

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2295**  
**99TH GENERAL ASSEMBLY**

6085H.03C

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Section A. Section 632.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 632.005, to read as follows: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

- (1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;
- (2) "Council", the Missouri advisory council for comprehensive psychiatric services;
- (3) "Court", the court which has jurisdiction over the respondent or patient;
- (4) "Division", the division of comprehensive psychiatric services of the department of mental health;
- (5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his designee;
- (6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;
- (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

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.

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, psychiatric advanced practice**  
61 **registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric  
62 social worker;

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

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

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

75 (17) "**Psychiatric advanced practice registered nurse**", a registered nurse who is  
76 **currently recognized by the board of nursing as an advanced practice registered nurse,**  
77 **who has at least two years of experience in providing psychiatric treatment to individuals**  
78 **suffering from mental disorders;**

79 (18) "**Psychiatric assistant physician**", a licensed assistant physician under chapter  
80 **334 and who has had at least two years of experience as an assistant physician in providing**  
81 **psychiatric treatment to individuals suffering from mental health disorders;**

82 (19) "Psychiatric nurse", a registered professional nurse who is licensed under chapter  
83 335 and who has had at least two years of experience as a registered professional nurse in  
84 providing psychiatric nursing treatment to individuals suffering from mental disorders;

85 (20) "**Psychiatric physician assistant**", a licensed physician assistant under chapter  
86 **334 and who has had at least two years of experience as a physician assistant in providing**  
87 **psychiatric treatment to individuals suffering from mental health disorders or a graduate**  
88 **of a postgraduate residency or fellowship for physician assistants in psychiatry or is**  
89 **currently in a postgraduate physician assistant residency or fellowship in psychiatry;**

90           ~~[(18)]~~ **(21)** "Psychiatric social worker", a person with a master's or further advanced  
91 degree from an accredited school of social work, practicing pursuant to chapter 337, and with  
92 a minimum of one year training or experience in providing psychiatric care, treatment or services  
93 in a psychiatric setting to individuals suffering from a mental disorder;

94           ~~[(19)]~~ **(22)** "Psychiatrist", a licensed physician who in addition has successfully  
95 completed a training program in psychiatry approved by the American Medical Association, the  
96 American Osteopathic Association or other training program certified as equivalent by the  
97 department;

98           ~~[(20)]~~ **(23)** "Psychologist", a person licensed to practice psychology under chapter 337  
99 with a minimum of one year training or experience in providing treatment or services to mentally  
100 disordered or mentally ill individuals;

101           ~~[(21)]~~ **(24)** "Resident in psychiatry", a licensed physician who is in a training program  
102 in psychiatry approved by the American Medical Association, the American Osteopathic  
103 Association or other training program certified as equivalent by the department;

104           ~~[(22)]~~ **(25)** "Respondent", an individual against whom involuntary civil detention  
105 proceedings are instituted pursuant to this chapter;

106           ~~[(23)]~~ **(26)** "Treatment", any effort to accomplish a significant change in the mental or  
107 emotional conditions or the behavior of the patient consistent with generally recognized  
108 principles or standards in the mental health professions.

✓