

FIRST REGULAR SESSION

SENATE BILL NO. 426

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 10, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2006S.011

AN ACT

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

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Section A. Section 630.140, RSMo, is repealed and one new section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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