

SECOND REGULAR SESSION

# SENATE BILL NO. 718

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WHITE.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## AN ACT

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

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

Section A. Sections 168.021, 208.151, 210.109, and 210.150, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 9.297, 27.115, 168.021, 208.151, 210.109, and 210.150, to read as follows:

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

**27.115. The attorney general shall design, implement, and oversee a dedicated program to help members of the Armed Forces and their families find and retain affordable and qualified legal counsel in this state. The program shall be marketed to attorneys and members of the Armed Forces and their families. The program shall publicize coordinated offerings of pro bono legal services available to members of the Armed Forces and their families. The attorney general shall collaborate with the Missouri bar in administering this program.**

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

- 3 (1) By the state board, under rules and regulations prescribed by it:
- 4 (a) Upon the basis of college credit;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 5                 (b) Upon the basis of examination;
- 6                 (2) By the state board, under rules and regulations prescribed by the state  
7     board with advice from the advisory council established by section 168.015 to any  
8     individual who presents to the state board a valid doctoral degree from an  
9     accredited institution of higher education accredited by a regional accrediting  
10    association such as North Central Association. Such certificate shall be limited  
11    to the major area of postgraduate study of the holder, shall be issued only after  
12    successful completion of the examination required for graduation pursuant to  
13    rules adopted by the state board of education, and shall be restricted to those  
14    certificates established pursuant to subdivision (2) of subsection 3 of this section;
- 15                 (3) By the state board, which shall issue the professional certificate  
16    classification in both the general and specialized areas most closely aligned with  
17    the current areas of certification approved by the state board, commensurate with  
18    the years of teaching experience of the applicant, and based upon the following  
19    criteria:
- 20                 (a) Recommendation of a state-approved baccalaureate-level teacher  
21    preparation program;
- 22                 (b) Successful attainment of the Missouri qualifying score on the exit  
23    assessment for teachers or administrators designated by the state board of  
24    education. Applicants who have not successfully achieved a qualifying score on  
25    the designated examinations will be issued a two-year nonrenewable provisional  
26    certificate; and
- 27                 (c) Upon completion of a background check as prescribed in section  
28    168.133 and possession of a valid teaching certificate in the state from which the  
29    applicant's teacher preparation program was completed;
- 30                 (4) By the state board, under rules prescribed by it, on the basis of a  
31    relevant bachelor's degree, or higher degree, and a passing score for the  
32    designated exit examination, for individuals whose academic degree and  
33    professional experience are suitable to provide a basis for instruction solely in the  
34    subject matter of banking or financial responsibility, at the discretion of the state  
35    board. Such certificate shall be limited to the major area of study of the holder  
36    and shall be restricted to those certificates established under subdivision (2) of  
37    subsection 3 of this section. Holders of certificates granted under this subdivision  
38    shall be exempt from the teacher tenure act under sections 168.102 to 168.130  
39    and each school district shall have the decision-making authority on whether to  
40    hire the holders of such certificates;

41                 (5) By the state board, under rules and regulations prescribed by it, on  
42 the basis of certification by the American Board for Certification of Teacher  
43 Excellence (ABCTE) and verification of ability to work with children as  
44 demonstrated by sixty contact hours in any one of the following areas as validated  
45 by the school principal: sixty contact hours in the classroom, of which at least  
46 forty-five must be teaching; sixty contact hours as a substitute teacher, with at  
47 least thirty consecutive hours in the same classroom; sixty contact hours of  
48 teaching in a private school; or sixty contact hours of teaching as a  
49 paraprofessional, for an initial four-year ABCTE certificate of license to teach,  
50 except that such certificate shall not be granted for the areas of early childhood  
51 education, or special education. For certification in the area of elementary  
52 education, ninety contact hours in the classroom shall be required, of which at  
53 least thirty shall be in an elementary classroom. Upon the completion of the  
54 requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an  
55 applicant shall be eligible to apply for a career continuous professional certificate  
56 under subdivision (3) of subsection 3 of this section:

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

60                 (b) Validated completion of two years of the mentoring program of the  
61 American Board for Certification of Teacher Excellence or a district mentoring  
62 program approved by the state board of education;

63                 (c) Attainment of a successful performance-based teacher evaluation; and  
64                 (d) Participation in a beginning teacher assistance program; or

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

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

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

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

77                 (d) Completion of a background check as prescribed under section 168.133.  
78      The initial visiting scholars certificate shall certify the holder of such certificate  
79      to teach for one year. An applicant shall be eligible to renew an initial visiting  
80      scholars certificate a maximum of two times, based upon the completion of the  
81      requirements listed under paragraphs (a), (b), and (d) of this subdivision;  
82      completion of professional development required by the school district and school;  
83      and attainment of a satisfactory performance-based teacher evaluation.

84                 2. All valid teaching certificates issued pursuant to law or state board  
85      policies and regulations prior to September 1, 1988, shall be exempt from the  
86      professional development requirements of this section and shall continue in effect  
87      until they expire, are revoked or suspended, as provided by law. When such  
88      certificates are required to be renewed, the state board or its designee shall grant  
89      to each holder of such a certificate the certificate most nearly equivalent to the  
90      one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or  
91      continuous professional certificate shall, upon expiration of his or her current  
92      certificate, be issued the appropriate level of certificate based upon the  
93      classification system established pursuant to subsection 3 of this section.

94                 3. (1) Certificates of license to teach in the public schools of the state  
95      shall be based upon minimum requirements prescribed by the state board of  
96      education which shall include completion of a background check as prescribed in  
97      section 168.133. The state board shall provide for the following levels of  
98      professional certification: an initial professional certificate and a career  
99      continuous professional certificate.

100                 (2) The initial professional certificate shall be issued upon completion of  
101      requirements established by the state board of education and shall be valid based  
102      upon verification of actual teaching within a specified time period established by  
103      the state board of education. The state board shall require holders of the  
104      four-year initial professional certificate to:

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

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

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

113           (3) (a) The career continuous professional certificate shall be issued upon  
114 verification of completion of four years of teaching under the initial professional  
115 certificate and upon verification of the completion of the requirements articulated  
116 in paragraphs (a), (b), and (c) of subdivision (2) of this subsection or paragraphs  
117 (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

118           (b) The career continuous professional certificate shall be continuous  
119 based upon verification of actual employment in an educational position as  
120 provided for in state board guidelines and completion of fifteen contact hours of  
121 professional development per year which may include hours spent in class in an  
122 appropriate college curriculum. Should the possessor of a valid career continuous  
123 professional certificate fail, in any given year, to meet the fifteen-hour  
124 professional development requirement, the possessor may, within two years, make  
125 up the missing hours. In order to make up for missing hours, the possessor shall  
126 first complete the fifteen-hour requirement for the current year and then may  
127 count hours in excess of the current year requirement as make-up hours. Should  
128 the possessor fail to make up the missing hours within two years, the certificate  
129 shall become inactive. In order to reactivate the certificate, the possessor shall  
130 complete twenty-four contact hours of professional development which may  
131 include hours spent in the classroom in an appropriate college curriculum within  
132 the six months prior to or after reactivating his or her certificate. The  
133 requirements of this paragraph shall be monitored and verified by the local school  
134 district which employs the holder of the career continuous professional certificate.

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

- 139           a. Has ten years of teaching experience as defined by the state board of  
140 education;
- 141           b. Possesses a master's degree; or
- 142           c. Obtains a rigorous national certification as approved by the state board  
143 of education.

144           4. Policies and procedures shall be established by which a teacher who  
145 was not retained due to a reduction in force may retain the current level of  
146 certification. There shall also be established policies and procedures allowing a  
147 teacher who has not been employed in an educational position for three years or  
148 more to reactivate his or her last level of certification by completing twenty-four

149 contact hours of professional development which may include hours spent in the  
150 classroom in an appropriate college curriculum within the six months prior to or  
151 after reactivating his or her certificate.

152       5. The state board shall, upon completion of a background check as  
153 prescribed in section 168.133, issue a professional certificate classification in the  
154 areas most closely aligned with an applicant's current areas of certification,  
155 commensurate with the years of teaching experience of the applicant, to any  
156 person who is hired to teach in a public school in this state and who possesses a  
157 valid teaching certificate from another state or certification under subdivision (4)  
158 of subsection 1 of this section, provided that the certificate holder shall annually  
159 complete the state board's requirements for such level of certification, and shall  
160 establish policies by which residents of states other than the state of Missouri  
161 may be assessed a fee for a certificate of license to teach in the public schools of  
162 Missouri. Such fee shall be in an amount sufficient to recover any or all costs  
163 associated with the issuing of a certificate of license to teach. The board shall  
164 promulgate rules to authorize the issuance of a provisional certificate of license,  
165 which shall **be valid for three years and shall** allow the holder to assume  
166 classroom duties pending the completion of a criminal background check under  
167 section 168.133, for any applicant who:

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

169           (2) Relocated from another state within one year of the date of  
170 application;

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

173           (4) Otherwise qualifies under this section.

174       6. The state board may assess to holders of an initial professional  
175 certificate a fee, to be deposited into the excellence in education revolving fund  
176 established pursuant to section 160.268, for the issuance of the career continuous  
177 professional certificate. However, such fee shall not exceed the combined costs  
178 of issuance and any criminal background check required as a condition of  
179 issuance. Applicants for the initial ABCTE certificate shall be responsible for any  
180 fees associated with the program leading to the issuance of the certificate, but  
181 nothing in this section shall prohibit a district from developing a policy that  
182 permits fee reimbursement.

183       7. Any member of the public school retirement system of Missouri who  
184 entered covered employment with ten or more years of educational experience in

185 another state or states and held a certificate issued by another state and  
186 subsequently worked in a school district covered by the public school retirement  
187 system of Missouri for ten or more years who later became certificated in  
188 Missouri shall have that certificate dated back to his or her original date of  
189 employment in a Missouri public school.

190 **8. No later than thirty days after receiving confirmation that an**  
191 **applicant who is a spouse of a member of the Armed Forces stationed**  
192 **in Missouri has successfully completed the background check described**  
193 **under subsection 5 of this section and section 168.133, the state board**  
194 **shall issue to such applicant a full certificate of license to teach,**  
195 **provided that the applicant has paid all necessary fees and has**  
196 **otherwise met all requirements to be issued such a certificate.**

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

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

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

17 (3) All participants receiving blind pension benefits;

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

24 (5) All persons under the age of twenty-one years who would be eligible

25 for aid to families with dependent children except for the requirements of  
26 subdivision (2) of subsection 1 of section 208.040, and who are residing in an  
27 intermediate care facility, or receiving active treatment as inpatients in  
28 psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as  
29 amended;

30 (6) All persons under the age of twenty-one years who would be eligible  
31 for aid to families with dependent children benefits except for the requirement of  
32 deprivation of parental support as provided for in subdivision (2) of subsection 1  
33 of section 208.040;

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

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

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

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

46 (11) Pregnant women who meet the requirements for aid to families with  
47 dependent children, except for the existence of a dependent child who is deprived  
48 of parental support as provided for in subdivision (2) of subsection 1 of section  
49 208.040;

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

55 (13) Children who have attained one year of age but have not attained six  
56 years of age who are eligible for medical assistance under 6401 of P.L. 101-239  
57 (Omnibus Budget Reconciliation Act of 1989). The family support division shall  
58 use an income eligibility standard equal to one hundred thirty-three percent of  
59 the federal poverty level established by the Department of Health and Human  
60 Services, or its successor agency;

61                 (14) Children who have attained six years of age but have not attained  
62 nineteen years of age. For children who have attained six years of age but have  
63 not attained nineteen years of age, the family support division shall use an  
64 income assessment methodology which provides for eligibility when family income  
65 is equal to or less than equal to one hundred percent of the federal poverty level  
66 established by the Department of Health and Human Services, or its successor  
67 agency. As necessary to provide MO HealthNet coverage under this subdivision,  
68 the department of social services may revise the state MO HealthNet plan to  
69 extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who  
70 have attained six years of age but have not attained nineteen years of age as  
71 permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a  
72 more liberal income assessment methodology as authorized by paragraph (2) of  
73 subsection (r) of 42 U.S.C. Section 1396a;

74                 (15) The family support division shall not establish a resource eligibility  
75 standard in assessing eligibility for persons under subdivision (12), (13) or (14)  
76 of this subsection. The MO HealthNet division shall define the amount and scope  
77 of benefits which are available to individuals eligible under each of the  
78 subdivisions (12), (13), and (14) of this subsection, in accordance with the  
79 requirements of federal law and regulations promulgated thereunder;

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

84                 (17) A child born to a woman eligible for and receiving MO HealthNet  
85 benefits under this section on the date of the child's birth shall be deemed to have  
86 applied for MO HealthNet benefits and to have been found eligible for such  
87 assistance under such plan on the date of such birth and to remain eligible for  
88 such assistance for a period of time determined in accordance with applicable  
89 federal and state law and regulations so long as the child is a member of the  
90 woman's household and either the woman remains eligible for such assistance or  
91 for children born on or after January 1, 1991, the woman would remain eligible  
92 for such assistance if she were still pregnant. Upon notification of such child's  
93 birth, the family support division shall assign a MO HealthNet eligibility  
94 identification number to the child so that claims may be submitted and paid  
95 under such child's identification number;

96                 (18) Pregnant women and children eligible for MO HealthNet benefits

97 pursuant to subdivision (12), (13) or (14) of this subsection shall not as a  
98 condition of eligibility for MO HealthNet benefits be required to apply for aid to  
99 families with dependent children. The family support division shall utilize an  
100 application for eligibility for such persons which eliminates information  
101 requirements other than those necessary to apply for MO HealthNet  
102 benefits. The division shall provide such application forms to applicants whose  
103 preliminary income information indicates that they are ineligible for aid to  
104 families with dependent children. Applicants for MO HealthNet benefits under  
105 subdivision (12), (13) or (14) of this subsection shall be informed of the aid to  
106 families with dependent children program and that they are entitled to apply for  
107 such benefits. Any forms utilized by the family support division for assessing  
108 eligibility under this chapter shall be as simple as practicable;

109       (19) Subject to appropriations necessary to recruit and train such staff,  
110 the family support division shall provide one or more full-time, permanent  
111 eligibility specialists to process applications for MO HealthNet benefits at the site  
112 of a health care provider, if the health care provider requests the placement of  
113 such eligibility specialists and reimburses the division for the expenses including  
114 but not limited to salaries, benefits, travel, training, telephone, supplies, and  
115 equipment of such eligibility specialists. The division may provide a health care  
116 provider with a part-time or temporary eligibility specialist at the site of a health  
117 care provider if the health care provider requests the placement of such an  
118 eligibility specialist and reimburses the division for the expenses, including but  
119 not limited to the salary, benefits, travel, training, telephone, supplies, and  
120 equipment, of such an eligibility specialist. The division may seek to employ such  
121 eligibility specialists who are otherwise qualified for such positions and who are  
122 current or former welfare participants. The division may consider training such  
123 current or former welfare participants as eligibility specialists for this program;

124       (20) Pregnant women who are eligible for, have applied for and have  
125 received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this  
126 subsection shall continue to be considered eligible for all pregnancy-related and  
127 postpartum MO HealthNet benefits provided under section 208.152 until the end  
128 of the sixty-day period beginning on the last day of their pregnancy. Pregnant  
129 women receiving substance abuse treatment within sixty days of giving birth  
130 shall, subject to appropriations and any necessary federal approval, be eligible for  
131 MO HealthNet benefits for substance abuse treatment and mental health services  
132 for the treatment of substance abuse for no more than twelve additional months,

133 as long as the woman remains adherent with treatment. The department of  
134 mental health and the department of social services shall seek any necessary  
135 waivers or state plan amendments from the Centers for Medicare and Medicaid  
136 Services and shall develop rules relating to treatment plan adherence. No later  
137 than fifteen months after receiving any necessary waiver, the department of  
138 mental health and the department of social services shall report to the house of  
139 representatives budget committee and the senate appropriations committee on the  
140 compliance with federal cost neutrality requirements;

141 (21) Case management services for pregnant women and young children  
142 at risk shall be a covered service. To the greatest extent possible, and in  
143 compliance with federal law and regulations, the department of health and senior  
144 services shall provide case management services to pregnant women by contract  
145 or agreement with the department of social services through local health  
146 departments organized under the provisions of chapter 192 or chapter 205 or a  
147 city health department operated under a city charter or a combined city-county  
148 health department or other department of health and senior services designees.  
149 To the greatest extent possible the department of social services and the  
150 department of health and senior services shall mutually coordinate all services  
151 for pregnant women and children with the crippled children's program, the  
152 prevention of intellectual disability and developmental disability program and the  
153 prenatal care program administered by the department of health and senior  
154 services. The department of social services shall by regulation establish the  
155 methodology for reimbursement for case management services provided by the  
156 department of health and senior services. For purposes of this section, the term  
157 "case management" shall mean those activities of local public health personnel  
158 to identify prospective MO HealthNet-eligible high-risk mothers and enroll them  
159 in the state's MO HealthNet program, refer them to local physicians or local  
160 health departments who provide prenatal care under physician protocol and who  
161 participate in the MO HealthNet program for prenatal care and to ensure that  
162 said high-risk mothers receive support from all private and public programs for  
163 which they are eligible and shall not include involvement in any MO HealthNet  
164 prepaid, case-managed programs;

165 (22) By January 1, 1988, the department of social services and the  
166 department of health and senior services shall study all significant aspects of  
167 presumptive eligibility for pregnant women and submit a joint report on the  
168 subject, including projected costs and the time needed for implementation, to the

169 general assembly. The department of social services, at the direction of the  
170 general assembly, may implement presumptive eligibility by regulation  
171 promulgated pursuant to chapter 207;

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

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

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

188 (c) All persons who would be determined to be eligible for permanent and  
189 total disability benefits under the eligibility standards in effect December 31,  
190 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive  
191 methodologies as contained in the MO HealthNet state plan as of January 1,  
192 2005; except that, on or after July 1, 2005, less restrictive income methodologies,  
193 as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income  
194 limit if authorized by annual appropriations. Eligibility standards for permanent  
195 and total disability benefits shall not be limited by age;

196 (25) Persons who have been diagnosed with breast or cervical cancer and  
197 who are eligible for coverage pursuant to 42 U.S.C. Section  
198 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of  
199 presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

200 (26) Persons who are in foster care under the responsibility of the state  
201 of Missouri on the date such persons attained the age of eighteen years, or at any  
202 time during the thirty-day period preceding their eighteenth birthday, or persons  
203 who received foster care for at least six months in another state, are residing in  
204 Missouri, and are at least eighteen years of age, without regard to income or

205 assets, if such persons:

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

207 (b) Are not eligible for coverage under another mandatory coverage group;

208 and

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

210 2. Rules and regulations to implement this section shall be promulgated  
211 in accordance with chapter 536. Any rule or portion of a rule, as that term is  
212 defined in section 536.010, that is created under the authority delegated in this  
213 section shall become effective only if it complies with and is subject to all of the  
214 provisions of chapter 536 and, if applicable, section 536.028. This section and  
215 chapter 536 are nonseverable and if any of the powers vested with the general  
216 assembly pursuant to chapter 536 to review, to delay the effective date or to  
217 disapprove and annul a rule are subsequently held unconstitutional, then the  
218 grant of rulemaking authority and any rule proposed or adopted after August 28,  
219 2002, shall be invalid and void.

220 3. After December 31, 1973, and before April 1, 1990, any family eligible  
221 for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least  
222 three of the last six months immediately preceding the month in which such  
223 family became ineligible for such assistance because of increased income from  
224 employment shall, while a member of such family is employed, remain eligible for  
225 MO HealthNet benefits for four calendar months following the month in which  
226 such family would otherwise be determined to be ineligible for such assistance  
227 because of income and resource limitation. After April 1, 1990, any family  
228 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least  
229 three of the six months immediately preceding the month in which such family  
230 becomes ineligible for such aid, because of hours of employment or income from  
231 employment of the caretaker relative, shall remain eligible for MO HealthNet  
232 benefits for six calendar months following the month of such ineligibility as long  
233 as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each  
234 family which has received such medical assistance during the entire six-month  
235 period described in this section and which meets reporting requirements and  
236 income tests established by the division and continues to include a child as  
237 provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits  
238 without fee for an additional six months. The MO HealthNet division may  
239 provide by rule and as authorized by annual appropriation the scope of MO  
240 HealthNet coverage to be granted to such families.

241       4. When any individual has been determined to be eligible for MO  
242 HealthNet benefits, such medical assistance will be made available to him or her  
243 for care and services furnished in or after the third month before the month in  
244 which he made application for such assistance if such individual was, or upon  
245 application would have been, eligible for such assistance at the time such care  
246 and services were furnished; provided, further, that such medical expenses  
247 remain unpaid.

248       5. The department of social services may apply to the federal Department  
249 of Health and Human Services for a MO HealthNet waiver amendment to the  
250 Section 1115 demonstration waiver or for any additional MO HealthNet waivers  
251 necessary not to exceed one million dollars in additional costs to the state, unless  
252 subject to appropriation or directed by statute, but in no event shall such waiver  
253 applications or amendments seek to waive the services of a rural health clinic or  
254 a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and  
255 (2) or the payment requirements for such clinics and centers as provided in 42  
256 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is  
257 approved by the oversight committee created in section 208.955. A request for  
258 such a waiver so submitted shall only become effective by executive order not  
259 sooner than ninety days after the final adjournment of the session of the general  
260 assembly to which it is submitted, unless it is disapproved within sixty days of  
261 its submission to a regular session by a senate or house resolution adopted by a  
262 majority vote of the respective elected members thereof, unless the request for  
263 such a waiver is made subject to appropriation or directed by statute.

264       6. Notwithstanding any other provision of law to the contrary, in any  
265 given fiscal year, any persons made eligible for MO HealthNet benefits under  
266 subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if  
267 annual appropriations are made for such eligibility. This subsection shall not  
268 apply to classes of individuals listed in 42 U.S.C. Section [1396a(a)(10)(A)(I)]  
269 **1396(a)(10)(A)(i).**

270       7. **(1) Notwithstanding any provision of law to the contrary, a**  
271 **member of the Armed Forces, or an immediate family member residing**  
272 **with such member, who is a resident of this state and is eligible for MO**  
273 **HealthNet developmental disability services, shall have his or her**  
274 **eligibility for MO HealthNet developmental disability services**  
275 **temporarily suspended for any period of time during which such person**  
276 **temporarily resides outside of this state for reasons relating to military**

277 service, but shall have his or her eligibility immediately restored upon  
278 returning to this state to reside.

279       (2) Notwithstanding any provision of law to the contrary, if a  
280 member of the Armed Forces, or an immediate family member residing  
281 with such member, is not a resident of this state, but would otherwise  
282 be eligible for MO HealthNet developmental disability services, such  
283 individual shall be deemed eligible for MO HealthNet developmental  
284 disability services for the duration of any time in which such  
285 individual is temporarily present in this state for reasons relating to  
286 military service.

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

3       2. The child protection system shall promote the safety of children and the  
4 integrity and preservation of their families by conducting investigations or family  
5 assessments and providing services in response to reports of child abuse or  
6 neglect. The system shall coordinate community resources and provide assistance  
7 or services to children and families identified to be at risk, and to prevent and  
8 remedy child abuse and neglect.

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

11           (1) Maintain a central registry;  
12           (2) Receive reports and establish and maintain an information system  
13 operating at all times, capable of receiving and maintaining reports;

14           (3) Attempt to obtain the name and address of any person making a report  
15 in all cases, after obtaining relevant information regarding the alleged abuse or  
16 neglect, although reports may be made anonymously; except that, reports by  
17 mandatory reporters under section 210.115, including employees of the children's  
18 division, juvenile officers, and school personnel shall not be made anonymously,  
19 provided that the reporter shall be informed, at the time of the report, that the  
20 reporter's name and any other personally identifiable information shall be held  
21 as confidential and shall not be made public as provided under this section and  
22 section 211.319;

23           (4) Upon receipt of a report, check with the information system to  
24 determine whether previous reports have been made regarding actual or  
25 suspected abuse or neglect of the subject child, of any siblings, and the  
26 perpetrator, and relevant dispositional information regarding such previous

27 reports;

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

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

35               (7) Maintain a record which contains the facts ascertained which support  
36 the determination as well as the facts that do not support the determination;

37               (8) Whenever available and appropriate, contract for the provision of  
38 children's services through children's services providers and agencies in the  
39 community; except that the state shall be the sole provider of child abuse and  
40 neglect hotline services, the initial child abuse and neglect investigation, and the  
41 initial family assessment. The division shall attempt to seek input from child  
42 welfare service providers in completing the initial family assessment. In all legal  
43 proceedings involving children in the custody of the division, the division shall  
44 be represented in court by either division personnel or persons with whom the  
45 division contracts with for such legal representation. All children's services  
46 providers and agencies shall be subject to criminal background checks pursuant  
47 to chapter 43 and shall submit names of all employees to the family care safety  
48 registry; and

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

53 As used in this subsection, "report" includes any telephone call made pursuant  
54 to section 210.145.

210.150. 1. The children's division shall ensure the confidentiality of all  
2 reports and records made pursuant to sections 210.109 to 210.183 and maintained  
3 by the division, its local offices, the central registry, and other appropriate  
4 persons, officials, and institutions pursuant to sections 210.109 to 210.183. To  
5 protect the rights of the family and the child named in the report as a victim, the  
6 children's division shall establish guidelines which will ensure that any disclosure  
7 of information concerning the abuse and neglect involving that child is made only  
8 to persons or agencies that have a right to such information. The division may

9 require persons to make written requests for access to records maintained by the  
10 division. The division shall only release information to persons who have a right  
11 to such information. The division shall notify persons receiving information  
12 pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the  
13 purpose for which the information is released and of the penalties for  
14 unauthorized dissemination of information. Such information shall be used only  
15 for the purpose for which the information is released.

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

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

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

23           (3) Appropriate staff of the division and of its local offices, including  
24 interdisciplinary teams which are formed to assist the division in investigation,  
25 evaluation and treatment of child abuse and neglect cases or a multidisciplinary  
26 provider of professional treatment services for a child referred to the provider;

27           (4) Any child named in the report as a victim, or a legal representative,  
28 or the parent, if not the alleged perpetrator, or guardian of such person when  
29 such person is a minor, or is mentally ill or otherwise incompetent, but the names  
30 of reporters shall not be furnished to persons in this category. Prior to the release  
31 of any identifying information, the division shall determine if the release  
32 of such identifying information may place a person's life or safety in danger. If  
33 the division makes the determination that a person's life or safety may be in  
34 danger, the identifying information shall not be released. The division shall  
35 provide a method for confirming or certifying that a designee is acting on behalf  
36 of a subject;

37           (5) Any alleged perpetrator named in the report, but the names of  
38 reporters shall not be furnished to persons in this category. Prior to the release  
39 of any identifying information, the division shall determine if the release of such  
40 identifying information may place a person's life or safety in danger. If the  
41 division makes the determination that a person's life or safety may be in danger,  
42 the identifying information shall not be released. However, the investigation  
43 reports will not be released to any alleged perpetrator with pending criminal  
44 charges arising out of the facts and circumstances named in the investigation

45 records until an indictment is returned or an information filed;

46 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement  
47 officer involved in the investigation of child abuse or neglect, juvenile court or  
48 other court conducting abuse or neglect or child protective proceedings or child  
49 custody proceedings, and other federal, state and local government entities, or  
50 any agent of such entity, with a need for such information in order to carry out  
51 its responsibilities under the law to protect children from abuse or neglect;

52 (7) Any person engaged in a bona fide research purpose, with the  
53 permission of the director; provided, however, that no information identifying the  
54 child named in the report as a victim or the reporters shall be made available to  
55 the researcher, unless the identifying information is essential to the research or  
56 evaluation and the child named in the report as a victim or, if the child is less  
57 than eighteen years of age, through the child's parent, or guardian provides  
58 written permission;

59 (8) Any child-care facility; child-placing agency; residential-care facility,  
60 including group homes; juvenile courts; public or private elementary schools;  
61 public or private secondary schools; or any other public or private agency  
62 exercising temporary supervision over a child or providing or having care or  
63 custody of a child who may request an examination of the central registry from  
64 the division for all employees and volunteers or prospective employees and  
65 volunteers, who do or will provide services or care to children. Any agency or  
66 business recognized by the division or business which provides training and  
67 places or recommends people for employment or for volunteers in positions where  
68 they will provide services or care to children may request the division to provide  
69 an examination of the central registry. Such agency or business shall provide  
70 verification of its status as a recognized agency. Requests for examinations shall  
71 be made to the division director or the director's designee in writing by the chief  
72 administrative officer of the above homes, centers, public and private elementary  
73 schools, public and private secondary schools, agencies, or courts. The division  
74 shall respond in writing to that officer. The response shall include information  
75 pertaining to the nature and disposition of any report or reports of abuse or  
76 neglect revealed by the examination of the central registry. This response shall  
77 not include any identifying information regarding any person other than the  
78 alleged perpetrator of the abuse or neglect;

79 (9) Any parent or legal guardian who inquires about a child abuse or  
80 neglect report involving a specific person or child-care facility who does or may

81 provide services or care to a child of the person requesting the  
82 information. Request for examinations shall be made to the division director or  
83 the director's designee, in writing, by the parent or legal guardian of the child  
84 and shall be accompanied with a signed and notarized release form from the  
85 person who does or may provide care or services to the child. The notarized  
86 release form shall include the full name, date of birth and Social Security number  
87 of the person who does or may provide care or services to a child. The response  
88 shall include information pertaining to the nature and disposition of any report  
89 or reports of abuse or neglect revealed by the examination of the central  
90 registry. This response shall not include any identifying information regarding  
91 any person other than the alleged perpetrator of the abuse or neglect. The  
92 response shall be given within ten working days of the time it was received by the  
93 division;

94 (10) Any person who inquires about a child abuse or neglect report  
95 involving a specific child-care facility, child-placing agency, residential-care  
96 facility, public and private elementary schools, public and private secondary  
97 schools, juvenile court or other state agency. The information available to these  
98 persons is limited to the nature and disposition of any report contained in the  
99 central registry and shall not include any identifying information pertaining to  
100 any person mentioned in the report;

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

103 (12) Any child fatality review panel established pursuant to section  
104 210.192 or any state child fatality review panel established pursuant to section  
105 210.195;

106 (13) Any person who is a tenure-track or full-time research faculty  
107 member at an accredited institution of higher education engaged in scholarly  
108 research, with the permission of the director. Prior to the release of any  
109 identifying information, the director shall require the researcher to present a plan  
110 for maintaining the confidentiality of the identifying information. The researcher  
111 shall be prohibited from releasing the identifying information of individual cases;

112 **and**

113 (14) **Appropriate staff of the United States Department of**  
114 **Defense including, but not limited to, authorized family advocacy**  
115 **program staff or any other staff authorized to receive and respond to**  
116 **reports requested under 10 U.S.C. Section 1787, in cases where a report**

117 **has been made and the suspected perpetrator or any person responsible**  
118 **for the care, custody, and control of the subject child is a member of**  
119 **the Armed Forces, as defined in section 41.030.**

120       3. Only the following persons shall have access to records maintained by  
121 the division pursuant to section 210.152 for which the division has received a  
122 report of child abuse and neglect and which the division has determined that  
123 there is insufficient evidence or in which the division proceeded with the family  
124 assessment and services approach:

125           (1) Appropriate staff of the division;

126           (2) Any child named in the report as a victim, or a legal representative,  
127 or the parent or guardian of such person when such person is a minor, or is  
128 mentally ill or otherwise incompetent. The names or other identifying  
129 information of reporters shall not be furnished to persons in this category. Prior  
130 to the release of any identifying information, the division shall determine if the  
131 release of such identifying information may place a person's life or safety in  
132 danger. If the division makes the determination that a person's life or safety may  
133 be in danger, the identifying information shall not be released. The division shall  
134 provide for a method for confirming or certifying that a designee is acting on  
135 behalf of a subject;

136           (3) Any alleged perpetrator named in the report, but the names of  
137 reporters shall not be furnished to persons in this category. Prior to the release  
138 of any identifying information, the division shall determine if the release of such  
139 identifying information may place a person's life or safety in danger. If the  
140 division makes the determination that a person's life or safety may be in danger,  
141 the identifying information shall not be released. However, the investigation  
142 reports will not be released to any alleged perpetrator with pending criminal  
143 charges arising out of the facts and circumstances named in the investigation  
144 records until an indictment is returned or an information filed;

145           (4) Any child fatality review panel established pursuant to section 210.192  
146 or any state child fatality review panel established pursuant to section 210.195;

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

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

151           (7) Any person engaged in bona fide research purpose, with the  
152 permission of the director; provided, however, that no information identifying the

153 subjects of the reports or the reporters shall be made available to the researcher,  
154 unless the identifying information is essential to the research or evaluation and  
155 the subject, or if a child, through the child's parent or guardian, provides written  
156 permission; **and**

157       **(8) Appropriate staff of the United States Department of Defense**  
158 **including, but not limited to, authorized family advocacy program staff**  
159 **or any other staff authorized to receive and respond to reports**  
160 **requested under 10 U.S.C. Section 1787, in cases where a report has**  
161 **been made and the suspected perpetrator or any person responsible for**  
162 **the care, custody, and control of the subject child is a member of the**  
163 **Armed Forces, as defined in section 41.030.**

164       4. Any person who knowingly violates the provisions of this section, or  
165 who permits or encourages the unauthorized dissemination of information  
166 contained in the information system or the central registry and in reports and  
167 records made pursuant to sections 210.109 to 210.183, shall be guilty of a class  
168 A misdemeanor.

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

174       **6. Notwithstanding any provisions of this section or chapter to**  
175 **the contrary, if the division receives a report and ascertains that a**  
176 **suspected perpetrator or any person responsible for the care, custody,**  
177 **and control of the subject child is a member of the Armed Forces, as**  
178 **defined in section 41.030, the division shall report its findings to the**  
179 **most relevant family advocacy program authorized by the United States**  
180 **Department of Defense or any other relevant person authorized by the**  
181 **United States Department of Defense to receive reports under 10 U.S.C.**  
182 **Section 1787.**