

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 718

AN ACT

To repeal sections 168.021, 192.2305, 208.151, 210.109, 210.150, and 379.122, RSMo, and to enact in lieu thereof nine new sections relating to military affairs, with an existing penalty provision.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 168.021, 192.2305, 208.151, 210.109,
2 210.150, and 379.122, RSMo, are repealed and nine new sections
3 enacted in lieu thereof, to be known as sections 9.297, 9.300,
4 27.115, 168.021, 192.2305, 208.151, 210.109, 210.150, and
5 379.122, to read as follows:

6 9.297. The month of November is hereby designated as
7 "Military Family Month" in Missouri. The citizens of this state
8 are encouraged to participate in appropriate events and
9 activities to honor the daily sacrifices of all military families
10 who support their loved ones serving our country.

11 9.300. The twenty-second day of each month shall be
12 designated as "Buddy Check 22 Day" in the state of Missouri.
13 Citizens of this state are encouraged to check in on veterans on
14 the twenty-second day of each month and participate in
15 appropriate events and activities that raise awareness of the
16 problem of suicide facing military personnel.

1 27.115. The attorney general shall design, implement, and
2 oversee a dedicated program to help members of the Armed Forces
3 and their families find and retain affordable and qualified legal
4 counsel in this state. The program shall be marketed to
5 attorneys and members of the Armed Forces and their families.
6 The program shall publicize coordinated offerings of pro bono
7 legal services available to members of the Armed Forces and their
8 families. The attorney general shall collaborate with the
9 Missouri bar in administering this program and shall utilize
10 existing staff and volunteers and any existing programs in the
11 implementation of this section. Any additional funds needed to
12 administer this program shall be subject to appropriations. The
13 Department of Defense and military facilities located in the
14 state of Missouri are encouraged to promote this program.

15 168.021. 1. Certificates of license to teach in the public
16 schools of the state shall be granted as follows:

17 (1) By the state board, under rules and regulations
18 prescribed by it:

19 (a) Upon the basis of college credit;

20 (b) Upon the basis of examination;

21 (2) By the state board, under rules and regulations
22 prescribed by the state board with advice from the advisory
23 council established by section 168.015 to any individual who
24 presents to the state board a valid doctoral degree from an
25 accredited institution of higher education accredited by a
26 regional accrediting association such as North Central
27 Association. Such certificate shall be limited to the major area
28 of postgraduate study of the holder, shall be issued only after

1 successful completion of the examination required for graduation
2 pursuant to rules adopted by the state board of education, and
3 shall be restricted to those certificates established pursuant to
4 subdivision (2) of subsection 3 of this section;

5 (3) By the state board, which shall issue the professional
6 certificate classification in both the general and specialized
7 areas most closely aligned with the current areas of
8 certification approved by the state board, commensurate with the
9 years of teaching experience of the applicant, and based upon the
10 following criteria:

11 (a) Recommendation of a state-approved baccalaureate-level
12 teacher preparation program;

13 (b) Successful attainment of the Missouri qualifying score
14 on the exit assessment for teachers or administrators designated
15 by the state board of education. Applicants who have not
16 successfully achieved a qualifying score on the designated
17 examinations will be issued a two-year nonrenewable provisional
18 certificate; and

19 (c) Upon completion of a background check as prescribed in
20 section 168.133 and possession of a valid teaching certificate in
21 the state from which the applicant's teacher preparation program
22 was completed;

23 (4) By the state board, under rules prescribed by it, on
24 the basis of a relevant bachelor's degree, or higher degree, and
25 a passing score for the designated exit examination, for
26 individuals whose academic degree and professional experience are
27 suitable to provide a basis for instruction solely in the subject
28 matter of banking or financial responsibility, at the discretion

1 of the state board. Such certificate shall be limited to the
2 major area of study of the holder and shall be restricted to
3 those certificates established under subdivision (2) of
4 subsection 3 of this section. Holders of certificates granted
5 under this subdivision shall be exempt from the teacher tenure
6 act under sections 168.102 to 168.130 and each school district
7 shall have the decision-making authority on whether to hire the
8 holders of such certificates;

9 (5) By the state board, under rules and regulations
10 prescribed by it, on the basis of certification by the American
11 Board for Certification of Teacher Excellence (ABCTE) and
12 verification of ability to work with children as demonstrated by
13 sixty contact hours in any one of the following areas as
14 validated by the school principal: sixty contact hours in the
15 classroom, of which at least forty-five must be teaching; sixty
16 contact hours as a substitute teacher, with at least thirty
17 consecutive hours in the same classroom; sixty contact hours of
18 teaching in a private school; or sixty contact hours of teaching
19 as a paraprofessional, for an initial four-year ABCTE certificate
20 of license to teach, except that such certificate shall not be
21 granted for the areas of early childhood education, or special
22 education. For certification in the area of elementary
23 education, ninety contact hours in the classroom shall be
24 required, of which at least thirty shall be in an elementary
25 classroom. Upon the completion of the requirements listed in
26 paragraphs (a), (b), (c), and (d) of this subdivision, an
27 applicant shall be eligible to apply for a career continuous
28 professional certificate under subdivision (3) of subsection 3 of

1 this section:

2 (a) Completion of thirty contact hours of professional
3 development within four years, which may include hours spent in
4 class in an appropriate college curriculum;

5 (b) Validated completion of two years of the mentoring
6 program of the American Board for Certification of Teacher
7 Excellence or a district mentoring program approved by the state
8 board of education;

9 (c) Attainment of a successful performance-based teacher
10 evaluation; and

11 (d) Participation in a beginning teacher assistance
12 program; or

13 (6) By the state board, under rules and regulations
14 prescribed by it, which shall issue an initial visiting scholars
15 certificate at the discretion of the board, based on the
16 following criteria:

17 (a) Verification from the hiring school district that the
18 applicant will be employed as part of a business-education
19 partnership initiative designed to build career pathways systems
20 for students in a grade or grades not lower than the ninth grade
21 for which the applicant's academic degree or professional
22 experience qualifies him or her;

23 (b) Appropriate and relevant bachelor's degree or higher,
24 occupational license, or industry-recognized credential;

25 (c) Completion of the application for a one-year visiting
26 scholars certificate; and

27 (d) Completion of a background check as prescribed under
28 section 168.133.

1 The initial visiting scholars certificate shall certify the
2 holder of such certificate to teach for one year. An applicant
3 shall be eligible to renew an initial visiting scholars
4 certificate a maximum of two times, based upon the completion of
5 the requirements listed under paragraphs (a), (b), and (d) of
6 this subdivision; completion of professional development required
7 by the school district and school; and attainment of a
8 satisfactory performance-based teacher evaluation.

9 2. All valid teaching certificates issued pursuant to law
10 or state board policies and regulations prior to September 1,
11 1988, shall be exempt from the professional development
12 requirements of this section and shall continue in effect until
13 they expire, are revoked or suspended, as provided by law. When
14 such certificates are required to be renewed, the state board or
15 its designee shall grant to each holder of such a certificate the
16 certificate most nearly equivalent to the one so held. Anyone
17 who holds, as of August 28, 2003, a valid PC-I, PC-II, or
18 continuous professional certificate shall, upon expiration of his
19 or her current certificate, be issued the appropriate level of
20 certificate based upon the classification system established
21 pursuant to subsection 3 of this section.

22 3. (1) Certificates of license to teach in the public
23 schools of the state shall be based upon minimum requirements
24 prescribed by the state board of education which shall include
25 completion of a background check as prescribed in section
26 168.133. The state board shall provide for the following levels
27 of professional certification: an initial professional
28 certificate and a career continuous professional certificate.

1 (2) The initial professional certificate shall be issued
2 upon completion of requirements established by the state board of
3 education and shall be valid based upon verification of actual
4 teaching within a specified time period established by the state
5 board of education. The state board shall require holders of the
6 four-year initial professional certificate to:

7 (a) Participate in a mentoring program approved and
8 provided by the district for a minimum of two years;

9 (b) Complete thirty contact hours of professional
10 development, which may include hours spent in class in an
11 appropriate college curriculum, or for holders of a certificate
12 under subdivision (4) of subsection 1 of this section, an amount
13 of professional development in proportion to the certificate
14 holder's hours in the classroom, if the certificate holder is
15 employed less than full time; and

16 (c) Participate in a beginning teacher assistance program.

17 (3) (a) The career continuous professional certificate
18 shall be issued upon verification of completion of four years of
19 teaching under the initial professional certificate and upon
20 verification of the completion of the requirements articulated in
21 paragraphs (a), (b), and (c) of subdivision (2) of this
22 subsection or paragraphs (a), (b), (c), and (d) of subdivision
23 (5) of subsection 1 of this section.

24 (b) The career continuous professional certificate shall be
25 continuous based upon verification of actual employment in an
26 educational position as provided for in state board guidelines
27 and completion of fifteen contact hours of professional
28 development per year which may include hours spent in class in an

1 appropriate college curriculum. Should the possessor of a valid
2 career continuous professional certificate fail, in any given
3 year, to meet the fifteen-hour professional development
4 requirement, the possessor may, within two years, make up the
5 missing hours. In order to make up for missing hours, the
6 possessor shall first complete the fifteen-hour requirement for
7 the current year and then may count hours in excess of the
8 current year requirement as make-up hours. Should the possessor
9 fail to make up the missing hours within two years, the
10 certificate shall become inactive. In order to reactivate the
11 certificate, the possessor shall complete twenty-four contact
12 hours of professional development which may include hours spent
13 in the classroom in an appropriate college curriculum within the
14 six months prior to or after reactivating his or her certificate.
15 The requirements of this paragraph shall be monitored and
16 verified by the local school district which employs the holder of
17 the career continuous professional certificate.

18 (c) A holder of a career continuous professional
19 certificate shall be exempt from the professional development
20 contact hour requirements of paragraph (b) of this subdivision if
21 such teacher has a local professional development plan in place
22 within such teacher's school district and meets two of the three
23 following criteria:

24 a. Has ten years of teaching experience as defined by the
25 state board of education;

26 b. Possesses a master's degree; or

27 c. Obtains a rigorous national certification as approved by
28 the state board of education.

1 4. Policies and procedures shall be established by which a
2 teacher who was not retained due to a reduction in force may
3 retain the current level of certification. There shall also be
4 established policies and procedures allowing a teacher who has
5 not been employed in an educational position for three years or
6 more to reactivate his or her last level of certification by
7 completing twenty-four contact hours of professional development
8 which may include hours spent in the classroom in an appropriate
9 college curriculum within the six months prior to or after
10 reactivating his or her certificate.

11 5. The state board shall, upon completion of a background
12 check as prescribed in section 168.133, issue a professional
13 certificate classification in the areas most closely aligned with
14 an applicant's current areas of certification, commensurate with
15 the years of teaching experience of the applicant, to any person
16 who is hired to teach in a public school in this state and who
17 possesses a valid teaching certificate from another state or
18 certification under subdivision (4) of subsection 1 of this
19 section, provided that the certificate holder shall annually
20 complete the state board's requirements for such level of
21 certification, and shall establish policies by which residents of
22 states other than the state of Missouri may be assessed a fee for
23 a certificate of license to teach in the public schools of
24 Missouri. Such fee shall be in an amount sufficient to recover
25 any or all costs associated with the issuing of a certificate of
26 license to teach. The board shall promulgate rules to authorize
27 the issuance of a provisional certificate of license, which shall
28 be valid for three years and shall allow the holder to assume

1 classroom duties pending the completion of a criminal background
2 check under section 168.133, for any applicant who:

3 (1) Is the spouse of a member of the Armed Forces stationed
4 in Missouri;

5 (2) Relocated from another state within one year of the
6 date of application;

7 (3) Underwent a criminal background check in order to be
8 issued a teaching certificate of license from another state; and

9 (4) Otherwise qualifies under this section.

10 6. The state board may assess to holders of an initial
11 professional certificate a fee, to be deposited into the
12 excellence in education revolving fund established pursuant to
13 section 160.268, for the issuance of the career continuous
14 professional certificate. However, such fee shall not exceed the
15 combined costs of issuance and any criminal background check
16 required as a condition of issuance. Applicants for the initial
17 ABCTE certificate shall be responsible for any fees associated
18 with the program leading to the issuance of the certificate, but
19 nothing in this section shall prohibit a district from developing
20 a policy that permits fee reimbursement.

21 7. Any member of the public school retirement system of
22 Missouri who entered covered employment with ten or more years of
23 educational experience in another state or states and held a
24 certificate issued by another state and subsequently worked in a
25 school district covered by the public school retirement system of
26 Missouri for ten or more years who later became certificated in
27 Missouri shall have that certificate dated back to his or her
28 original date of employment in a Missouri public school.

1 8. Within thirty days after receiving an application from a
2 spouse of an active duty member of the Armed Forces of the United
3 States who has been transferred or is scheduled to be transferred
4 to the state of Missouri, or who has been transferred or
5 scheduled to be transferred to an adjacent state and is or will
6 be domiciled in the state of Missouri, or has moved to the state
7 of Missouri on a permanent change-of-station basis and has
8 successfully completed the background check described under
9 subsection 5 of this section and section 168.133, the state board
10 shall issue to such applicant a full certificate of license to
11 teach, provided that the applicant has paid all necessary fees
12 and has otherwise met all requirements to be issued such a
13 certificate.

14 192.2305. 1. There is hereby established within the
15 department of health and senior services the "Office of State
16 Ombudsman for Long-Term Care Facility Residents", for the purpose
17 of helping to assure the adequacy of care received by residents
18 of long-term care facilities and Missouri veterans' homes, as
19 defined in section 42.002, and to improve the quality of life
20 experienced by them, in accordance with the federal Older
21 Americans Act, 42 U.S.C. Section 3001, et seq.

22 2. The office shall be administered by the state ombudsman,
23 who shall devote his or her entire time to the duties of his or
24 her position.

25 3. The office shall establish and implement procedures for
26 receiving, processing, responding to, and resolving complaints
27 made by or on behalf of residents of long-term care facilities
28 and Missouri veterans' homes relating to action, inaction, or

1 decisions of providers, or their representatives, of long-term
2 care services, of public agencies or of social service agencies,
3 which may adversely affect the health, safety, welfare or rights
4 of such residents.

5 4. The department shall establish and implement procedures
6 for resolution of complaints. The ombudsman or representatives
7 of the office shall have the authority to:

8 (1) Enter any long-term care facility or Missouri veterans'
9 homes and have access to residents of the facility at a
10 reasonable time and in a reasonable manner. The ombudsman shall
11 have access to review resident records, if given permission by
12 the resident or the resident's legal guardian. Residents of the
13 facility shall have the right to request, deny, or terminate
14 visits with an ombudsman;

15 (2) Make the necessary inquiries and review such
16 information and records as the ombudsman or representative of the
17 office deems necessary to accomplish the objective of verifying
18 these complaints.

19 5. The office shall acknowledge complaints, report its
20 findings, make recommendations, gather and disseminate
21 information and other material, and publicize its existence.

22 6. The ombudsman may recommend to the relevant governmental
23 agency changes in the rules and regulations adopted or proposed
24 by such governmental agency which do or may adversely affect the
25 health, safety, welfare, or civil or human rights of any resident
26 in a facility. The office shall analyze and monitor the
27 development and implementation of federal, state and local laws,
28 regulations and policies with respect to long-term care

1 facilities and services and Missouri veterans' homes in the state
2 and shall recommend to the department changes in such laws,
3 regulations and policies deemed by the office to be appropriate.

4 7. The office shall promote community contact and
5 involvement with residents of facilities through the use of
6 volunteers and volunteer programs directed by the regional
7 ombudsman coordinators.

8 8. The office shall develop and establish by regulation of
9 the department statewide policies and standards for implementing
10 the activities of the ombudsman program, including the
11 qualifications and the training of regional ombudsman
12 coordinators and ombudsman volunteers.

13 9. The office shall develop and propose programs for use,
14 training and coordination of volunteers in conjunction with the
15 regional ombudsman coordinators and may:

16 (1) Establish and conduct recruitment programs for
17 volunteers;

18 (2) Establish and conduct training seminars, meetings and
19 other programs for volunteers; and

20 (3) Supply personnel, written materials and such other
21 reasonable assistance, including publicizing their activities, as
22 may be deemed necessary.

23 10. The regional ombudsman coordinators and ombudsman
24 volunteers shall have the authority to report instances of abuse
25 and neglect to the ombudsman hotline operated by the department.

26 11. If the regional ombudsman coordinator or volunteer
27 finds that a nursing home administrator is not willing to work
28 with the ombudsman program to resolve complaints, the state

1 ombudsman shall be notified. The department shall establish
2 procedures by rule in accordance with chapter 536 for
3 implementation of this subsection.

4 12. The office shall prepare and distribute to each
5 facility written notices which set forth the address and
6 telephone number of the office, a brief explanation of the
7 function of the office, the procedure to follow in filing a
8 complaint and other pertinent information.

9 13. The administrator of each facility shall ensure that
10 such written notice is given to every resident or the resident's
11 guardian upon admission to the facility and to every person
12 already in residence, or to his or her guardian. The
13 administrator shall also post such written notice in a
14 conspicuous, public place in the facility in the number and
15 manner set forth in the regulations adopted by the department.

16 14. The office shall inform residents, their guardians or
17 their families of their rights and entitlements under state and
18 federal laws and rules and regulations by means of the
19 distribution of educational materials and group meetings.

20 208.151. 1. Medical assistance on behalf of needy persons
21 shall be known as "MO HealthNet". For the purpose of paying MO
22 HealthNet benefits and to comply with Title XIX, Public Law
23 89-97, 1965 amendments to the federal Social Security Act (42
24 U.S.C. Section 301, et seq.) as amended, the following needy
25 persons shall be eligible to receive MO HealthNet benefits to the
26 extent and in the manner hereinafter provided:

27 (1) All participants receiving state supplemental payments
28 for the aged, blind and disabled;

1 (2) All participants receiving aid to families with
2 dependent children benefits, including all persons under nineteen
3 years of age who would be classified as dependent children except
4 for the requirements of subdivision (1) of subsection 1 of
5 section 208.040. Participants eligible under this subdivision
6 who are participating in treatment court, as defined in section
7 478.001, shall have their eligibility automatically extended
8 sixty days from the time their dependent child is removed from
9 the custody of the participant, subject to approval of the
10 Centers for Medicare and Medicaid Services;

11 (3) All participants receiving blind pension benefits;

12 (4) All persons who would be determined to be eligible for
13 old age assistance benefits, permanent and total disability
14 benefits, or aid to the blind benefits under the eligibility
15 standards in effect December 31, 1973, or less restrictive
16 standards as established by rule of the family support division,
17 who are sixty-five years of age or over and are patients in state
18 institutions for mental diseases or tuberculosis;

19 (5) All persons under the age of twenty-one years who would
20 be eligible for aid to families with dependent children except
21 for the requirements of subdivision (2) of subsection 1 of
22 section 208.040, and who are residing in an intermediate care
23 facility, or receiving active treatment as inpatients in
24 psychiatric facilities or programs, as defined in 42 U.S.C.
25 Section 1396d, as amended;

26 (6) All persons under the age of twenty-one years who would
27 be eligible for aid to families with dependent children benefits
28 except for the requirement of deprivation of parental support as

1 provided for in subdivision (2) of subsection 1 of section
2 208.040;

3 (7) All persons eligible to receive nursing care benefits;

4 (8) All participants receiving family foster home or
5 nonprofit private child-care institution care, subsidized
6 adoption benefits and parental school care wherein state funds
7 are used as partial or full payment for such care;

8 (9) All persons who were participants receiving old age
9 assistance benefits, aid to the permanently and totally disabled,
10 or aid to the blind benefits on December 31, 1973, and who
11 continue to meet the eligibility requirements, except income, for
12 these assistance categories, but who are no longer receiving such
13 benefits because of the implementation of Title XVI of the
14 federal Social Security Act, as amended;

15 (10) Pregnant women who meet the requirements for aid to
16 families with dependent children, except for the existence of a
17 dependent child in the home;

18 (11) Pregnant women who meet the requirements for aid to
19 families with dependent children, except for the existence of a
20 dependent child who is deprived of parental support as provided
21 for in subdivision (2) of subsection 1 of section 208.040;

22 (12) Pregnant women or infants under one year of age, or
23 both, whose family income does not exceed an income eligibility
24 standard equal to one hundred eighty-five percent of the federal
25 poverty level as established and amended by the federal
26 Department of Health and Human Services, or its successor agency;

27 (13) Children who have attained one year of age but have
28 not attained six years of age who are eligible for medical

1 assistance under 6401 of P.L. 101-239 (Omnibus Budget
2 Reconciliation Act of 1989). The family support division shall
3 use an income eligibility standard equal to one hundred
4 thirty-three percent of the federal poverty level established by
5 the Department of Health and Human Services, or its successor
6 agency;

7 (14) Children who have attained six years of age but have
8 not attained nineteen years of age. For children who have
9 attained six years of age but have not attained nineteen years of
10 age, the family support division shall use an income assessment
11 methodology which provides for eligibility when family income is
12 equal to or less than equal to one hundred percent of the federal
13 poverty level established by the Department of Health and Human
14 Services, or its successor agency. As necessary to provide MO
15 HealthNet coverage under this subdivision, the department of
16 social services may revise the state MO HealthNet plan to extend
17 coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to
18 children who have attained six years of age but have not attained
19 nineteen years of age as permitted by paragraph (2) of subsection
20 (n) of 42 U.S.C. Section 1396d using a more liberal income
21 assessment methodology as authorized by paragraph (2) of
22 subsection (r) of 42 U.S.C. Section 1396a;

23 (15) The family support division shall not establish a
24 resource eligibility standard in assessing eligibility for
25 persons under subdivision (12), (13) or (14) of this subsection.
26 The MO HealthNet division shall define the amount and scope of
27 benefits which are available to individuals eligible under each
28 of the subdivisions (12), (13), and (14) of this subsection, in

1 accordance with the requirements of federal law and regulations
2 promulgated thereunder;

3 (16) Notwithstanding any other provisions of law to the
4 contrary, ambulatory prenatal care shall be made available to
5 pregnant women during a period of presumptive eligibility
6 pursuant to 42 U.S.C. Section 1396r-1, as amended;

7 (17) A child born to a woman eligible for and receiving MO
8 HealthNet benefits under this section on the date of the child's
9 birth shall be deemed to have applied for MO HealthNet benefits
10 and to have been found eligible for such assistance under such
11 plan on the date of such birth and to remain eligible for such
12 assistance for a period of time determined in accordance with
13 applicable federal and state law and regulations so long as the
14 child is a member of the woman's household and either the woman
15 remains eligible for such assistance or for children born on or
16 after January 1, 1991, the woman would remain eligible for such
17 assistance if she were still pregnant. Upon notification of such
18 child's birth, the family support division shall assign a MO
19 HealthNet eligibility identification number to the child so that
20 claims may be submitted and paid under such child's
21 identification number;

22 (18) Pregnant women and children eligible for MO HealthNet
23 benefits pursuant to subdivision (12), (13) or (14) of this
24 subsection shall not as a condition of eligibility for MO
25 HealthNet benefits be required to apply for aid to families with
26 dependent children. The family support division shall utilize an
27 application for eligibility for such persons which eliminates
28 information requirements other than those necessary to apply for

1 MO HealthNet benefits. The division shall provide such
2 application forms to applicants whose preliminary income
3 information indicates that they are ineligible for aid to
4 families with dependent children. Applicants for MO HealthNet
5 benefits under subdivision (12), (13) or (14) of this subsection
6 shall be informed of the aid to families with dependent children
7 program and that they are entitled to apply for such benefits.
8 Any forms utilized by the family support division for assessing
9 eligibility under this chapter shall be as simple as practicable;

10 (19) Subject to appropriations necessary to recruit and
11 train such staff, the family support division shall provide one
12 or more full-time, permanent eligibility specialists to process
13 applications for MO HealthNet benefits at the site of a health
14 care provider, if the health care provider requests the placement
15 of such eligibility specialists and reimburses the division for
16 the expenses including but not limited to salaries, benefits,
17 travel, training, telephone, supplies, and equipment of such
18 eligibility specialists. The division may provide a health care
19 provider with a part-time or temporary eligibility specialist at
20 the site of a health care provider if the health care provider
21 requests the placement of such an eligibility specialist and
22 reimburses the division for the expenses, including but not
23 limited to the salary, benefits, travel, training, telephone,
24 supplies, and equipment, of such an eligibility specialist. The
25 division may seek to employ such eligibility specialists who are
26 otherwise qualified for such positions and who are current or
27 former welfare participants. The division may consider training
28 such current or former welfare participants as eligibility

1 specialists for this program;

2 (20) Pregnant women who are eligible for, have applied for
3 and have received MO HealthNet benefits under subdivision (2),
4 (10), (11) or (12) of this subsection shall continue to be
5 considered eligible for all pregnancy-related and postpartum MO
6 HealthNet benefits provided under section 208.152 until the end
7 of the sixty-day period beginning on the last day of their
8 pregnancy. Pregnant women receiving substance abuse treatment
9 within sixty days of giving birth shall, subject to
10 appropriations and any necessary federal approval, be eligible
11 for MO HealthNet benefits for substance abuse treatment and
12 mental health services for the treatment of substance abuse for
13 no more than twelve additional months, as long as the woman
14 remains adherent with treatment. The department of mental health
15 and the department of social services shall seek any necessary
16 waivers or state plan amendments from the Centers for Medicare
17 and Medicaid Services and shall develop rules relating to
18 treatment plan adherence. No later than fifteen months after
19 receiving any necessary waiver, the department of mental health
20 and the department of social services shall report to the house
21 of representatives budget committee and the senate appropriations
22 committee on the compliance with federal cost neutrality
23 requirements;

24 (21) Case management services for pregnant women and young
25 children at risk shall be a covered service. To the greatest
26 extent possible, and in compliance with federal law and
27 regulations, the department of health and senior services shall
28 provide case management services to pregnant women by contract or

1 agreement with the department of social services through local
2 health departments organized under the provisions of chapter 192
3 or chapter 205 or a city health department operated under a city
4 charter or a combined city-county health department or other
5 department of health and senior services designees. To the
6 greatest extent possible the department of social services and
7 the department of health and senior services shall mutually
8 coordinate all services for pregnant women and children with the
9 crippled children's program, the prevention of intellectual
10 disability and developmental disability program and the prenatal
11 care program administered by the department of health and senior
12 services. The department of social services shall by regulation
13 establish the methodology for reimbursement for case management
14 services provided by the department of health and senior
15 services. For purposes of this section, the term "case
16 management" shall mean those activities of local public health
17 personnel to identify prospective MO HealthNet-eligible high-risk
18 mothers and enroll them in the state's MO HealthNet program,
19 refer them to local physicians or local health departments who
20 provide prenatal care under physician protocol and who
21 participate in the MO HealthNet program for prenatal care and to
22 ensure that said high-risk mothers receive support from all
23 private and public programs for which they are eligible and shall
24 not include involvement in any MO HealthNet prepaid, case-managed
25 programs;

26 (22) By January 1, 1988, the department of social services
27 and the department of health and senior services shall study all
28 significant aspects of presumptive eligibility for pregnant women

1 and submit a joint report on the subject, including projected
2 costs and the time needed for implementation, to the general
3 assembly. The department of social services, at the direction of
4 the general assembly, may implement presumptive eligibility by
5 regulation promulgated pursuant to chapter 207;

6 (23) All participants who would be eligible for aid to
7 families with dependent children benefits except for the
8 requirements of paragraph (d) of subdivision (1) of section
9 208.150;

10 (24) (a) All persons who would be determined to be
11 eligible for old age assistance benefits under the eligibility
12 standards in effect December 31, 1973, as authorized by 42 U.S.C.
13 Section 1396a(f), or less restrictive methodologies as contained
14 in the MO HealthNet state plan as of January 1, 2005; except
15 that, on or after July 1, 2005, less restrictive income
16 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),
17 may be used to change the income limit if authorized by annual
18 appropriation;

19 (b) All persons who would be determined to be eligible for
20 aid to the blind benefits under the eligibility standards in
21 effect December 31, 1973, as authorized by 42 U.S.C. Section
22 1396a(f), or less restrictive methodologies as contained in the
23 MO HealthNet state plan as of January 1, 2005, except that less
24 restrictive income methodologies, as authorized in 42 U.S.C.
25 Section 1396a(r)(2), shall be used to raise the income limit to
26 one hundred percent of the federal poverty level;

27 (c) All persons who would be determined to be eligible for
28 permanent and total disability benefits under the eligibility

1 standards in effect December 31, 1973, as authorized by 42 U.S.C.
2 Section 1396a(f); or less restrictive methodologies as contained
3 in the MO HealthNet state plan as of January 1, 2005; except
4 that, on or after July 1, 2005, less restrictive income
5 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2),
6 may be used to change the income limit if authorized by annual
7 appropriations. Eligibility standards for permanent and total
8 disability benefits shall not be limited by age;

9 (25) Persons who have been diagnosed with breast or
10 cervical cancer and who are eligible for coverage pursuant to 42
11 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be
12 eligible during a period of presumptive eligibility in accordance
13 with 42 U.S.C. Section 1396r-1;

14 (26) Persons who are in foster care under the
15 responsibility of the state of Missouri on the date such persons
16 attained the age of eighteen years, or at any time during the
17 thirty-day period preceding their eighteenth birthday, or persons
18 who received foster care for at least six months in another
19 state, are residing in Missouri, and are at least eighteen years
20 of age, without regard to income or assets, if such persons:

21 (a) Are under twenty-six years of age;

22 (b) Are not eligible for coverage under another mandatory
23 coverage group; and

24 (c) Were covered by Medicaid while they were in foster
25 care.

26 2. Rules and regulations to implement this section shall be
27 promulgated in accordance with chapter 536. Any rule or portion
28 of a rule, as that term is defined in section 536.010, that is

1 created under the authority delegated in this section shall
2 become effective only if it complies with and is subject to all
3 of the provisions of chapter 536 and, if applicable, section
4 536.028. This section and chapter 536 are nonseverable and if
5 any of the powers vested with the general assembly pursuant to
6 chapter 536 to review, to delay the effective date or to
7 disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2002, shall be invalid
10 and void.

11 3. After December 31, 1973, and before April 1, 1990, any
12 family eligible for assistance pursuant to 42 U.S.C. Section 601,
13 et seq., as amended, in at least three of the last six months
14 immediately preceding the month in which such family became
15 ineligible for such assistance because of increased income from
16 employment shall, while a member of such family is employed,
17 remain eligible for MO HealthNet benefits for four calendar
18 months following the month in which such family would otherwise
19 be determined to be ineligible for such assistance because of
20 income and resource limitation. After April 1, 1990, any family
21 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as
22 amended, in at least three of the six months immediately
23 preceding the month in which such family becomes ineligible for
24 such aid, because of hours of employment or income from
25 employment of the caretaker relative, shall remain eligible for
26 MO HealthNet benefits for six calendar months following the month
27 of such ineligibility as long as such family includes a child as
28 provided in 42 U.S.C. Section 1396r-6. Each family which has

1 received such medical assistance during the entire six-month
2 period described in this section and which meets reporting
3 requirements and income tests established by the division and
4 continues to include a child as provided in 42 U.S.C. Section
5 1396r-6 shall receive MO HealthNet benefits without fee for an
6 additional six months. The MO HealthNet division may provide by
7 rule and as authorized by annual appropriation the scope of MO
8 HealthNet coverage to be granted to such families.

9 4. When any individual has been determined to be eligible
10 for MO HealthNet benefits, such medical assistance will be made
11 available to him or her for care and services furnished in or
12 after the third month before the month in which he made
13 application for such assistance if such individual was, or upon
14 application would have been, eligible for such assistance at the
15 time such care and services were furnished; provided, further,
16 that such medical expenses remain unpaid.

17 5. The department of social services may apply to the
18 federal Department of Health and Human Services for a MO
19 HealthNet waiver amendment to the Section 1115 demonstration
20 waiver or for any additional MO HealthNet waivers necessary not
21 to exceed one million dollars in additional costs to the state,
22 unless subject to appropriation or directed by statute, but in no
23 event shall such waiver applications or amendments seek to waive
24 the services of a rural health clinic or a federally qualified
25 health center as defined in 42 U.S.C. Section 1396d(1)(1) and (2)
26 or the payment requirements for such clinics and centers as
27 provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless
28 such waiver application is approved by the oversight committee

1 created in section 208.955. A request for such a waiver so
2 submitted shall only become effective by executive order not
3 sooner than ninety days after the final adjournment of the
4 session of the general assembly to which it is submitted, unless
5 it is disapproved within sixty days of its submission to a
6 regular session by a senate or house resolution adopted by a
7 majority vote of the respective elected members thereof, unless
8 the request for such a waiver is made subject to appropriation or
9 directed by statute.

10 6. Notwithstanding any other provision of law to the
11 contrary, in any given fiscal year, any persons made eligible for
12 MO HealthNet benefits under subdivisions (1) to (22) of
13 subsection 1 of this section shall only be eligible if annual
14 appropriations are made for such eligibility. This subsection
15 shall not apply to classes of individuals listed in 42 U.S.C.
16 Section ~~1396a(a)(10)(A)(I)~~ 1396(a)(10)(A)(i).

17 7. (1) Notwithstanding any provision of law to the
18 contrary, a member of the Armed Forces, or an immediate family
19 member residing with such member, who is a resident of this state
20 and is eligible for MO HealthNet developmental disability
21 services, shall have his or her eligibility for MO HealthNet
22 developmental disability services temporarily suspended for any
23 period of time during which such person temporarily resides
24 outside of this state for reasons relating to military service,
25 but shall have his or her eligibility immediately restored upon
26 returning to this state to reside.

27 (2) Notwithstanding any provision of law to the contrary
28 and to the extent permissible under federal law, if a member of

1 the Armed Forces, or an immediate family member residing with
2 such member, is not a resident of this state, but would otherwise
3 be eligible for MO HealthNet developmental disability services,
4 such individual shall be deemed eligible for MO HealthNet
5 developmental disability services for the duration of any time in
6 which such individual is temporarily present in this state for
7 reasons relating to military service.

8 210.109. 1. The children's division shall establish a
9 child protection system for the entire state.

10 2. The child protection system shall promote the safety of
11 children and the integrity and preservation of their families by
12 conducting investigations or family assessments and providing
13 services in response to reports of child abuse or neglect. The
14 system shall coordinate community resources and provide
15 assistance or services to children and families identified to be
16 at risk, and to prevent and remedy child abuse and neglect.

17 3. In addition to any duties specified in section 210.145,
18 in implementing the child protection system, the division shall:

19 (1) Maintain a central registry;

20 (2) Receive reports and establish and maintain an
21 information system operating at all times, capable of receiving
22 and maintaining reports;

23 (3) Attempt to obtain the name and address of any person
24 making a report in all cases, after obtaining relevant
25 information regarding the alleged abuse or neglect, although
26 reports may be made anonymously; except that, reports by
27 mandatory reporters under section 210.115, including employees of
28 the children's division, juvenile officers, and school personnel

1 shall not be made anonymously, provided that the reporter shall
2 be informed, at the time of the report, that the reporter's name
3 and any other personally identifiable information shall be held
4 as confidential and shall not be made public as provided under
5 this section and section 211.319;

6 (4) Upon receipt of a report, check with the information
7 system to determine whether previous reports have been made
8 regarding actual or suspected abuse or neglect of the subject
9 child, of any siblings, and the perpetrator, and relevant
10 dispositional information regarding such previous reports;

11 (5) Provide protective or preventive services to the family
12 and child and to others in the home to prevent abuse or neglect,
13 to safeguard their health and welfare, and to help preserve and
14 stabilize the family whenever possible. The juvenile court shall
15 cooperate with the division in providing such services;

16 (6) Collaborate with the community to identify
17 comprehensive local services and assure access to those services
18 for children and families where there is risk of abuse or
19 neglect;

20 (7) Maintain a record which contains the facts ascertained
21 which support the determination as well as the facts that do not
22 support the determination;

23 (8) Whenever available and appropriate, contract for the
24 provision of children's services through children's services
25 providers and agencies in the community; except that the state
26 shall be the sole provider of child abuse and neglect hotline
27 services, the initial child abuse and neglect investigation, and
28 the initial family assessment. The division shall attempt to

1 seek input from child welfare service providers in completing the
2 initial family assessment. In all legal proceedings involving
3 children in the custody of the division, the division shall be
4 represented in court by either division personnel or persons with
5 whom the division contracts with for such legal representation.
6 All children's services providers and agencies shall be subject
7 to criminal background checks pursuant to chapter 43 and shall
8 submit names of all employees to the family care safety registry;
9 and

10 (9) Upon receipt of a report, attempt to ascertain whether
11 the suspected perpetrator or any person responsible for the care,
12 custody, and control of the subject child is a member of the
13 Armed Forces, as defined in section 41.030.

14
15 As used in this subsection, "report" includes any telephone call
16 made pursuant to section 210.145.

17 210.150. 1. The children's division shall ensure the
18 confidentiality of all reports and records made pursuant to
19 sections 210.109 to 210.183 and maintained by the division, its
20 local offices, the central registry, and other appropriate
21 persons, officials, and institutions pursuant to sections 210.109
22 to 210.183. To protect the rights of the family and the child
23 named in the report as a victim, the children's division shall
24 establish guidelines which will ensure that any disclosure of
25 information concerning the abuse and neglect involving that child
26 is made only to persons or agencies that have a right to such
27 information. The division may require persons to make written
28 requests for access to records maintained by the division. The

1 division shall only release information to persons who have a
2 right to such information. The division shall notify persons
3 receiving information pursuant to subdivisions (2), (7), (8) and
4 (9) of subsection 2 of this section of the purpose for which the
5 information is released and of the penalties for unauthorized
6 dissemination of information. Such information shall be used
7 only for the purpose for which the information is released.

8 2. Only the following persons shall have access to
9 investigation records contained in the central registry:

10 (1) Appropriate federal, state or local criminal justice
11 agency personnel, or any agent of such entity, with a need for
12 such information under the law to protect children from abuse or
13 neglect;

14 (2) A physician or a designated agent who reasonably
15 believes that the child being examined may be abused or
16 neglected;

17 (3) Appropriate staff of the division and of its local
18 offices, including interdisciplinary teams which are formed to
19 assist the division in investigation, evaluation and treatment of
20 child abuse and neglect cases or a multidisciplinary provider of
21 professional treatment services for a child referred to the
22 provider;

23 (4) Any child named in the report as a victim, or a legal
24 representative, or the parent, if not the alleged perpetrator, or
25 guardian of such person when such person is a minor, or is
26 mentally ill or otherwise incompetent, but the names of reporters
27 shall not be furnished to persons in this category. Prior to the
28 release of any identifying information, the division shall

1 determine if the release of such identifying information may
2 place a person's life or safety in danger. If the division makes
3 the determination that a person's life or safety may be in
4 danger, the identifying information shall not be released. The
5 division shall provide a method for confirming or certifying that
6 a designee is acting on behalf of a subject;

7 (5) Any alleged perpetrator named in the report, but the
8 names of reporters shall not be furnished to persons in this
9 category. Prior to the release of any identifying information,
10 the division shall determine if the release of such identifying
11 information may place a person's life or safety in danger. If
12 the division makes the determination that a person's life or
13 safety may be in danger, the identifying information shall not be
14 released. However, the investigation reports will not be
15 released to any alleged perpetrator with pending criminal charges
16 arising out of the facts and circumstances named in the
17 investigation records until an indictment is returned or an
18 information filed;

19 (6) A grand jury, juvenile officer, prosecuting attorney,
20 law enforcement officer involved in the investigation of child
21 abuse or neglect, juvenile court or other court conducting abuse
22 or neglect or child protective proceedings or child custody
23 proceedings, and other federal, state and local government
24 entities, or any agent of such entity, with a need for such
25 information in order to carry out its responsibilities under the
26 law to protect children from abuse or neglect;

27 (7) Any person engaged in a bona fide research purpose,
28 with the permission of the director; provided, however, that no

1 information identifying the child named in the report as a victim
2 or the reporters shall be made available to the researcher,
3 unless the identifying information is essential to the research
4 or evaluation and the child named in the report as a victim or,
5 if the child is less than eighteen years of age, through the
6 child's parent, or guardian provides written permission;

7 (8) Any child-care facility; child-placing agency;
8 residential-care facility, including group homes; juvenile
9 courts; public or private elementary schools; public or private
10 secondary schools; or any other public or private agency
11 exercising temporary supervision over a child or providing or
12 having care or custody of a child who may request an examination
13 of the central registry from the division for all employees and
14 volunteers or prospective employees and volunteers, who do or
15 will provide services or care to children. Any agency or
16 business recognized by the division or business which provides
17 training and places or recommends people for employment or for
18 volunteers in positions where they will provide services or care
19 to children may request the division to provide an examination of
20 the central registry. Such agency or business shall provide
21 verification of its status as a recognized agency. Requests for
22 examinations shall be made to the division director or the
23 director's designee in writing by the chief administrative
24 officer of the above homes, centers, public and private
25 elementary schools, public and private secondary schools,
26 agencies, or courts. The division shall respond in writing to
27 that officer. The response shall include information pertaining
28 to the nature and disposition of any report or reports of abuse

1 or neglect revealed by the examination of the central registry.
2 This response shall not include any identifying information
3 regarding any person other than the alleged perpetrator of the
4 abuse or neglect;

5 (9) Any parent or legal guardian who inquires about a child
6 abuse or neglect report involving a specific person or child-care
7 facility who does or may provide services or care to a child of
8 the person requesting the information. Request for examinations
9 shall be made to the division director or the director's
10 designee, in writing, by the parent or legal guardian of the
11 child and shall be accompanied with a signed and notarized
12 release form from the person who does or may provide care or
13 services to the child. The notarized release form shall include
14 the full name, date of birth and Social Security number of the
15 person who does or may provide care or services to a child. The
16 response shall include information pertaining to the nature and
17 disposition of any report or reports of abuse or neglect revealed
18 by the examination of the central registry. This response shall
19 not include any identifying information regarding any person
20 other than the alleged perpetrator of the abuse or neglect. The
21 response shall be given within ten working days of the time it
22 was received by the division;

23 (10) Any person who inquires about a child abuse or neglect
24 report involving a specific child-care facility, child-placing
25 agency, residential-care facility, public and private elementary
26 schools, public and private secondary schools, juvenile court or
27 other state agency. The information available to these persons
28 is limited to the nature and disposition of any report contained

1 in the central registry and shall not include any identifying
2 information pertaining to any person mentioned in the report;

3 (11) Any state agency acting pursuant to statutes regarding
4 a license of any person, institution, or agency which provides
5 care for or services to children;

6 (12) Any child fatality review panel established pursuant
7 to section 210.192 or any state child fatality review panel
8 established pursuant to section 210.195;

9 (13) Any person who is a tenure-track or full-time research
10 faculty member at an accredited institution of higher education
11 engaged in scholarly research, with the permission of the
12 director. Prior to the release of any identifying information,
13 the director shall require the researcher to present a plan for
14 maintaining the confidentiality of the identifying information.
15 The researcher shall be prohibited from releasing the identifying
16 information of individual cases; and

17 (14) Appropriate staff of the United States Department of
18 Defense including, but not limited to, authorized family advocacy
19 program staff or any other staff authorized to receive and
20 respond to reports requested under 10 U.S.C. Section 1787, in
21 cases where a report has been made and the suspected perpetrator
22 or any person responsible for the care, custody, and control of
23 the subject child is a member of the Armed Forces, as defined in
24 section 41.030.

25 3. Only the following persons shall have access to records
26 maintained by the division pursuant to section 210.152 for which
27 the division has received a report of child abuse and neglect and
28 which the division has determined that there is insufficient

1 evidence or in which the division proceeded with the family
2 assessment and services approach:

3 (1) Appropriate staff of the division;

4 (2) Any child named in the report as a victim, or a legal
5 representative, or the parent or guardian of such person when
6 such person is a minor, or is mentally ill or otherwise
7 incompetent. The names or other identifying information of
8 reporters shall not be furnished to persons in this category.
9 Prior to the release of any identifying information, the division
10 shall determine if the release of such identifying information
11 may place a person's life or safety in danger. If the division
12 makes the determination that a person's life or safety may be in
13 danger, the identifying information shall not be released. The
14 division shall provide for a method for confirming or certifying
15 that a designee is acting on behalf of a subject;

16 (3) Any alleged perpetrator named in the report, but the
17 names of reporters shall not be furnished to persons in this
18 category. Prior to the release of any identifying information,
19 the division shall determine if the release of such identifying
20 information may place a person's life or safety in danger. If
21 the division makes the determination that a person's life or
22 safety may be in danger, the identifying information shall not be
23 released. However, the investigation reports will not be
24 released to any alleged perpetrator with pending criminal charges
25 arising out of the facts and circumstances named in the
26 investigation records until an indictment is returned or an
27 information filed;

28 (4) Any child fatality review panel established pursuant to

1 section 210.192 or any state child fatality review panel
2 established pursuant to section 210.195;

3 (5) Appropriate criminal justice agency personnel or
4 juvenile officer;

5 (6) Multidisciplinary agency or individual including a
6 physician or physician's designee who is providing services to
7 the child or family, with the consent of the parent or guardian
8 of the child or legal representative of the child;

9 (7) Any person engaged in bona fide research purpose, with
10 the permission of the director; provided, however, that no
11 information identifying the subjects of the reports or the
12 reporters shall be made available to the researcher, unless the
13 identifying information is essential to the research or
14 evaluation and the subject, or if a child, through the child's
15 parent or guardian, provides written permission; and

16 (8) Appropriate staff of the United States Department of
17 Defense including, but not limited to, authorized family advocacy
18 program staff or any other staff authorized to receive and
19 respond to reports requested under 10 U.S.C. Section 1787, in
20 cases where a report has been made and the suspected perpetrator
21 or any person responsible for the care, custody, and control of
22 the subject child is a member of the Armed Forces, as defined in
23 section 41.030.

24 4. Any person who knowingly violates the provisions of this
25 section, or who permits or encourages the unauthorized
26 dissemination of information contained in the information system
27 or the central registry and in reports and records made pursuant
28 to sections 210.109 to 210.183, shall be guilty of a class A

1 misdemeanor.

2 5. Nothing in this section shall preclude the release of
3 findings or information about cases which resulted in a child
4 fatality or near fatality. Such release is at the sole
5 discretion of the director of the department of social services,
6 based upon a review of the potential harm to other children
7 within the immediate family.

8 6. Notwithstanding any provisions of this section or
9 chapter to the contrary, if the division receives a report and
10 ascertains that a suspected perpetrator or any person responsible
11 for the care, custody, and control of the subject child is a
12 member of the Armed Forces, as defined in section 41.030, the
13 division shall report its findings to the most relevant family
14 advocacy program authorized by the United States Department of
15 Defense or any other relevant person authorized by the United
16 States Department of Defense to receive reports under 10 U.S.C.
17 Section 1787.

18 379.122. 1. No insurer shall refuse to write a policy for
19 an applicant or base an adverse underwriting decision, including
20 but not limited to charging an increased premium, solely on the
21 fact that the applicant has never purchased such a policy of
22 motor vehicle insurance where the lack of motor vehicle insurance
23 coverage is due to the applicant serving in the armed services
24 and the applicant has not operated a motor vehicle in violation
25 of any financial responsibility or compulsory insurance
26 requirement within the past twelve months.

27 2. No insurer shall refuse to write a policy for an
28 applicant or base an adverse underwriting decision, including but

1 not limited to charging an increased premium, solely on the fact
2 that the applicant has not owned or been covered by such a policy
3 of motor vehicle insurance during any specified period
4 immediately preceding the date of application where the lack of
5 motor vehicle insurance coverage is due to the applicant serving
6 in the armed services and the applicant has not operated a motor
7 vehicle in violation of any financial responsibility or
8 compulsory insurance requirement within the past twelve months.
9 Nothing in this subsection shall prohibit an insurer from giving
10 a discount for such an applicant that has been covered by a
11 policy of insurance during such a specified period.

12 3. Nothing in this section shall prohibit an insurer from
13 basing an adverse underwriting decision on an applicant's
14 previous driving record where such record indicates that the
15 applicant is a substandard risk.

16 4. In order to establish compliance with this section, an
17 insurer may require any applicant claiming to meet the criteria
18 of subsection 1 or 2 of this section to provide proof of
19 eligibility in a manner as the insurer may prescribe.

20 5. The adjutant general shall ensure that members of the
21 state military forces, as defined in section 40.005, receive
22 notice of the protections provided under this section at such
23 time as information regarding the Servicemembers Civil Relief
24 Act, 50 U.S.C. 3901, et seq., is provided, or at such other times
25 as the adjutant general deems appropriate. The notice shall
26 specifically state that insurers are prohibited under this
27 section from refusing to issue a policy of motor vehicle
28 insurance, or from charging higher premiums, based solely on a

1 lack of prior coverage where the lack of prior coverage was due
2 to military service. The secretaries of the branches of the
3 United States Armed Forces are hereby encouraged to likewise
4 notify servicemembers under their jurisdictions of the
5 protections provided under this section.