

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

# SENATE BILL NO. 426

98TH GENERAL ASSEMBLY

2015

2006S.01T

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## AN ACT

To repeal section 630.140, RSMo, and to enact in lieu thereof one new section relating to community mental health liaisons.

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

Section A. Section 630.140, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 630.140, to read as follows:

630.140. 1. Information and records compiled, obtained, prepared or  
2 maintained by the residential facility, mental health program operated, funded  
3 or licensed by the department or otherwise, specialized service, or by any mental  
4 health facility or mental health program in which people may be civilly detained  
5 pursuant to chapter 632 in the course of providing services to either voluntary or  
6 involuntary patients, residents or clients shall be confidential.

7 2. The facilities or programs shall disclose information and records  
8 including medication given, dosage levels, and individual ordering such  
9 medication to the following upon their request:

10 (1) The parent of a minor patient, resident or client;

11 (2) The guardian or other person having legal custody of the patient,  
12 resident or client;

13 (3) The attorney of a patient, resident or client who is a ward of the  
14 juvenile court, an alleged incompetent, an incompetent ward or a person detained  
15 under chapter 632, as evidenced by court orders of the attorney's appointment;

16 (4) An attorney or personal physician as authorized by the patient,  
17 resident or client;

18 (5) Law enforcement officers and agencies, information about patients,  
19 residents or clients committed pursuant to chapter 552, but only to the extent  
20 necessary to carry out the responsibilities of their office, and all such law  
21 enforcement officers shall be obligated to keep such information confidential;

22 (6) The entity or agency authorized to implement a system to protect and  
23 advocate the rights of persons with developmental disabilities under the  
24 provisions of 42 U.S.C. Sections 15042 to 15044. The entity or agency shall be  
25 able to obtain access to the records of a person with developmental disabilities  
26 who is a client of the entity or agency if such person has authorized the entity or  
27 agency to have such access; and the records of any person with developmental  
28 disabilities who, by reason of mental or physical condition is unable to authorize  
29 the entity or agency to have such access, if such person does not have a legal  
30 guardian, conservator or other legal representative, and a complaint has been  
31 received by the entity or agency with respect to such person or there is probable  
32 cause to believe that such person has been subject to abuse or neglect. The entity  
33 or agency obtaining access to a person's records shall meet all requirements for  
34 confidentiality as set out in this section;

35 (7) The entity or agency authorized to implement a system to protect and  
36 advocate the rights of persons with mental illness under the provisions of 42  
37 U.S.C. 10801 shall be able to obtain access to the records of a patient, resident  
38 or client who by reason of mental or physical condition is unable to authorize the  
39 system to have such access, who does not have a legal guardian, conservator or  
40 other legal representative and with respect to whom a complaint has been  
41 received by the system or there is probable cause to believe that such individual  
42 has been subject to abuse or neglect. The entity or agency obtaining access to a  
43 person's records shall meet all requirements for confidentiality as set out in this  
44 section. The provisions of this subdivision shall apply to a person who has a  
45 significant mental illness or impairment as determined by a mental health  
46 professional qualified under the laws and regulations of the state;

47 (8) To mental health coordinators, but only to the extent necessary to  
48 carry out their duties under chapter 632;

49 **(9) To individuals, designated by the department of mental**  
50 **health as community mental health liaisons, for the purpose of**  
51 **coordination of care and services.**

52 3. The facilities or services may disclose information and records under  
53 any of the following:

54 (1) As authorized by the patient, resident or client;

55 (2) To persons or agencies responsible for providing health care services  
56 to such patients, residents or clients as permitted by the federal Health Insurance  
57 Portability and Accountability Act of 1996 (HIPAA), as amended;

58 (3) To the extent necessary for a recipient to make a claim or for a claim  
59 to be made on behalf of a recipient for aid or insurance;

60 (4) To qualified personnel for the purpose of conducting scientific  
61 research, management audits, financial audits, program evaluations or similar  
62 studies; provided, that such personnel shall not identify, directly or indirectly,  
63 any individual patient, resident or client in any report of such research, audit or  
64 evaluation, or otherwise disclose patient, resident or client identities in any  
65 manner;

66 (5) To the courts as necessary for the administration of chapter 211, 475,  
67 552, or 632;

68 (6) To law enforcement officers or public health officers, but only to the  
69 extent necessary to carry out the responsibilities of their office, and all such law  
70 enforcement and public health officers shall be obligated to keep such information  
71 confidential;

72 (7) Pursuant to an order of a court or administrative agency of competent  
73 jurisdiction;

74 (8) To the attorney representing petitioners, but only to the extent  
75 necessary to carry out their duties under chapter 632;

76 (9) To the department of social services or the department of health and  
77 senior services as necessary to report or have investigated abuse, neglect, or  
78 rights violations of patients, residents, or clients;

79 (10) To a county board established pursuant to sections 205.968 to  
80 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory  
81 responsibilities. The county board shall not identify, directly or indirectly, any  
82 individual patient, resident or client;

83 (11) To parents, legal guardians, treatment professionals, law enforcement  
84 officers, and other individuals who by having such information could mitigate the  
85 likelihood of a suicide. The facility treatment team shall have determined that  
86 the consumer's safety is at some level of risk;

87 **(12) To individuals, designated by the department of mental**  
88 **health as community mental health liaisons, for the purpose of**  
89 **coordination of care and services.**

90 4. The facility or program shall document the dates, nature, purposes and  
91 recipients of any records disclosed under this section and sections 630.145 and  
92 630.150.

93 5. The records and files maintained in any court proceeding under chapter

94 632 shall be confidential and available only to the patient, the patient's attorney,  
95 guardian, or, in the case of a minor, to a parent or other person having legal  
96 custody of the patient, to the petitioner and the petitioner's attorney, and to the  
97 Missouri state highway patrol for reporting to the National Instant Criminal  
98 Background Check System (NICS), **and to individuals designated by the**  
99 **department of mental health as community mental health liaisons for**  
100 **the purpose of coordination of care and services.** In addition, the court  
101 may order the release or use of such records or files only upon good cause shown,  
102 and the court may impose such restrictions as the court deems appropriate.

103 6. Nothing contained in this chapter shall limit the rights of discovery in  
104 judicial or administrative procedures as otherwise provided for by statute or rule.

105 7. The fact of admission of a voluntary or involuntary patient to a mental  
106 health facility under chapter 632 may only be disclosed as specified in subsections  
107 2 and 3 of this section.

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Bill

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