

SECOND REGULAR SESSION

HOUSE BILL NO. 2718

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YOUNG.

5593H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 217.075, RSMo, and to enact in lieu thereof three new sections relating to offenders in the custody of the department of corrections, with a penalty provision.

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

Section A. Section 217.075, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 217.075, 217.312, and 217.1200, to read as follows:

217.075. 1. All offender records compiled, obtained, prepared or maintained by the department or its divisions shall be designated public records within the meaning of chapter 610 except:

(1) Any information, report, record or other document pertaining to an offender's personal medical history, which shall be a closed record;

(2) Any information, report, record or other document in the control of the department or its divisions authorized by federal or state law to be a closed record;

(3) Any internal administrative report or document relating to institutional security.

2. The court of jurisdiction, or the department, may at their discretion permit the inspection of the department reports or parts of such reports by the offender, whenever the court or department determines that such inspection is in the best interest or welfare of the offender.

3. Department records may be automated and made available to:

(1) Treatment agencies working with the department in the treatment of the offender;

(2) Law enforcement agencies; or

(3) Qualified persons and organizations for research, evaluative, and statistical purposes under written agreements reasonably designed to ensure the security and

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 confidentiality of the information and the protection of the privacy interests of the individuals
19 who are subjects of the records.

20 4. No department employee shall have access to any material closed by this section
21 unless such access is necessary for the employee to carry out his duties. The department by
22 rule shall determine what department employees or other persons shall have access to closed
23 records and the procedures needed to maintain the confidentiality of such closed records.

24 5. No person, association, firm, corporation or other agency shall knowingly solicit,
25 disclose, receive, publish, make use of, authorize, permit, participate in or acquiesce in the
26 use of any name or lists of names for commercial or political purposes of any nature in
27 violation of this section.

28 6. All health care providers and hospitals who have cared for offenders during the
29 period of the offender's incarceration shall provide a copy of all medical records in their
30 possession related to such offender upon demand from the department's health care
31 administrator. The department shall provide reasonable compensation for the cost of such
32 copies and no health care provider shall be liable for breach of confidentiality when acting
33 pursuant to this subsection.

34 **7. Notwithstanding any provision of law to the contrary, the department shall**
35 **provide to an offender, or to an offender's personal representative, electronic copies of**
36 **all medical records related to such offender while in the custody of the department upon**
37 **request from the offender or the offender's personal representative. Such electronic**
38 **copies shall be provided within thirty days of an offender's request and at no cost to the**
39 **offender.**

40 ~~[7-]~~ **8.** Copies of all papers, documents, or records compiled, obtained, prepared or
41 maintained by the department or its divisions, properly certified by the appropriate division,
42 shall be admissible as evidence in all courts and in all administrative tribunals in the same
43 manner and with like effect as the originals, whenever the papers, documents, or records are
44 either designated by the department of corrections as public records within the meaning of
45 chapter 610 or are declared admissible as evidence by a court of competent jurisdiction or
46 administrative tribunal of competent jurisdiction.

47 ~~[8-]~~ **9.** Any person found guilty of violating the provisions of this section shall be
48 guilty of a class A misdemeanor.

217.312. 1. On delivery of the offender to the reception and diagnostic center, he
2 **or she shall be given the opportunity to designate a personal representative.**

3 **2. The department shall develop a form for offenders to make a personal**
4 **representative designation. Such form, which shall be made available to the offender in**
5 **a paper and electronic format, shall include the personal representative's name and**

6 relationship to the offender, mailing address, email address, phone number, and birth
7 date.

8 **3. The director may promulgate all necessary rules and regulations for the**
9 **administration of this section. Any rule or portion of a rule, as that term is defined in**
10 **section 536.010, that is created under the authority delegated in this section shall**
11 **become effective only if it complies with and is subject to all of the provisions of chapter**
12 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
13 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
14 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
15 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
16 **adopted after August 28, 2024, shall be invalid and void.**

217.1200. 1. The department of corrections may develop a hospice care training
2 program within the state prison system. The department of corrections, in cooperation
3 with the department of health and senior services and the department of commerce and
4 insurance, may jointly partner in the program to determine the appropriate training for
5 the purposes of obtaining licensure or certification required for inmates selected to
6 participate in the program.

7 **2. The department of corrections, the department of health and senior services,**
8 **and the division of professional registration within the department of commerce and**
9 **insurance shall jointly approve program curriculum for the training of eligible inmates**
10 **currently in the custody of the department of corrections. The curriculum shall include**
11 **required program credits for each subject and practical skills instruction. Training**
12 **shall be provided by a licensed physician, registered nurse, or other appropriately**
13 **licensed or trained health care professional, as determined by the department of health**
14 **and senior services and the division of professional registration.**

15 **3. Upon successful completion of the training program provided for under**
16 **subsection 2 of this section, the department of corrections shall issue a program**
17 **completion certificate to the inmate. The department of corrections in cooperation with**
18 **the department of health and senior services and the division of professional registration**
19 **shall develop a process for submission of notice of training completion and application**
20 **for licensure or certification to the division of professional registration, as prescribed by**
21 **the department of health and senior services.**

22 **4. The department of health and senior services, in consultation with the**
23 **department of corrections and the department of commerce and insurance, shall have**
24 **the authority to promulgate rules for the administration of this section, including**
25 **implementation of the curriculum, as provided for under subsection 2 of this section,**
26 **and for continuing education or training requirements necessary for maintaining state**

27 **certification in good standing. Any rule or portion of a rule, as that term is defined in**
28 **section 536.010, that is created under the authority delegated in this section shall**
29 **become effective only if it complies with and is subject to all of the provisions of chapter**
30 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
31 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
32 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
33 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
34 **adopted after August 28, 2024, shall be invalid and void.**

35 **5. Nothing in this section shall be construed as establishing a right to**
36 **employment with any licensed hospice provider.**

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