

FIRST REGULAR SESSION

# HOUSE BILL NO. 217

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WILSON.

0393H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 210.166, RSMo, and to enact in lieu thereof one new section relating to medical neglect of children.

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

Section A. Section 210.166, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.166, to read as follows:

210.166. 1. The children's division, any juvenile officer, any physician licensed under chapter 334, any hospital or other health care institution, and any other person or institution authorized by state or federal law to provide medical care may bring an action in the circuit court in the county where any child under eighteen years of age resides or is located, alleging the child is suffering from the denial or deprivation, by those responsible for the care, custody, and control of the child, of medical or surgical treatment or intervention which is necessary to remedy or ameliorate a medical condition which is life-threatening or causes injury. Those responsible for the care, custody and control of the child include, but is not limited to, the parents or guardian of the child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. A petition filed under this section shall be expedited by the court involved in every manner practicable, including, but not limited to, giving such petition priority over all other matters on the court's docket and holding a hearing, at which the parent, guardian or other person having authority to consent to the medical care in question shall, after being notified thereof, be given the opportunity to be heard, and issuing a ruling as expeditiously as necessary when the child's condition is subject to immediate deterioration. Any circuit or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 associate circuit judge of this state shall have the authority to ensure that medical services are  
17 provided to the child when the child's health requires it.

18 **2. No parent or legal guardian shall be charged with abusing or neglecting a child's**  
19 **need for medical care if:**

20 **(1) The parent or legal guardian has sought medical care for the child from a**  
21 **licensed medical or mental health provider;**

22 **(2) The licensed medical or mental health provider has made a diagnosis;**

23 **(3) The licensed medical or mental health provider has prescribed a lawful course**  
24 **of treatment; and**

25 **(4) The parent or legal guardian is following or willing to follow the recommended**  
26 **course of treatment.**

27 **3. No mandatory reporter, as defined in section 210.115, shall file a report of abuse**  
28 **or neglect based solely on a parent's or legal guardian's decision to follow the**  
29 **recommended treatment of a licensed medical or mental health provider. A parent or legal**  
30 **guardian has the right to follow the advice and treatment plan of a licensed medical or**  
31 **mental health provider over a contrary opinion or recommended treatment plan of another**  
32 **licensed medical or mental health provider if the decision does not involve immediate life-**  
33 **threatening conditions. Even in the case of life-threatening conditions, the decision of the**  
34 **parent or legal guardian to follow the advice or treatment plan of a licensed medical or**  
35 **mental health provider shall not be overridden unless there is clear and convincing**  
36 **evidence to the contrary.**

37 **4. The provisions of subsections 2 and 3 of this section shall be known as "Isaiah's**  
38 **Law".**

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