

SECOND REGULAR SESSION

HOUSE BILL NO. 2164

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REHDER.

5924H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 191.737 and 191.739, RSMo, and to enact in lieu thereof two new sections relating to children exposed to controlled substances.

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

Section A. Sections 191.737 and 191.739, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 191.737 and 191.739, to read as follows:

191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care provider may refer to the ~~[department of health and senior services]~~ **children's division** families in which children may have been exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced by:

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

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

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

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

~~3. [Upon notification pursuant to subsection 1 of this section, the department of health and senior services shall offer service coordination services to the family. The department of health and senior services shall coordinate social services, health care, mental health services, and needed education and rehabilitation services. Service coordination services shall be initiated within seventy-two hours of notification. The department of health and senior services shall~~

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 ~~notify the department of social services and the department of mental health within seventy-two~~
19 ~~hours of initial notification.~~

20 ~~—4.]~~ Any physician or health care provider complying with the provisions of this section,
21 in good faith, shall have immunity from any civil liability that might otherwise result by reason
22 of such actions.

23 ~~[5-]~~ 4. Referral and associated documentation provided for in this section shall be
24 confidential and shall not be used in any criminal prosecution.

191.739. 1. The department of social services shall provide protective services for
2 children that meet the criteria established in section 191.737. In addition the department of
3 social services may provide preventive services for children that meet the criteria established in
4 section 191.737.

5 2. No department shall cease providing services for any child exposed to substances as
6 set forth in section 191.737 wherein a physician or health care provider has made or approved
7 a written assessment which documents the child as being at risk of abuse or neglect until ~~[such]~~
8 a physician or health care provider ~~[, or his designee,]~~ authorizes such file to be closed.

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