in the curators of the
39 University of Missouri relating to crippled children's services, chapter 201, are
40 transferred by type I transfer to the department of social services.

41 7. All the powers, duties and functions vested in the state board of
42 training schools, chapter 219 and others, are transferred by type I transfer to the
43 "Division of Youth Services" hereby authorized in the department of social
44 services headed by a director appointed by the director of the department. The
45 state board of training schools shall be reconstituted as an advisory board on
46 youth services, appointed by the director of the department. The advisory board
47 shall visit each facility of the division as often as possible, shall file a written
48 report with the director of the department and the governor on conditions they
49 observed relating to the care and rehabilitative efforts in behalf of children
50 assigned to the facility, the security of the facility and any other matters
51 pertinent in their judgment. Copies of these reports shall be filed with the
52 legislative library. Members of the advisory board shall receive reimbursement
53 for their expenses and twenty-five dollars a day for each day they engage in
54 official business relating to their duties. The members of the board shall be
55 provided with identification means by the director of the division permitting
56 immediate access to all facilities enabling them to make unannounced entrance

57 to facilities they wish to inspect.

660.075. 1. The **MO HealthNet** division **[**of medical services**]** shall not
2 issue a provider agreement to an intermediate care facility for the mentally
3 retarded provider after May 29, 1991, unless and until the department of mental
4 health transmits a certification of authorization to provide services, provided,
5 however, a profit or not-for-profit provider may operate a single home of six beds
6 or less without issuance of a certificate to the **MO HealthNet** division **[**of
7 medical services**]**. Such certification shall be provider specific and shall contain
8 the number of beds authorized.

9 2. Notwithstanding any other provision of law to the contrary, any
10 provider intending to operate an intermediate care facility for the mentally
11 retarded in excess of those beds in existence on May 29, 1991, shall give notice
12 to the department of mental health of any intent to do so between July first and
13 October first of the fiscal year preceding the fiscal year in which they intend to
14 operate such facility.

15 3. In addition to other good cause as established by administrative rules
16 promulgated by the director of the department of mental health, such
17 intermediate care facility for the mentally retarded operations as may be
18 accommodated within the home and community-based waiver for the
19 developmentally disabled shall be refused certificates of authorization by the
20 department of mental health. The **MO HealthNet** division **[**of medical services**]**
21 shall refuse intermediate care facility for the mentally retarded provider
22 agreements to providers to whom the department of mental health has refused
23 certificates of authorization.

660.130. The department of social services shall design the forms and
2 issue rules and regulations necessary to carry out the provisions of sections
3 660.100 to 660.136. No rule or portion of a rule promulgated under the authority
4 of sections 660.100 to 660.136 shall become effective unless it has been
5 promulgated pursuant to the provisions of section 536.024. Such rules shall
6 provide that in order for a homeowner to be eligible such homeowner shall have
7 met federal energy conservation guidelines for insulation, or have made
8 application for insulation under the department of natural resources program or
9 like program offered in the state of Missouri. Large notices of the availability of
10 this program shall be posted in application areas and local offices of the **family**
11 **support** division **[**of family services**]**.

660.523. 1. By January 1, 1991, using approved state child abuse and

2 neglect federal grant funds, the department of social services shall develop
3 uniform protocols for investigations of child sexual abuse cases pursuant to
4 chapter 210 and shall provide training to **children's** division **[**of family services**]**
5 employees who investigate reports of such cases.
6 2. The department of social services shall develop separate protocols for
7 multiple-suspect and multiple-victim cases.

660.525. The **children's** division **[**of family services**]** may provide
2 treatment services for child sexual abuse victims in instances where the
3 perpetrator is not listed in section 210.110 as a person responsible for the care,
4 custody and control of the child, if treatment funds are available and such
5 treatment services are requested by the family of the child.

660.526. The **children's** division **[**of family services**]** shall ensure that all
2 employees and persons with contracts with the division and who specialize in
3 either the treatment, prosecution, or investigation of child sexual abuse cases
4 receive a minimum of fifteen hours of annual training. Such training shall be in
5 the investigation, prosecution, treatment, nature, extent and causes of sexual
6 abuse.

660.620. 1. There is hereby established an "Office of Advocacy and
2 Assistance for Senior Citizens" within the office of lieutenant governor.
3 2. The senior citizen advocate shall coordinate activities with the
4 long-term care ombudsman program, as defined in section 660.600, on complaints
5 made by or on behalf of senior citizens residing in long-term care facilities.
6 3. The senior citizen advocate shall conduct a suitable investigation into
7 any actions complained of unless the senior citizen advocate finds that the
8 complaint pertains to a matter outside the scope of the authority of the senior
9 citizen advocate, the complainant has no substantive or procedural interest which
10 is directly affected by the matter complained about, or the complaint is trivial,
11 frivolous, vexatious or not made in good faith.
12 4. After completing his **or her** investigation of a complaint, the senior
13 citizen advocate shall inform the complainant, the agency, official or employee of
14 action recommended by the senior citizen advocate. The senior citizen advocate
15 shall make such reports and recommendations to the affected agencies, the
16 governor and the general assembly as **[**he**]** **the advocate** deems necessary to
17 further the purposes of sections 660.620 and 660.625.
18 5. The senior citizen advocate shall, in conjunction with the **[**division of**]**
19 **department of health and** senior services, act as a clearinghouse for

20 information pertaining to and of interest to senior citizens and shall disseminate
21 such information as is necessary to inform senior citizens of their rights and of
22 governmental and nongovernmental services available to them.

660.690. In order to protect the community spouse of an individual living
2 in a residential care facility or assisted living facility, as defined in section
3 198.006, from impoverishment and to prevent premature placement in a more
4 expensive, more restrictive environment, the **family support** division **[**of family
5 services**]** shall comply with the provisions of subsection 6 of section 208.010 when
6 determining the eligibility for benefits pursuant to section 208.030.

701.336. 1. The department of health and senior services shall cooperate
2 with the federal government in implementing subsections (d) and (e) of 15 U.S.C.
3 2685 to establish public education activities and an information clearinghouse
4 regarding childhood lead poisoning. The department may develop additional
5 educational materials on lead hazards to children, lead poisoning prevention, lead
6 poisoning screening, lead abatement and disposal, and on health hazards during
7 abatement.

8 2. The department of health and senior services and the department of
9 social services, in collaboration with related not-for-profit organizations, health
10 maintenance organizations, and the Missouri consolidated health care plan, shall
11 devise an educational strategy to increase the number of children who are tested
12 for lead poisoning under the Medicaid program. The goal of the educational
13 strategy is to have seventy-five percent of the children who receive Medicaid
14 tested for lead poisoning. The educational strategy shall be implemented over a
15 three-year period and shall be in accordance with all federal laws and
16 regulations.

17 3. The **children's** division **[**of family services**]**, in collaboration with the
18 department of health and senior services, shall regularly inform eligible clients
19 of the availability and desirability of lead screening and treatment services,
20 including those available through the early and periodic screening, diagnosis, and
21 treatment (EPSDT) component of the Medicaid program.

[33.753. The Missouri minority business advocacy
2 commission, as established pursuant to section 33.752 shall, in
3 addition to providing the governor with a plan to increase
4 procurement from minority businesses by all state departments as
5 provided in subsection 2 of section 33.752, also provide to the
6 general assembly the findings of such plan and provide details of

any recommended legislation that may be needed to carry out the provisions of the plan. The commission shall submit the plan and recommended legislation to the general assembly within six months of delivery of the original plan to the governor.**]**

[199.025. 1. Employees of the Missouri rehabilitation center may organize and file with the secretary of state an application as a not-for-profit corporation for the purpose of establishing a child day care center. The corporation so formed may enter into an agreement with the commissioner of administration for the lease of appropriate space at the rehabilitation center for use as the child day care center. The space at the center may be made available to the corporation at a rate to be established by the commissioner of administration.

2. The corporation may provide child day care at the Missouri rehabilitation center. The child day care center established by the corporation shall be licensed under the provisions of sections 210.201 to 210.245. The operation of the day care center shall be paid for by fees or charges, established by the corporation, and collected from those who use its services. The corporation may receive any private donations or grants from agencies of the federal government intended for the support of the child day care center.

3. This section shall terminate thirty days following the date notice is provided to the revisor of statutes that an agreement has been executed which transfers the Missouri rehabilitation center from the department of health and senior services to the board of curators of the University of Missouri.**]**

[620.483. 1. The division of job development and training of the department of economic development and the private industry council, also referred to as PIC, located within each service delivery area, also referred to as SDA, as authorized by section 102 of the Job Training Reform Amendments of 1992, P.L. 102-367, shall adhere to the criteria in this section in order to more effectively enhance the state's job training efforts.

2. The division, with the advice and counsel of the Missouri training and employment council, shall develop a private industry

10 council manual to provide a standardized, written introduction for
11 new PIC members which explains the fundamental parts of the Job
12 Training Partnership Act, the role of the private industry councils
13 in fulfilling their statutory obligations, and to serve as a
14 skill-building instrument in which PIC members can assume an
15 effective leadership role.

16 3. Once a year, the division, in conjunction with the
17 Missouri training and employment council, shall conduct a
18 centralized PIC member orientation session. The session, open to
19 all current PIC members, will provide training in the basic
20 programs funded through the Job Training Partnership Act, the
21 structure of the service delivery system, and training in federal and
22 state work force development initiatives.

23 4. In accordance with section 101 of the Job Training
24 Partnership Act, as amended, the Missouri training and
25 employment council may make recommendations to the governor
26 for the redesignation of service delivery areas.

27 5. Pursuant to section 302(c) of the federal Job Training
28 Partnership Act, special state rapid response programs or worker
29 adjustment services will be initiated by the division. Such
30 activities may be conducted by state and local program operators
31 and reviewed regularly by the division for performance and funding
32 consideration.

33 6. A quorum of the full membership of each private
34 industry council shall officially meet at least once every three
35 months. A quorum shall not be deemed to be present unless at
36 least fifty percent of the private sector appointees are in
37 attendance.

38 7. Pursuant to section 302(c)(2) of the federal Job Training
39 Partnership Act, ten percent discretionary funds may be retained
40 by the division until at least six months into each program
41 year. Such funds shall then be allocated to service delivery areas
42 that have experienced recent layoffs.

43 8. Each private industry council shall immediately inform
44 the division of job development and training whenever any vacancy
45 occurs on the PIC or when the term of a member has

46 expired. Positions on private industry councils whose members'
47 terms have expired and who are not replaced within ninety days
48 shall be considered as vacant.

49 9. The division of job development and training is
50 authorized to establish a minimum expenditure requirement for
51 funds allocated to the service delivery areas under the Job Training
52 Partnership Act. Adjustments to service delivery area allocations
53 may be made on subsequent program year funding when
54 underexpenditure occurs. This expenditure requirement shall be
55 in addition to the federal requirement that in each program year
56 eighty-five percent of federal Job Training Partnership Act funds
57 are obligated by each service delivery area.**]**

[660.060. All authority, powers, duties, functions, records,
2 personnel, property, contracts, budgets, matters pending and other
3 pertinent vestiges of the division of aging shall be transferred to
4 the department of health and senior services.**]**

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