

FIRST REGULAR SESSION

# HOUSE BILL NO. 1128

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (97).

2381H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 211.021, RSMo, and to enact in lieu thereof two new sections relating to medical care authority.

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

Section A. Section 211.021, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 210.1220 and 211.021, to read as follows:

**210.1220. 1. As used in this section, the following terms mean:**

(1) "Division", the Missouri children's division within the department of social services;

(2) "Emergency medical care", immediate care required to protect the life, safety, or health of the child, including diagnosis and treatment of an emergent medical, surgical, dental, or other condition or contagious disease, in order to prevent serious harm to the child and to address current or imminent substantial suffering, including the alleviation of severe pain;

(3) "Extraordinary medical care", includes, but is not limited to, extraordinary dental treatment, sterilization, experimental or hormonal drug treatments, invasive or extensive medical testing, any elective body modification procedures requiring general anesthesia, chemotherapy, end-of-life decisions, termination of life support, do-not-resuscitate orders, and abortions;

(4) "Nonroutine medical care", treatment that falls outside the standard of routine care, but is not extraordinary or emergency medical care, and includes surgery, anesthesia, inpatient hospitalization, nonroutine dental care, behavioral therapy or behavioral health services, and psychiatric treatment;

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.

18           **(5) "Routine medical care", includes, but is not limited to, treatment for ordinary**  
19 **illnesses, routine dental care, immunizations, well-child visits, physicals, preventive health**  
20 **services, and ongoing treatment for acute or chronic medical conditions that do not require**  
21 **extraordinary or emergency medical care.**

22           **2. The division or its designees may consent to routine and nonroutine medical care**  
23 **for a child in the division's legal custody. Resource providers may consent only to routine**  
24 **medical care unless otherwise designated by the court. An individual eighteen years of age**  
25 **or older in the division's legal custody may consent to his or her own medical care unless**  
26 **otherwise restricted by the court after notice and opportunity for hearing. Decisions**  
27 **regarding extraordinary medical care shall be determined by the juvenile court by court**  
28 **order, unless the individual is eighteen years of age or older and is not otherwise restricted**  
29 **by the court.**

30           **3. Emergency medical care shall be provided to the child or individual in the**  
31 **division's legal custody when recommended by a licensed physician, surgeon, or dentist.**

32           **4. No informed consent authorization shall be required by any medical provider**  
33 **upon the issuance of a valid court order by the juvenile or family court for medical care**  
34 **authorized within the scope of the order. Such order shall be deemed a properly executed**  
35 **informed consent form for procedures and treatments specified in the order.**

36           **5. The court shall expedite hearings and rulings on motions to authorize**  
37 **extraordinary medical care.**

211.021. As used in this chapter, unless the context clearly requires otherwise:

2           (1) "Adult" means a person eighteen years of age or older;

3           (2) "Child" means any person under eighteen years of age;

4           (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the  
5 county, or judges while hearing juvenile cases assigned to them;

6           (4) "Legal custody" means the right to the care, custody and control of a child and the  
7 duty to provide food, clothing, shelter, [ordinary] medical care, education, treatment and  
8 discipline of a child. Legal custody may be taken from a parent only by court action and if the  
9 legal custody is taken from a parent without termination of parental rights, the parent's duty to  
10 provide support continues even though the person having legal custody may provide the  
11 necessities of daily living;

12           (5) "Parent" means either a natural parent or a parent by adoption and if the child is  
13 illegitimate, "parent" means the mother;

14           (6) "Shelter care" means the temporary care of juveniles in physically unrestricting  
15 facilities pending final court disposition. These facilities may include:

16 (a) "Foster home", the private home of foster parents providing twenty-four-hour care  
17 to one to three children unrelated to the foster parents by blood, marriage or adoption;

18 (b) "Group foster home", the private home of foster parents providing twenty-four-hour  
19 care to no more than six children unrelated to the foster parents by blood, marriage or adoption;

20 (c) "Group home", a child care facility which approximates a family setting, provides  
21 access to community activities and resources, and provides care to no more than twelve children.

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