

SECOND REGULAR SESSION

HOUSE BILL NO. 2295

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HELMS.

6085H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to mental health professionals.

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

Section A. Section 632.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 632.005, to read as follows:

632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

- 3 (1) "Comprehensive psychiatric services", any one, or any combination of two or more,
4 of the following services to persons affected by mental disorders other than intellectual
5 disabilities or developmental disabilities: inpatient, outpatient, day program or other partial
6 hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education,
7 rehabilitation, prevention, screening, transitional living, medical prevention and treatment for
8 alcohol abuse, and medical prevention and treatment for drug abuse;
- 9 (2) "Council", the Missouri advisory council for comprehensive psychiatric services;
- 10 (3) "Court", the court which has jurisdiction over the respondent or patient;
- 11 (4) "Division", the division of comprehensive psychiatric services of the department of
12 mental health;
- 13 (5) "Division director", director of the division of comprehensive psychiatric services
14 of the department of mental health, or his designee;
- 15 (6) "Head of mental health facility", superintendent or other chief administrative officer
16 of a mental health facility, or his designee;

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.

17 (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the
18 court is open for business, but excluding Saturdays, Sundays and legal holidays;

19 (8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334
20 or a person authorized to practice medicine in this state pursuant to the provisions of section
21 334.150;

22 (9) "Licensed professional counselor", a person licensed as a professional counselor
23 under chapter 337 and with a minimum of one year training or experience in providing
24 psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a
25 mental disorder;

26 (10) "Likelihood of serious harm" means any one or more of the following but does not
27 require actual physical injury to have occurred:

28 (a) A substantial risk that serious physical harm will be inflicted by a person upon his
29 own person, as evidenced by recent threats, including verbal threats, or attempts to commit
30 suicide or inflict physical harm on himself. Evidence of substantial risk may also include
31 information about patterns of behavior that historically have resulted in serious harm previously
32 being inflicted by a person upon himself;

33 (b) A substantial risk that serious physical harm to a person will result or is occurring
34 because of an impairment in his capacity to make decisions with respect to his hospitalization
35 and need for treatment as evidenced by his current mental disorder or mental illness which
36 results in an inability to provide for his own basic necessities of food, clothing, shelter, safety
37 or medical care or his inability to provide for his own mental health care which may result in a
38 substantial risk of serious physical harm. Evidence of that substantial risk may also include
39 information about patterns of behavior that historically have resulted in serious harm to the
40 person previously taking place because of a mental disorder or mental illness which resulted in
41 his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or
42 mental health care; or

43 (c) A substantial risk that serious physical harm will be inflicted by a person upon
44 another as evidenced by recent overt acts, behavior or threats, including verbal threats, which
45 have caused such harm or which would place a reasonable person in reasonable fear of sustaining
46 such harm. Evidence of that substantial risk may also include information about patterns of
47 behavior that historically have resulted in physical harm previously being inflicted by a person
48 upon another person;

49 (11) "Mental health coordinator", a mental health professional who has knowledge of
50 the laws relating to hospital admissions and civil commitment and who is authorized by the
51 director of the department, or his designee, to serve a designated geographic area or mental
52 health facility and who has the powers, duties and responsibilities provided in this chapter;

53 (12) "Mental health facility", any residential facility, public or private, or any public or
54 private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering
55 from a mental disorder or mental illness and which is recognized as such by the department or
56 any outpatient treatment program certified by the department of mental health. No correctional
57 institution or facility, jail, regional center or developmental disability facility shall be a mental
58 health facility within the meaning of this chapter;

59 (13) "Mental health professional", a psychiatrist, resident in psychiatry, **psychiatric**
60 **physician assistant, psychiatric assistant physician**, psychologist, psychiatric nurse, licensed
61 professional counselor, or psychiatric social worker;

62 (14) "Mental health program", any public or private residential facility, public or private
63 hospital, public or private specialized service or public or private day program that can provide
64 care, treatment, rehabilitation or services, either through its own staff or through contracted
65 providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness
66 or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the
67 department. No correctional institution or facility or jail may be a mental health program within
68 the meaning of this chapter;

69 (15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays
70 and legal holidays which are observed either by the court or by the mental health facility where
71 the respondent is detained;

72 (16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or
73 highway patrolman;

74 (17) **"Psychiatric assistant physician", a licensed assistant physician under chapter**
75 **334 and who has had at least two years of experience as an assistant physician in providing**
76 **psychiatric treatment to individuals suffering from mental health disorders;**

77 (18) "Psychiatric nurse", a registered professional nurse who is licensed under chapter
78 335 and who has had at least two years of experience as a registered professional nurse in
79 providing psychiatric nursing treatment to individuals suffering from mental disorders;

80 (19) **"Psychiatric physician assistant", a licensed physician assistant under chapter**
81 **334 and who has had at least two years of experience as a physician assistant in providing**
82 **psychiatric treatment to individuals suffering from mental health disorders or a graduate**
83 **of a postgraduate residency or fellowship for physician assistants in psychiatry or is**
84 **currently in a postgraduate physician assistant residency or fellowship in psychiatry;**

85 [(18)] (20) "Psychiatric social worker", a person with a master's or further advanced
86 degree from an accredited school of social work, practicing pursuant to chapter 337, and with
87 a minimum of one year training or experience in providing psychiatric care, treatment or services
88 in a psychiatric setting to individuals suffering from a mental disorder;

89 ~~[(19)]~~ **(21)** "Psychiatrist", a licensed physician who in addition has successfully
90 completed a training program in psychiatry approved by the American Medical Association, the
91 American Osteopathic Association or other training program certified as equivalent by the
92 department;

93 ~~[(20)]~~ **(22)** "Psychologist", a person licensed to practice psychology under chapter 337
94 with a minimum of one year training or experience in providing treatment or services to mentally
95 disordered or mentally ill individuals;

96 ~~[(21)]~~ **(23)** "Resident in psychiatry", a licensed physician who is in a training program
97 in psychiatry approved by the American Medical Association, the American Osteopathic
98 Association or other training program certified as equivalent by the department;

99 ~~[(22)]~~ **(24)** "Respondent", an individual against whom involuntary civil detention
100 proceedings are instituted pursuant to this chapter;

101 ~~[(23)]~~ **(25)** "Treatment", any effort to accomplish a significant change in the mental or
102 emotional conditions or the behavior of the patient consistent with generally recognized
103 principles or standards in the mental health professions.

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