

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1019**  
**103RD GENERAL ASSEMBLY**

4774H.04C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 96.192, 96.196, 191.1146, 206.110, 324.009, 334.108, 345.050, 376.1000, 376.1012, 376.1017, 632.305, 632.489, 632.492, 632.495, 632.504, and 632.520, RSMo, and to enact in lieu thereof thirty-one new sections relating to health care, with penalty provisions.

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

Section A. Sections 96.192, 96.196, 191.1146, 206.110, 324.009, 334.108, 345.050, 2 376.1000, 376.1012, 376.1017, 632.305, 632.489, 632.492, 632.495, 632.504, and 632.520, 3 RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as 4 sections 96.192, 96.196, 191.1146, 192.021, 197.708, 206.110, 206.158, 208.149, 324.009, 5 334.108, 345.050, 376.417, 376.1000, 376.1012, 376.1017, 376.1280, 407.3007, 632.305, 6 632.489, 632.492, 632.495, 632.504, 632.520, 632.580, 632.585, 632.590, 632.593, 632.595, 7 632.600, 632.605, and 632.610, to read as follows:

96.192. 1. The board of trustees of any hospital authorized under subsection 2 of this 2 section, and established and organized under the provisions of sections 96.150 to 96.229, may 3 invest up to ~~[twenty-five]~~ **fifty** percent of ~~[the hospital's]~~ **its** funds not required for immediate 4 disbursement in obligations or for the operation of the hospital ~~[in any United States 5 investment grade fixed income funds or any diversified stock funds, or both]~~ **into:**

6 **(1) Any mutual funds that invest in stocks, bonds, or real estate, or any**  
7 **combination thereof;**

8 **(2) Bonds that have:**

9 **(a) One of the five highest long-term ratings or the highest short-term rating**  
10 **issued by a nationally recognized rating agency; and**

11 **(b) A final maturity of ten years or less;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12           **(3) Money-market investments; or**

13           **(4) Any combination of investments described in subdivisions (1) to (3) of this**  
14 **subsection.**

15

16 **The board shall invest the remaining percentage of funds not required for immediate**  
17 **disbursement into any investment in which the state treasurer is allowed to invest.**

18           2. The provisions of this section shall only apply if the hospital:

19           (1) Receives less than ~~[one]~~ **three** percent of its annual revenues from municipal,  
20 county, or state taxes; and

21           (2) Receives less than ~~[one]~~ **three** percent of its annual revenue from appropriated  
22 funds from the municipality in which such hospital is located.

          96.196. 1. A hospital organized under this chapter may purchase, operate or lease, as  
2 lessor or lessee, related facilities or engage in health care activities, except in counties of the  
3 third or fourth classification (other than the county in which the hospital is located) where  
4 there already exists a hospital organized pursuant to this chapter ~~[and chapter 205 or 206]~~;  
5 provided, however, that this exception shall not prohibit the continuation of existing activities  
6 otherwise allowed by law.

7           2. If a hospital organized pursuant to this chapter accepts appropriated funds from the  
8 city during the twelve months immediately preceding the date that the hospital purchases,  
9 operates or leases its first related facility outside the city boundaries or engages in its first  
10 health care activity outside the city boundaries, the governing body of the city shall approve  
11 the hospital's plan for such purchase, operation or lease prior to implementation of the plan.

          191.1146. 1. Physicians licensed under chapter 334 who use telemedicine shall  
2 ensure that a properly established physician-patient relationship exists with the person who  
3 receives the telemedicine services. The physician-patient relationship may be established by:

4           (1) An in-person encounter through a medical ~~[interview]~~ **evaluation** and physical  
5 examination;

6           (2) Consultation with another physician, or that physician's delegate, who has an  
7 established relationship with the patient and an agreement with the physician to participate in  
8 the patient's care; or

9           (3) A telemedicine encounter, if the standard of care does not require an in-person  
10 encounter, and in accordance with evidence-based standards of practice and telemedicine  
11 practice guidelines that address the clinical and technological aspects of telemedicine.

12           2. In order to establish a physician-patient relationship through telemedicine:

13           (1) The technology utilized shall be sufficient to establish an informed diagnosis as  
14 though the medical ~~[interview]~~ **evaluation** and, **if required to meet the standard of care,**  
15 **the physical examination has been performed in person; ~~[and]~~**

16 (2) Prior to providing treatment, including issuing prescriptions or physician  
17 certifications under Article XIV of the Missouri Constitution, a physician who uses  
18 telemedicine shall ~~[interview]~~ **evaluate** the patient, collect or review **the patient's** relevant  
19 medical history, and perform an examination sufficient for the diagnosis and treatment of the  
20 patient. **[A] Any** questionnaire completed by the patient, whether via the internet or  
21 telephone, **shall be reviewed by the treating health care professional, as defined in section**  
22 **376.1350, and shall include such information sufficient to provide the information as**  
23 **though the medical evaluation has been performed in person, otherwise such**  
24 **questionnaire** does not constitute an acceptable medical ~~[interview]~~ **evaluation** and  
25 examination for the provision of treatment by telehealth; and

26 (3) **Any provider that uses a questionnaire to establish a physician-patient**  
27 **relationship through telemedicine shall be employed or contracted with a business entity**  
28 **that is licensed to provide health care in this state.**

29 **3. A health care provider that uses a medical evaluation questionnaire completed**  
30 **by the patient by way of the internet or telephone shall provide a written report within**  
31 **fourteen days of evaluation to the patient's primary health care provider, if provided by**  
32 **the patient, that contains:**

33 (1) **The identity of the patient;**

34 (2) **The date of the evaluation;**

35 (3) **The diagnosis and treatment provided, if any; and**

36 (4) **Any further instructions provided to the patient.**

**192.021. 1. The department of health and senior services shall be authorized to**  
2 **contract directly with a Missouri affiliate of a national public health association or**  
3 **public health institute, or a similar or successor entity, in order to assist in carrying out**  
4 **its duties to promote the health and wellbeing of the residents of this state. Such**  
5 **contracts may include, but not be limited to, efforts to assist in the delivery of health**  
6 **services to residents throughout the state and the administration of grant funds and**  
7 **related programs.**

8 **2. Within sixty days after the end of each fiscal year, the department and the**  
9 **designated affiliate shall provide the general assembly with an annual report and**  
10 **accounting of any appropriations and grant funds received and expended by the**  
11 **designated affiliate pursuant to this section during the immediate prior fiscal year and**  
12 **may provide recommendations and suggestions for improvement in services provided.**

**197.708. Each hospital shall display in a prominent place within the waiting**  
2 **rooms of the emergency department and the labor and delivery department a printed**  
3 **sign with the following text in all capital letters: "WARNING: ASSAULTING A**  
4 **HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE**

5 **OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH CARE**  
6 **PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME AND WILL**  
7 **BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW."**

206.110. 1. A hospital district, both within and outside such district, except in  
2 counties of the third or fourth classification (other than within the district boundaries) where  
3 there already exists a hospital organized pursuant to [~~chapters 96, 205 or~~] this chapter;  
4 provided, however, that this exception shall not prohibit the continuation or expansion of  
5 existing activities otherwise allowed by law, shall have and exercise the following  
6 governmental powers, and all other powers incidental, necessary, convenient or desirable  
7 to carry out and effectuate the express powers:

8 (1) To establish and maintain a hospital or hospitals and hospital facilities, and to  
9 construct, acquire, develop, expand, extend and improve any such hospital or hospital facility  
10 including medical office buildings to provide offices for rental to physicians and dentists on  
11 the district hospital's medical or dental staff, and the providing of sites therefor, including  
12 offstreet parking space for motor vehicles;

13 (2) To acquire land in fee simple, rights in land and easements upon, over or across  
14 land and leasehold interest in land and tangible and intangible personal property used or  
15 useful for the location, establishment, maintenance, development, expansion, extension or  
16 improvement of any hospital or hospital facility. The acquisition may be by dedication,  
17 purchase, gift, agreement, lease, use or adverse possession or by condemnation;

18 (3) To operate, maintain and manage a hospital and hospital facilities, and to make  
19 and enter into contracts, for the use, operation or management of a hospital or hospital  
20 facilities; to engage in health care activities; and to make and enter into leases of equipment  
21 and real property, a hospital or hospital facilities, as lessor or lessee, regardless of the duration  
22 of such lease; and to provide rules and regulations for the operation, management or use of a  
23 hospital or hospital facilities. Any agreement entered into pursuant to this subsection  
24 pertaining to the lease of the hospital shall have a definite termination date as negotiated by  
25 the parties, but this shall not preclude the trustees from entering into a renewal of the  
26 agreement with the same or other parties pertaining to the same or other subjects upon such  
27 terms and conditions as the parties may agree;

28 (4) To fix, charge and collect reasonable fees and compensation for the use or  
29 occupancy of the hospital or any part thereof, or any hospital facility, and for nursing care,  
30 medicine, attendance, or other services furnished by the hospital or hospital facilities,  
31 according to the rules and regulations prescribed by the board from time to time;

32 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of  
33 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to

34 compliance with any condition or limitation set forth in this chapter or otherwise provided by  
35 the Constitution of the state of Missouri;

36 (6) To employ or enter into contracts for the employment of any person, firm, or  
37 corporation, and for professional services, necessary or desirable for the accomplishment of  
38 the corporate objects of the district or the proper administration, management, protection or  
39 control of its property;

40 (7) To maintain the hospital for the benefit of the inhabitants of the area comprising  
41 the district who are sick, injured, or maimed regardless of race, creed or color, and to adopt  
42 such reasonable rules and regulations as may be necessary to render the use of the hospital of  
43 the greatest benefit to the greatest number; to exclude from the use of the hospital all persons  
44 who willfully disregard any of the rules and regulations so established; to extend the  
45 privileges and use of the hospital to persons residing outside the area of the district upon such  
46 terms and conditions as the board of directors prescribes by its rules and regulations;

47 (8) To police its property and to exercise police powers in respect thereto or in respect  
48 to the enforcement of any rule or regulation provided by the ordinances of the district and to  
49 employ and commission police officers and other qualified persons to enforce the same;

50 (9) To lease to or allow for any institution of higher education to use or occupy the  
51 hospital, any real estate or facility owned or leased by the district or any part thereof for the  
52 purpose of health care-related and general education or training.

53 2. The use of any hospital or hospital facility of a district shall be subject to the  
54 reasonable regulation and control of the district and upon such reasonable terms and  
55 conditions as shall be established by its board of directors.

56 3. A regulatory ordinance of a district adopted under any provision of this section  
57 may provide for a suspension or revocation of any rights or privileges within the control of  
58 the district for a violation of any such regulatory ordinance.

59 4. Nothing in this section or in other provisions of this chapter shall be construed to  
60 authorize the district or board to establish or enforce any regulation or rule in respect to  
61 hospitalization or the operation or maintenance of such hospital or any hospital facilities  
62 within its jurisdiction which is in conflict with any federal or state law or regulation  
63 applicable to the same subject matter.

**206.158. 1. The board of trustees of any hospital authorized under subsection 2  
2 of this section, and established and organized under the provisions of sections 206.010 to  
3 206.160, may invest up to fifty percent of its funds not required for immediate  
4 disbursement in obligations or for the operation of the hospital into:**

5 (1) Any mutual funds that invest in stocks, bonds, or real estate, or any  
6 combination thereof;

7 (2) Bonds that have:

- 8           **(a) One of the five highest long-term ratings or the highest short-term rating**  
9 **issued by a nationally recognized rating agency; and**
- 10           **(b) A final maturity of ten years or less;**
- 11           **(3) Money-market investments; or**
- 12           **(4) Any combination of investments described in subdivisions (1) to (3) of this**  
13 **subsection.**

14

15 **The board shall invest the remaining percentage of funds not required for immediate**  
16 **disbursement into any investment in which the state treasurer is allowed to invest.**

17           **2. The provisions of this section shall only apply if the hospital district receives**  
18 **less than three percent of its annual revenues from hospital district or state taxes.**

**208.149. 1. As used in this section, the following terms mean:**

2           **(1) "Clinical pathology services", professional medical services provided by a**  
3 **licensed physician that involve the use of medical judgment, that contribute directly to**  
4 **the diagnosis, care, and treatment of individual patients, and that are necessary for**  
5 **every laboratory test run in a high-complexity laboratory environment;**

6           **(2) "Hospital-based pathologist", a licensed physician specializing in pathology**  
7 **who provides clinical pathology services for the laboratory within a hospital;**

8           **(3) "MO HealthNet", the Medicaid program administered by the state of**  
9 **Missouri in accordance with federal and state law;**

10           **(4) "Professional component of clinical pathology services", the portion of each**  
11 **clinical pathology service in a high-complexity laboratory environment that involves the**  
12 **physician's use of medical judgment in interpreting and supervising laboratory tests**  
13 **and that excludes the technical component of the laboratory test.**

14           **2. The professional component of clinical pathology services provided by a**  
15 **hospital-based pathologist shall be recognized as distinct physician services by the MO**  
16 **HealthNet program.**

17           **3. The MO HealthNet program shall reimburse the professional component of**  
18 **clinical pathology services provided to MO HealthNet participants.**

19           **4. The reimbursement amount for the professional component of clinical**  
20 **pathology services shall be set at no less than thirty percent of the approved MO**  
21 **HealthNet Independent Lab - Technical Component fee schedule.**

22           **5. Payment for the professional component of clinical pathology services shall be**  
23 **made directly to the licensed physician providing the services or to the entity the**  
24 **licensed physician has assigned the right to receive payment for the services provided.**

25           **6. If a state plan amendment is determined by the department of social services**  
26 **to be required, the department of social services shall timely submit such amendment.**

27 **If such amendment is not approved, the department shall make all reasonable efforts to**  
28 **obtain federal approval, including resubmission, modification, or pursuit of any**  
29 **alternative lawful mechanism necessary to implement reimbursement consistent with**  
30 **this section. Nothing in this subsection shall be construed to relieve the department of**  
31 **its obligation to implement reimbursement to the fullest extent permitted under state**  
32 **and federal authority.**

33 **7. The department of social services shall promulgate all necessary rules and**  
34 **regulations for the administration of this section. Any rule or portion of a rule, as that**  
35 **term is defined in section 536.010, that is created under the authority delegated in this**  
36 **section shall become effective only if it complies with and is subject to all of the**  
37 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**  
38 **536 are nonseverable and if any of the powers vested with the general assembly**  
39 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
40 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
41 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

324.009. 1. For purposes of this section, the following terms mean:

2 (1) "License", a license, certificate, registration, permit, accreditation, or military  
3 occupational speciality that enables a person to legally practice an occupation or profession in  
4 a particular jurisdiction;

5 (2) "Military", the Armed Forces of the United States including the Air Force, Army,  
6 Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military  
7 branch that is designated by Congress as part of the Armed Forces of the United States, and  
8 all reserve components and auxiliaries. Such term also includes the military reserves and  
9 militia of any United States territory or state;

10 (3) "Missouri law enforcement officer", any person employed by or otherwise serving  
11 in a position for the state or a local governmental entity in the state of Missouri as a police  
12 officer, peace officer certified under chapter 590, auxiliary police officer, sheriff, sheriff's  
13 deputy, member of the patrol as that term is defined in section 43.010, or in some like position  
14 involving the enforcement of the law and protection of the public interest at the risk of that  
15 person's life and who is a permanent resident of the state of Missouri or who is domiciled in  
16 the state of Missouri;

17 (4) "Nonresident military or law enforcement spouse":

18 (a) A nonresident spouse of an active duty member of the Armed Forces of the United  
19 States who has been transferred or is scheduled to be transferred to the state of Missouri, or  
20 who has been transferred or is scheduled to be transferred to an adjacent state and is or will be  
21 domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent  
22 change-of-station basis; or

23 (b) A nonresident spouse of a person residing outside the state of Missouri who has  
24 accepted an offer of employment from and with the state or a local governmental entity in the  
25 state of Missouri and who will become a Missouri law enforcement officer upon the  
26 commencement of such employment;

27 (5) "Oversight body", any board, department, agency, or office of a jurisdiction that  
28 issues licenses;

29 (6) "Resident military or law enforcement spouse", a spouse of an active duty  
30 member of the Armed Forces of the United States who has been transferred or is scheduled to  
31 be transferred to the state of Missouri or an adjacent state and who is a permanent resident of  
32 the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or  
33 her home of record, or a spouse of a Missouri law enforcement officer.

34 2. Any person who holds a valid current license issued by another state, a branch or  
35 unit of the military, a territory of the United States, or the District of Columbia, and who has  
36 been licensed for at least one year in such other jurisdiction, may submit an application for a  
37 license in Missouri in the same occupation or profession, and at the same practice level, for  
38 which he or she holds the current license, along with proof of current licensure and proof of  
39 licensure for at least one year in the other jurisdiction, to the relevant oversight body in this  
40 state.

41 3. The oversight body in this state shall:

42 (1) Within six months of receiving an application described in subsection 2 of this  
43 section, waive any examination, educational, or experience requirements for licensure in this  
44 state for the applicant if it determines that there were minimum education requirements and, if  
45 applicable, work experience and clinical supervision requirements in effect and the other  
46 **[state] jurisdiction** verifies that the person met those requirements in order to be licensed or  
47 certified in that **[state] jurisdiction**. An oversight body that administers an examination on  
48 laws of this state as part of its licensing application requirement may require an applicant to  
49 take and pass an examination specific to the laws of this state; or

50 (2) Within thirty days of receiving an application described in subsection 2 of this  
51 section from a nonresident military or law enforcement spouse or a resident military or law  
52 enforcement spouse, waive any examination, educational, or experience requirements for  
53 licensure in this state for the applicant and issue such applicant a license under this section if  
54 such applicant otherwise meets the requirements of this section.

55 4. (1) The oversight body shall not waive any examination, educational, or  
56 experience requirements for any applicant who has had his or her license revoked by an  
57 oversight body outside the state; who is currently under investigation, who has a complaint  
58 pending, or who is currently under disciplinary action, except as provided in subdivision (2)  
59 of this subsection, with an oversight body outside the state; who does not hold a license in

60 good standing with an oversight body outside the state; who has a criminal record that would  
61 disqualify him or her for licensure in Missouri; or who does not hold a valid current license in  
62 the other jurisdiction on the date the oversight body receives his or her application under this  
63 section.

64 (2) If another jurisdiction has taken disciplinary action against an applicant, the  
65 oversight body shall determine if the cause for the action was corrected and the matter  
66 resolved. If the matter has not been resolved by that jurisdiction, the oversight body may  
67 deny a license until the matter is resolved.

68 5. Nothing in this section shall prohibit the oversight body from denying a license to  
69 an applicant under this section for any reason described in any section associated with the  
70 occupation or profession for which the applicant seeks a license.

71 6. Any person who is licensed under the provisions of this section shall be subject to  
72 the applicable oversight body's jurisdiction and all rules and regulations pertaining to the  
73 practice of the licensed occupation or profession in this state. **Any health care provider  
74 licensed under the provisions of this section shall be deemed fully licensed to practice in  
75 this state and may provide telehealth services as described in section 191.1145 to the  
76 same extent and in the same manner as a health care provider who received his or her  
77 license without a waiver of any requirements.**

78 7. This section shall not be construed to waive any requirement for an applicant to  
79 pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the  
80 license the applicant seeks.

81 8. This section shall not apply to business, professional, or occupational licenses  
82 issued or required by political subdivisions.

83 9. The provisions of this section shall not impede an oversight body's authority to  
84 require an applicant to submit fingerprints as part of the application process.

85 10. The provisions of this section shall not be construed to alter the authority granted  
86 by, or any requirements promulgated pursuant to, any interjurisdictional or interstate  
87 compacts adopted by Missouri statute or any reciprocity agreements with other states in  
88 effect, and whenever possible this section shall be interpreted so as to imply no conflict  
89 between it and any compact, or any reciprocity agreements with other states in effect.

90 11. Notwithstanding any other provision of law, a license issued under this section  
91 shall be valid only in this state and shall not make a licensee eligible to be part of an interstate  
92 compact. An applicant who is licensed in another state pursuant to an interstate compact shall  
93 not be eligible for licensure by an oversight body under the provisions of this section.

94 12. The provisions of this section shall not apply to any occupation set forth in  
95 subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900  
96 to 324.945.

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through telemedicine, as defined in section 191.1145, or the internet, a physician shall establish a valid physician-patient relationship as described in section 191.1146. This relationship shall include:

(1) Obtaining a reliable medical history and, **if required to meet the standard of care**, performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient **[dialogue] exchange** with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) Maintaining the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Home health services provided by a home health agency as defined in section 197.400;

(4) Accordance with a collaborative practice agreement as **[defined] described** in section 334.104;

(5) Conjunction with a physician assistant licensed pursuant to section 334.738;

(6) Conjunction with an assistant physician licensed under section 334.036;

(7) Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or

(8) On-call or cross-coverage situations.

3. No health care provider, as defined in section 376.1350, shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an evaluation ~~[over the telephone]~~ **through telemedicine**; except that, a physician or such physician's on-call designee, or an advanced practice registered nurse, a physician assistant, or an assistant physician in a collaborative practice arrangement with such physician, may prescribe any drug, controlled substance, or other treatment that is within his or her scope of practice to a patient based solely on a ~~[telephone]~~ **telemedicine** evaluation if a previously established and

38 ongoing physician-patient relationship exists between such physician and the patient being  
39 treated.

40 4. No health care provider shall prescribe any drug, controlled substance, or other  
41 treatment to a patient [~~based solely on an internet request or an internet questionnaire~~] **in the**  
42 **absence of a proper provider-patient relationship, as described in section 191.1146.**

43 5. **Medical records of any drug, controlled substance, or other treatment**  
44 **prescribed through telemedicine, as defined in section 191.1145, shall be collected,**  
45 **stored, and maintained in accordance with the Health Insurance Portability and**  
46 **Accountability Act of 1996, which allows for the sharing of protected health information**  
47 **for continuity of care between health care providers for treatment, payment, and health**  
48 **care operations.**

345.050. To be eligible for licensure by the board by examination, each applicant  
2 shall submit the application fee and shall furnish evidence of such person's current  
3 competence and shall:

4 (1) Hold a master's or a doctoral degree from a program that was awarded  
5 "accreditation candidate" status or is accredited by the Council on Academic Accreditation of  
6 the American Speech-Language-Hearing Association or other accrediting agency approved  
7 by the board in the area in which licensure is sought;

8 (2) Submit official transcripts from one or more accredited colleges or universities  
9 presenting evidence of the completion of course work and clinical practicum requirements  
10 equivalent to that required by the Council on Academic Accreditation of the American  
11 Speech-Language-Hearing Association or other accrediting agency approved by the board;

12 (3) Present written evidence of completion of a clinical fellowship from supervisors.  
13 The experience required by this subdivision shall follow the completion of the requirements  
14 of subdivisions (1) and (2) of this section. This period of employment shall be under the  
15 direct supervision of a [~~person who is~~] licensed [~~by the state of Missouri in the profession in~~  
16 ~~which the applicant seeks to be licensed~~] **speech-language pathologist in good standing in**  
17 **any state.** Persons applying with an audiology clinical doctoral degree are exempt from this  
18 provision; and

19 (4) Pass an examination promulgated or approved by the board. The board shall  
20 determine the subject and scope of the examinations.

**376.417. 1. As used in this section, the following terms mean:**

2 (1) "340B drug", the same meaning given to the term in section 376.414;

3 (2) "Covered entity", any entity described in subparagraphs (A) to (K) of  
4 subsection (a)(4) of Section 340B of the Public Health Service Act, 42 U.S.C. Section  
5 256b, including any pharmacy with which such entity has contracted to dispense 340B  
6 drugs on behalf of the entity;

- 7           (3) "Health carrier", the same meaning given to the term in section 376.1350;
- 8           (4) "Pharmacy", an entity licensed under chapter 338;
- 9           (5) "Pharmacy benefits manager", the same meaning given to the term in section
- 10 376.388.
- 11           2. A health carrier, a pharmacy benefits manager, or an agent or affiliate of such
- 12 health carrier or pharmacy benefits manager shall not discriminate against a covered
- 13 entity including, but not limited to, by doing any of the following:
- 14           (1) Reimbursing a covered entity for a quantity of a 340B drug in an amount less
- 15 than it would pay any other similarly situated pharmacy or entity that is not a covered
- 16 entity for such quantity of such drug on the basis that the covered entity is a covered
- 17 entity or that the covered entity dispenses 340B drugs. The director of the department
- 18 of commerce and insurance shall specify by rule the circumstances under which a
- 19 pharmacy or entity shall be deemed a "similarly situated pharmacy or entity" for
- 20 purposes of this subdivision;
- 21           (2) Imposing any terms or conditions on covered entities that differ from such
- 22 terms or conditions applied to other similarly situated entities or pharmacies that are
- 23 not covered entities on the basis that the covered entity is a covered entity or that the
- 24 covered entity dispenses 340B drugs including, but not limited to, terms or conditions
- 25 with respect to any of the following:
- 26           (a) Fees, chargebacks, clawbacks, adjustments, or other assessments;
- 27           (b) Professional dispensing fees;
- 28           (c) Restrictions or requirements regarding participation in standard or
- 29 preferred pharmacy networks;
- 30           (d) Requirements relating to the frequency or scope of audits or to inventory
- 31 management systems using generally accepted accounting principles; and
- 32           (e) Any other restrictions, conditions, practices, or policies that, as specified by
- 33 the director of the department of commerce and insurance, interfere with the ability of a
- 34 covered entity to maximize the value of discounts provided under 42 U.S.C. Section
- 35 256b;
- 36           (3) Discriminating in reimbursement to a covered entity based on the
- 37 determination or indication a drug is a 340B drug;
- 38           (4) Requiring a covered entity to identify, either directly or through a third
- 39 party, a 340B drug;
- 40           (5) Refusing to cover drugs purchased under the 340B drug-pricing program; or
- 41           (6) Requiring a covered entity to reverse, resubmit, or clarify a 340B drug-
- 42 pricing claim after the initial adjudication unless these actions are:

43           **(a) In the normal course of pharmacy business and not related to 340B drug**  
44 **pricing; or**

45           **(b) Required by federal law.**

46           **3. The director of the department of commerce and insurance shall impose a**  
47 **civil penalty on any health carrier, pharmacy benefits manager, or agent or affiliate of**  
48 **such health carrier or pharmacy benefits manager that violates the requirements of this**  
49 **section. Such penalty shall not exceed five thousand dollars per violation per day.**

50           **4. The director of the department of commerce and insurance shall promulgate**  
51 **rules to implement the provisions of this section. Any rule or portion of a rule, as that**  
52 **term is defined in section 536.010, that is created under the authority delegated in this**  
53 **section shall become effective only if it complies with and is subject to all of the**  
54 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**  
55 **536 are nonseverable and if any of the powers vested with the general assembly**  
56 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
57 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
58 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

          376.1000. 1. As used in sections 376.1000 to 376.1045, a "multiple employer self-  
2 insured health plan" is any plan or arrangement which is not fully insured and which is either:

3           (1) Offered by a staff or employee leasing company; or

4           (2) Established or maintained for the purpose of offering or providing health, dental  
5 or short-term disability benefits to employees of two or more employers **and to two or more**  
6 **self-employed individuals, each with at least one common-law employee, and their**  
7 **dependents.**

8           2. A plan or arrangement is considered fully insured only if an insurer licensed to  
9 transact business in this state retains the ultimate responsibility for all benefits payable by a  
10 contract or policy of insurance.

          376.1012. Funds collected from the participating employers under multiple employer  
2 self-insured health plans shall be held in trust subject to the following requirements:

3           (1) A board of trustees elected by participating employers shall serve as fund  
4 managers on behalf of participants. Trustees shall be plan participants. No participating  
5 employer may be represented by more than one trustee. No trustee may represent more than  
6 one employer. A minimum of three and a maximum of seven trustees may be elected.  
7 Trustees may not receive remuneration but they may be reimbursed for actual and reasonable  
8 expenses incurred in connection with duties as trustee. A trustee may not be an agent, or  
9 broker for or an owner, officer or employee of any third-party administrator, insurance agency  
10 or insurer utilized by the plan. The trustees shall have the authority to approve applications of

11 association members for participation in the arrangement and to contract with a licensed  
12 third-party administrator to administer the day-to-day affairs of the plan;

13 (2) Each trustee shall be bonded in an amount of not less than one hundred fifty  
14 thousand dollars by a licensed insurer;

15 (3) Investment of plan funds is subject to the same restrictions which are applicable to  
16 insurers pursuant to sections 376.291 to 376.307; provided, however, that no foreign plan  
17 shall be exempt under section 376.310 from the investment laws of this state unless such plan  
18 is subject to laws in its state of domicile which are substantially similar to sections 376.1032  
19 to 376.1045. All investments shall be managed by a bank or other investment entity licensed  
20 to operate in Missouri;

21 (4) Trustees, on behalf of the plan, shall file an annual report with the director of the  
22 department of commerce and insurance by March first ~~[showing the condition and affairs of~~  
23 ~~the plan as of the preceding thirty first day of December. The report shall be made on forms~~  
24 ~~prescribed by the director. The report shall summarize the financial condition of the fund,~~  
25 ~~itemize collections from participating employers, detail all fund expenditures and provide any~~  
26 ~~additional information which the director requires]~~ **in compliance with section 375.041.**  
27 **More frequent reports may be required at the discretion of the director. The plan shall also**  
28 **prepare and file an RBC report with the director in compliance with section 375.1252 as**  
29 **it applies to health organizations, and the provisions of section 375.1267 shall apply to**  
30 **such RBC reports.**

376.1017. 1. A plan shall establish loss reserves for all incurred losses, both reported  
2 and unreported, and for unearned premiums.

3 2. A plan also shall establish a surplus account equal to the greater of the following:

4 (1) ~~[Three times the average paid monthly premium during the plan's most recent~~  
5 ~~fund year;~~

6 ~~(2) For plans which do not yet have one fund year's experience, three times estimated~~  
7 ~~monthly premium; or~~

8 ~~(3)] Six hundred thousand dollars; or~~

9 (2) **An amount equal to two times the authorized control level risk-based capital,**  
10 **as that term is defined in section 375.1250.**

**376.1280. 1. As used in this section, the following terms mean:**

2 (1) **"Acute pain", pain that results from disease, accidental or intentional**  
3 **trauma, or other causes, that a health care provider reasonably expects to last thirty**  
4 **days or fewer;**

5 (2) **"Chronic pain", pain that is a persistent and long-lasting condition**  
6 **characterized by discomfort or pain that lasts for more than twelve weeks, often**  
7 **persisting beyond the expected healing time. It may result from various causes**

8 including, but not limited to, injury, surgery, nerve damage, or underlying medical  
9 conditions;

10 (3) "Enrollee", the same meaning given to the term in section 376.1350;

11 (4) "Health benefit plan", the same meaning given to the term in section  
12 376.1350;

13 (5) "Health care professional", the same meaning given to the term in section  
14 376.1350.

15 2. Notwithstanding any provision of law to the contrary, when a licensed health  
16 care professional acting within the scope of his or her license prescribes a nonopioid  
17 medication for the treatment of acute or chronic pain to an enrollee, it shall be unlawful  
18 for a health benefit plan to:

19 (1) Deny coverage of the nonopioid prescription drug in favor of an opioid  
20 prescription drug;

21 (2) Require the enrollee to try an opioid prescription drug before providing  
22 coverage of the nonopioid prescription drug; or

23 (3) Require a higher level of cost-sharing for the nonopioid prescription drug  
24 than for an opioid prescription drug.

25 3. This section shall apply to health benefit plans delivered, issued for delivery,  
26 continued, or renewed on or after January 1, 2027.

407.3007. 1. As used in this section, the following terms mean:

2 (1) "Artificial intelligence" or "AI":

3 (a) Any artificial system that performs tasks under varying and unpredictable  
4 circumstances without significant human oversight or that can learn from experience  
5 and improve performance when exposed to data sets;

6 (b) An artificial system developed in computer software, physical hardware, or  
7 other computer systems that solves tasks requiring human-like perception, cognition,  
8 planning, learning, communication, or physical action;

9 (c) An artificial system designed to think or act like a human, including cognitive  
10 architectures and neural networks;

11 (d) A set of techniques, including machine learning, that is designed to  
12 approximate a cognitive task; or

13 (e) An artificial system designed to act rationally, including an intelligent  
14 software agent or embodied robot that achieves goals using perception, planning,  
15 reasoning, learning, communicating, decision-making, and acting;

16 (2) "Mental health professional", the same as defined in section 632.005. The  
17 term "mental health professional" shall also include any person licensed in a profession  
18 regulated under chapter 337.

19           **2. Any person or entity that develops or deploys artificial intelligence in the state**  
20 **shall not advertise or represent to the public that the AI is or is able to act as a mental**  
21 **health professional or is capable of providing therapy services, psychotherapy services,**  
22 **or a mental health diagnosis.**

23           **3. Any violation of this section shall be considered an unlawful practice under**  
24 **the Missouri merchandising practices act under this chapter.**

25           **4. The attorney general shall enforce the provisions of this section. Any**  
26 **individual may report violations of this section to the attorney general. If the attorney**  
27 **general finds that a violation occurred, the attorney general shall commence a civil**  
28 **action in a court of competent jurisdiction. If the court finds that a violation occurred,**  
29 **the court may grant damages, civil penalties, injunctive relief, attorney's fees, and any**  
30 **such other relief the court finds appropriate. Notwithstanding section 407.100 to the**  
31 **contrary, civil penalties shall be as follows:**

32           **(1) Ten thousand dollars for the first violation; or**

33           **(2) Twenty thousand dollars for any subsequent violation.**

632.305. 1. An application for detention for evaluation and treatment at a mental  
2 health facility may be executed by any adult person, who need not be an attorney or  
3 represented by an attorney, on a form provided by the court for such purpose, and shall allege  
4 under oath~~[, without a notarization requirement,]~~ that the applicant has reason to believe that  
5 the respondent is suffering from a mental disorder and presents a likelihood of serious harm to  
6 himself or herself or to others. The application shall specify the factual information on which  
7 such belief is based and should contain the names and addresses of all persons known to the  
8 applicant who have knowledge of such facts through personal observation.

9           2. The filing of a written application in court by any adult person, who need not be an  
10 attorney or represented by an attorney, shall authorize the applicant to bring the matter before  
11 the court on an ex parte basis to determine whether the respondent should be taken into  
12 custody and transported to a mental health facility. The application may be filed in the court  
13 having probate jurisdiction in any county where the respondent may be found. If the court  
14 finds that there is probable cause, either upon testimony under oath or upon a review of  
15 affidavits, declarations, or other supporting documentation, to believe that the respondent  
16 may be suffering from a mental disorder and presents a likelihood of serious harm to himself  
17 or herself or others, it shall direct a peace officer to take the respondent into custody and  
18 transport him or her to a mental health facility for detention for evaluation and treatment for a  
19 period not to exceed ninety-six hours unless further detention and treatment is authorized  
20 pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the  
21 exercise of its discretion, from giving the respondent an opportunity to be heard.

22           3. A peace officer may take a person into custody for detention for evaluation and  
23 treatment at a mental health facility for a period not to exceed ninety-six hours only when  
24 such peace officer has reasonable cause to believe that such person is suffering from a mental  
25 disorder and that the likelihood of serious harm by such person to himself or herself or others  
26 is imminent unless such person is immediately taken into custody. Upon arrival at the mental  
27 health facility, the peace officer who conveyed such person or caused him or her to be  
28 conveyed shall either present the application for detention for evaluation and treatment upon  
29 which the court has issued a finding of probable cause and the respondent was taken into  
30 custody or complete an application for initial detention for evaluation and treatment for a  
31 period not to exceed ninety-six hours which shall be based upon his or her own personal  
32 observations or investigations and shall contain the information required in subsection 1 of  
33 this section.

34           4. If a person presents himself or herself or is presented by others to a mental health  
35 facility and a licensed physician, a registered professional nurse or a mental health  
36 professional designated by the head of the facility and approved by the department for such  
37 purpose has reasonable cause to believe that the person is mentally disordered and presents an  
38 imminent likelihood of serious harm to himself or herself or others unless he or she is  
39 accepted for detention, the licensed physician, the mental health professional or the registered  
40 professional nurse designated by the facility and approved by the department may complete  
41 an application for detention for evaluation and treatment for a period not to exceed ninety-six  
42 hours. The application shall be based on his or her own personal observations or  
43 investigation and shall contain the information required in subsection 1 of this section.

44           5. **(1)** No notarization shall be required for an application, or for any affidavits,  
45 declarations, or other documents supporting an application, **completed or executed by:**

46           **(a) A peace officer under subsection 3 of this section;**

47           **(b) A licensed physician, mental health professional, or registered professional**  
48 **nurse under subsection 4 of this section; or**

49           **(c) An employee acting on behalf of a hospital, as defined in section 197.020,**  
50 **under subsections 1 and 2 of this section.**

51           **(2)** The application and any affidavits, declarations, or other documents supporting  
52 the application shall be subject to the provisions of section 492.060 allowing for declaration  
53 under penalty of perjury.

632.489. 1. Upon filing a petition pursuant to section 632.484 or 632.486, the judge  
2 shall determine whether probable cause exists to believe that the person named in the petition  
3 is a sexually violent predator. If such probable cause determination is made, the judge shall  
4 direct that person be taken into custody and direct that the person be transferred to an  
5 appropriate secure facility, including, but not limited to, a county jail. If the person is ordered

6 to the department of mental health, the director of the department of mental health shall  
7 determine the appropriate secure facility to house the person under the provisions of section  
8 632.495.

9       2. Within seventy-two hours after a person is taken into custody pursuant to  
10 subsection 1 of this section, excluding Saturdays, Sundays and legal holidays, such person  
11 shall be provided with notice of, and an opportunity to appear in person at, a hearing to  
12 contest probable cause as to whether the detained person is a sexually violent predator. At  
13 this hearing the court shall:

14       (1) Verify the detainee's identity; and

15       (2) Determine whether probable cause exists to believe that the person is a sexually  
16 violent predator. The state may rely upon the petition and supplement the petition with  
17 additional documentary evidence or live testimony.

18       3. At the probable cause hearing as provided in subsection 2 of this section, the  
19 detained person shall have the following rights in addition to the rights previously specified:

20       (1) To be represented by counsel;

21       (2) To present evidence on such person's behalf;

22       (3) To cross-examine witnesses who testify against such person; and

23       (4) To view and copy all petitions and reports in the court file, including the  
24 assessment of the multidisciplinary team.

25       4. If the probable cause determination is made, the court shall direct that the person be  
26 transferred to an appropriate secure facility, including, but not limited to, a county jail, for an  
27 evaluation as to whether the person is a sexually violent predator. If the person is ordered to  
28 the department of mental health, the director of the department of mental health shall  
29 determine the appropriate secure facility, which may include **the department of corrections**  
30 **or** a county jail as set forth in section 632.495, to house the person. The court shall direct the  
31 director of the department of mental health to have the person examined by a psychiatrist or  
32 psychologist as defined in section 632.005 who was not a member of the multidisciplinary  
33 team that previously reviewed the person's records. In addition, such person may be  
34 examined by a consenting psychiatrist or psychologist of the person's choice at the person's  
35 own expense. Any examination shall be conducted in the facility in which the person is  
36 confined. Any examinations ordered shall be made at such time and under such conditions as  
37 the court deems proper; except that, if the order directs the director of the department of  
38 mental health to have the person examined, the director shall determine the time, place and  
39 conditions under which the examination shall be conducted. The psychiatrist or psychologist  
40 conducting such an examination shall be authorized to interview family and associates of the  
41 person being examined, as well as victims and witnesses of the person's offense or offenses,  
42 for use in the examination unless the court for good cause orders otherwise. The psychiatrist

43 or psychologist shall have access to all materials provided to and considered by the  
44 multidisciplinary team and to any police reports related to sexual offenses committed by the  
45 person being examined. Any examination performed pursuant to this section shall be  
46 completed and filed with the court within sixty days of the date the order is received by the  
47 director or other evaluator unless the court for good cause orders otherwise. One examination  
48 shall be provided at no charge by the department. All costs of any subsequent evaluations  
49 shall be assessed to the party requesting the evaluation.

632.492. Within sixty days after the completion of any examination held pursuant to  
2 section 632.489, the court shall conduct a trial to determine whether the person is a sexually  
3 violent predator. The trial may be continued upon the request of either party and a showing of  
4 good cause, or by the court on its own motion in the due administration of justice, and when  
5 the respondent will not be substantially prejudiced. At all stages of the proceedings pursuant  
6 to sections 632.480 to 632.513, any person subject to sections 632.480 to 632.513 shall be  
7 entitled to the assistance of counsel, and if the person is indigent, the court shall appoint  
8 counsel to assist such person. The person, the attorney general, or the judge shall have the  
9 right to demand that the trial be before a jury. If the trial is held before a jury, the judge shall  
10 instruct the jury that if it finds that the person is a sexually violent predator, the person shall  
11 be committed to the custody of the director of the department of mental health **to be housed**  
12 **in an appropriate secure facility, as determined by the director of the department of**  
13 **mental health as set forth in section 632.495**, for control, care and treatment. If no demand  
14 for a jury is made, the trial shall be before the court. The court shall conduct all trials  
15 pursuant to this section in open court, except as otherwise provided for by the child victim  
16 witness protection law pursuant to sections 491.675 to 491.705.

632.495. 1. The court or jury shall determine whether, by clear and convincing  
2 evidence, the person is a sexually violent predator. If such determination that the person is a  
3 sexually violent predator is made by a jury, such determination shall be by unanimous verdict  
4 of such jury. Any determination as to whether a person is a sexually violent predator may be  
5 appealed.

6 2. If the court or jury determines that the person is a sexually violent predator, the  
7 person shall be committed to the custody of the director of the department of mental health for  
8 control, care and treatment until such time as the person's mental abnormality has so changed  
9 that the person is safe to be at large. Such control, care and treatment shall be provided **or**  
10 **arranged** by the department of mental health **in an appropriate secure facility, as**  
11 **determined by the director of the department of mental health as set forth in this**  
12 **section.**

13 3. At all times, persons ordered to the department of mental health after a  
14 determination by the court that such persons may meet the definition of a sexually violent

15 predator, persons ordered to the department of mental health after a finding of probable cause  
16 under section 632.489, and persons committed for control, care and treatment by the  
17 department of mental health pursuant to sections 632.480 to 632.513 shall be kept in a secure  
18 facility designated by the director of the department of mental health and such persons shall  
19 be segregated at all times from any other patient under the supervision of the director of the  
20 department of mental health. The department of mental health shall not place or house a  
21 person ordered to the department of mental health after a determination by the court that such  
22 person may meet the definition of a sexually violent predator, a person ordered to the  
23 department of mental health after a finding of probable cause under section 632.489, or a  
24 person committed for control, care, and treatment by the department of mental health,  
25 pursuant to sections 632.480 to 632.513, with other mental health patients. The provisions of  
26 this subsection shall not apply to a person who has been conditionally released under section  
27 632.505.

28 4. The department of mental health is authorized to enter into an interagency  
29 agreement with the department of corrections for the confinement of ~~[such]~~ persons **ordered**  
30 **to the department of mental health after a determination by the court that such persons**  
31 **may meet the definition of a sexually violent predator or for the confinement of persons**  
32 **ordered to the department of mental health after a finding of probable cause under**  
33 **section 632.489, provided the department of corrections has necessary space and**  
34 **services available and the director of the department of corrections has agreed to**  
35 **provide such confinement through an interagency agreement with the department of**  
36 **mental health.** Such persons who are in the confinement of the department of corrections  
37 pursuant to an interagency agreement shall be housed and managed separately from offenders  
38 in the custody of the department of corrections, and except for occasional instances of  
39 supervised incidental contact, shall be segregated from such offenders. **If the department of**  
40 **mental health and the department of corrections have entered into an interagency**  
41 **agreement as provided in this subsection, the department of corrections is authorized to**  
42 **enter into one or more contract agreements as may be necessary to perform the agreed**  
43 **upon responsibilities of the department of corrections under the interagency agreement**  
44 **including, but not limited to, a contract agreement with one or more licensed**  
45 **professionals or providers of health care services to provide health care services to the**  
46 **persons identified in this subsection.**

47 5. The department of mental health is authorized to enter into a contract agreement  
48 with one or more county jails in Missouri for the confinement of persons ordered to the  
49 department of mental health after a determination by the court that such persons may meet the  
50 definition of a sexually violent predator or for the confinement of persons ordered to the  
51 department of mental health after a finding of probable cause under section 632.489. Such

52 persons who are in the confinement of a county jail pursuant to a contract agreement shall be  
53 housed and managed separately from offenders in the custody of the county jail, and except  
54 for occasional instances of supervised incidental contact, shall be segregated from such  
55 offenders.

56 **6. The department of mental health is authorized to enter into an interagency**  
57 **agreement with the department of corrections for the control and care, including health**  
58 **care services, of persons committed to the department of mental health by the court as a**  
59 **sexually violent predator, provided the department of corrections has necessary space**  
60 **and services available and the director of the department of corrections has agreed to**  
61 **provide such control and care through an interagency agreement with the department**  
62 **of mental health. Such persons who are in the control and care of the department of**  
63 **corrections under an interagency agreement shall be housed and managed separately**  
64 **from offenders in the custody of the department of corrections, and except for**  
65 **occasional instances of supervised incidental contact, shall be segregated from such**  
66 **offenders. If the department of mental health and the department of corrections have**  
67 **entered into an interagency agreement as provided in this subsection, the department of**  
68 **corrections is authorized to enter into one or more contract agreements as may be**  
69 **necessary to perform the agreed upon responsibilities of the department of corrections**  
70 **under the interagency agreement including, but not limited to, a contract agreement**  
71 **with one or more licensed professionals or providers of health care services to provide**  
72 **health care services to the persons identified in this subsection.**

73 **7. The department of mental health is authorized to enter into a contract**  
74 **agreement with one or more licensed professionals or providers of health care or mental**  
75 **health care services to provide health care or mental health care services to persons**  
76 **ordered to the department of mental health after a determination by the court that such**  
77 **persons may meet the definition of a sexually violent predator, persons ordered to the**  
78 **department of mental health after a finding of probable cause under section 632.489,**  
79 **and persons committed for control, care, and treatment by the department of mental**  
80 **health under sections 632.480 to 632.513.**

81 **8. If the court or jury is not satisfied by clear and convincing evidence that the person**  
82 **is a sexually violent predator, the court shall direct the person's release.**

83 **[7-] 9. Upon a mistrial, the court shall direct that the person be held at an appropriate**  
84 **secure facility, including, but not limited to, a county jail, until another trial is conducted. If**  
85 **the person is ordered to the department of mental health, the director of the department of**  
86 **mental health shall determine the appropriate secure facility to house the person. Any**  
87 **subsequent trial following a mistrial shall be held within ninety days of the previous trial,**  
88 **unless such subsequent trial is continued as provided in section 632.492.**

632.504. Nothing in sections 632.480 to 632.513 shall prohibit a person from filing a petition for release pursuant to sections 632.480 to 632.513. However, if a person has previously filed a petition for release without the ~~[director's]~~ **director of the department of mental health's** approval and the court determined either upon review of the petition or following a hearing that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that the person was safe to be at large, then the court shall deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the director's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

632.520. 1. For purposes of this section, the following terms mean:

(1) "Employee of the department of mental health", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity ~~[responsible for confining offenders]~~ **under an interagency agreement or contract with the department of mental health** as authorized by section 632.495;

(2) "Offender", a person ordered to the department of mental health after a determination by the court that the person meets the definition of a sexually violent predator, a person ordered to the department of mental health after a finding of probable cause under section 632.489, or a person committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity ~~[responsible for confining offenders]~~ **designated by the department of mental health to confine offenders or provide control and care to offenders** as authorized by section 632.495.

2. No offender shall knowingly commit violence to an employee of the department of mental health or to another offender housed in a secure facility. Violation of this subsection shall be a class B felony.

3. No offender shall knowingly damage any building or other property owned or operated by the department of mental health. Violation of this subsection shall be a class D felony.

**632.580. The definitions set forth in section 632.005 shall apply to sections 632.580 to 632.610. In addition, as used in sections 632.580 to 632.610, unless the context clearly requires otherwise, the following terms mean:**

(1) **"Assisted outpatient treatment", court-ordered involuntary outpatient mental health care services that are provided by a mental health program under a**

6 **treatment plan developed and monitored by a master's level mental health professional.**

7 **Such services may include, but are not limited to:**

8 **(a) Case management;**

9 **(b) Medication management;**

10 **(c) Therapy or counseling;**

11 **(d) Substance use treatment, if applicable;**

12 **(e) Crisis intervention services; and**

13 **(f) Assistance with housing, employment, or other community resources**  
14 **necessary for an individual's stability;**

15 **(2) "Case manager", a mental health professional employed by a certified**  
16 **community mental health center who is assigned to a respondent to oversee the**  
17 **respondent's compliance with the outpatient treatment plan ordered by the court under**  
18 **sections 632.580 to 632.610;**

19 **(3) "Community mental health center", the same meaning given to the term in**  
20 **section 205.975;**

21 **(4) "Comprehensive mental health services", the same meaning given to the**  
22 **term in section 205.975;**

23 **(5) "Local public health agency", a county health center board established**  
24 **under chapter 205, a county health department, a combined city and county health**  
25 **department or agency, a multicounty health department or agency, or any other county**  
26 **health authority;**

27 **(6) "Petition", a petition for assisted outpatient treatment filed under section**  
28 **632.585 or for continued assisted outpatient treatment filed under section 632.600;**

29 **(7) "Respondent", a person who is alleged in a petition to meet the criteria for**  
30 **assisted outpatient treatment in section 632.590;**

31 **(8) "Service area", the same meaning given to the term in section 205.975.**

**632.585. 1. A petition for an order authorizing assisted outpatient treatment**  
2 **may be filed by:**

3 **(1) The director, administrator, or treating physician of a mental health program**  
4 **in which the respondent is hospitalized;**

5 **(2) The director, administrator, or treating physician of an emergency receiving**  
6 **center in which the respondent is receiving services;**

7 **(3) A licensed physician, a registered professional nurse designated by the**  
8 **community mental health center and approved by the department of mental health, or a**  
9 **mental health professional from whom the respondent is receiving services;**

10 **(4) The appointed guardian or limited guardian of a ward who is the**  
11 **respondent; or**

12           **(5) The department of health and senior services, the department of mental**  
13 **health, or any local public health agency located within the probate jurisdiction in which**  
14 **the petition is filed.**

15           **2. The petition may be filed in the court having probate jurisdiction in which the**  
16 **respondent is present or reasonably believed to be present or in the probate jurisdiction**  
17 **in which the respondent resides.**

18           **3. The petition shall allege under oath, without a notarization requirement, that**  
19 **the petitioner has reason to believe that the respondent meets the criteria for assisted**  
20 **outpatient treatment in section 632.590. The petition shall specify factual information**  
21 **on which such belief is based and shall contain the names and addresses of all persons**  
22 **known to the petitioner who have knowledge of such facts through personal observation.**

23           **4. No notarization shall be required for a petition or for any affidavits,**  
24 **declarations, or other documents supporting a petition. The petition and any affidavits,**  
25 **declarations, or other documents supporting the petition shall be subject to the**  
26 **provisions of section 492.060 allowing for declaration under penalty of perjury.**

27           **5. The prosecuting attorney of the county in which a hearing on a petition takes**  
28 **place shall represent the petitioner and file and prosecute in court all petitions. Such**  
29 **duty shall be fulfilled by the county counselor in counties having a county counselor and**  
30 **by the circuit attorney in any city not within a county.**

**632.590. Following receipt of a petition and completion of the procedures**  
2 **required in section 632.593, a court may issue an order requiring a respondent to**  
3 **participate in assisted outpatient treatment if:**

4           **(1) The respondent:**

5           **(a) Is eighteen years of age or older;**

6           **(b) Is suffering from a mental illness;**

7           **(c) Will not obtain treatment in the community voluntarily; and**

8           **(d) Is unable to make an informed decision to seek or to comply with voluntary**  
9 **treatment; and**

10          **(2) Either:**

11          **(a) Because of the respondent's fulfillment of the criteria of subdivision (1) of**  
12 **this section, the respondent requires treatment to prevent a deterioration in the**  
13 **respondent's mental illness that would be likely to result in serious harm to the**  
14 **respondent or others as described in section 632.305; or**

15          **(b) The respondent has a history of a lack of compliance with treatment for the**  
16 **respondent's mental illness, and within the thirty-six months immediately preceding the**  
17 **date of the filing of the petition such lack of compliance has either:**

18           **a. At least twice, been a significant factor in necessitating a civil detention period**  
19 **for treatment instituted under sections 632.120 or 632.305 or receipt of services in a**  
20 **forensic or other mental health unit of any state or local correctional facility, not**  
21 **including any period during which the respondent was hospitalized or incarcerated**  
22 **immediately preceding the date of the filing of the petition; or**

23           **b. Resulted in one or more acts of violent behavior with the intention of causing**  
24 **serious physical injury toward self or others or threats of, or attempts of, serious**  
25 **physical harm to self or others, not including any period during which the respondent**  
26 **was hospitalized or incarcerated immediately preceding the date of the filing of the**  
27 **petition.**

**632.593. 1. At the time of filing the petition, the court clerk shall set a date and**  
2 **time for the hearing, which shall take place within two judicial days of the filing of the**  
3 **petition. An attorney shall be appointed to represent the respondent as required under**  
4 **section 632.450 from the register of attorneys described in section 632.415. An attorney**  
5 **so appointed shall be entitled to attorney's fees to the same extent as allowed under**  
6 **section 632.415. The clerk shall promptly notify the respondent, the respondent's**  
7 **attorney, the petitioner, and the petitioner's attorney of the date and time for the**  
8 **hearing. The court shall not grant continuances except upon a showing of good and**  
9 **sufficient cause.**

10           **2. The hearing shall be conducted in as informal a manner as may be consistent**  
11 **with orderly procedure and in a physical setting not likely to have a harmful effect on**  
12 **the respondent. The respondent shall have the following rights in addition to those**  
13 **specified elsewhere:**

14           **(1) To be represented by an attorney;**  
15           **(2) To present evidence on his or her own behalf;**  
16           **(3) To cross-examine witnesses who testify against him or her;**  
17           **(4) To remain silent;**  
18           **(5) To view and copy all petitions and reports in the court file of his or her case;**  
19           **(6) To have the hearing open or closed to the public as he or she elects;**  
20           **(7) To be proceeded against according to the rules of evidence applicable to civil**  
21 **judicial proceedings; and**

22           **(8) To have the hearing before a jury if requested by the respondent or his or her**  
23 **attorney.**

24           **3. The respondent shall be present at the hearing unless the respondent's**  
25 **physical condition is such that he or she cannot be present in the courtroom or if the**  
26 **court determines that the respondent's conduct in the courtroom is so disruptive that**  
27 **the proceedings cannot reasonably continue.**

28           **4. The burden of proof at the hearing shall be by clear and convincing evidence**  
29 **and shall be upon the petitioner.**

30           **5. If the matter is tried before a jury, the jury shall determine and shall be**  
31 **instructed only upon the issue of whether the respondent meets the criteria for assisted**  
32 **outpatient treatment in section 632.590. The remaining procedures for the jury trial**  
33 **shall be as in other civil matters.**

34           **6. The respondent shall not be required to file an answer or other responsive**  
35 **pleading.**

36           **7. At the conclusion of the hearing, if the court or jury finds, based upon clear**  
37 **and convincing evidence, that the respondent meets the criteria for assisted outpatient**  
38 **treatment in section 632.590, and the court finds that a mental health program**  
39 **appropriate to handle the respondent's condition has agreed to accept the respondent,**  
40 **the court shall issue an order requiring the respondent to participate in assisted**  
41 **outpatient treatment with the mental health program for a period not to exceed two**  
42 **years.**

43           **8. At the conclusion of the hearing, if the court or jury does not find by clear and**  
44 **convincing evidence that the respondent meets the criteria for assisted outpatient**  
45 **treatment in section 632.590, the court shall dismiss the petition.**

46           **9. An order requiring the respondent to participate in assisted outpatient**  
47 **treatment based on satisfaction of the provisions of subparagraph a. of paragraph (b) of**  
48 **subdivision (2) of section 632.590 shall not be issued unless the court has considered, or**  
49 **the jury has been instructed to consider, at least the following factors:**

50           **(1) The respondent's ability to access finances in order to obtain food or**  
51 **medicine;**

52           **(2) The respondent's ability to obtain treatment for the respondent's medical**  
53 **condition;**

54           **(3) The respondent's ability to access necessary resources in the community**  
55 **without assistance;**

56           **(4) The degree to which there are risks to the respondent's safety;**

57           **(5) The likelihood that the respondent will decompensate without immediate**  
58 **care or treatment;**

59           **(6) The respondent's previous attempts to inflict physical injury on self or**  
60 **others;**

61           **(7) The respondent's history of behavioral health treatment in the community;**

62           **(8) The respondent's patterns of decompensation in the past;**

63           **(9) The respondent's risk of being victimized or harmed by others; and**

64           **(10) The respondent's access to the means to inflict harm on self or others.**

65           **10. Nothing in this section shall prevent the court or jury from considering any**  
66 **other factor not described in this section.**

67           **11. If requested by the respondent, the court shall appoint an available licensed**  
68 **physician or licensed psychologist to examine the respondent and testify at the**  
69 **respondent's request. If the respondent or the respondent's attorney so requests, the**  
70 **court shall not appoint a licensed physician or licensed psychologist who is an employee**  
71 **of any entity in which the respondent is hospitalized or receiving services or who is an**  
72 **employee of any entity that filed the petition. The appointment procedures in section**  
73 **632.420 shall apply to any appointment under this subsection.**

74           **12. The physician-patient privilege recognized by section 491.060 and the**  
75 **psychologist-patient privilege recognized by section 337.055 shall be deemed waived in**  
76 **proceedings under sections 632.580 to 632.610. The fact that such privileges have been**  
77 **waived in accordance with this section shall not by itself waive the privileges in any**  
78 **other proceeding, civil or criminal. The waiver of the privileges shall extend only to that**  
79 **evidence that is directly material and relevant to the proceedings under sections 632.580**  
80 **to 632.610.**

81           **13. Appeals from court orders under this section may be made as described in**  
82 **section 632.430.**

83           **14. Assisted outpatient treatment shall not be deemed outpatient detention for**  
84 **purposes of this chapter, and no provision of this chapter relating to the requirements**  
85 **for inpatient or outpatient detention proceedings shall apply to assisted outpatient**  
86 **treatment under sections 632.580 to 632.610 unless such provision has been specifically**  
87 **incorporated into sections 632.580 to 632.610 by reference or otherwise.**

88           **15. The provisions of section 632.440 shall apply to assisted outpatient treatment**  
89 **under sections 632.580 to 632.610.**

**632.595. 1. The court shall assign a case manager from a certified community**  
2 **behavioral health clinic to each respondent ordered to participate in assisted outpatient**  
3 **treatment.**

4           **2. The case manager and the respondent shall report to the court at least once**  
5 **every ninety days. The court may, at its discretion, request more frequent appearances.**  
6 **The case manager shall immediately report to the court a substantial failure of the**  
7 **respondent or the mental health program providing the assisted outpatient treatment to**  
8 **comply with the conditions of the assisted outpatient treatment.**

**632.600. 1. The court order for assisted outpatient treatment shall expire at the**  
2 **end of the period specified in the order unless a petition for an extension has been filed.**  
3 **If any person or entity authorized to file a petition under section 632.585 determines**  
4 **that a respondent requires further involuntary assisted outpatient treatment, the person**

5 or entity shall file a petition for continued assisted outpatient treatment before the  
6 expiration of the involuntary assisted outpatient treatment ordered by the court.

7         **2.** The procedure for obtaining an extension shall be the same as for obtaining  
8 the original order, except that the thirty-six-month time period provided in paragraph  
9 (b) of subdivision (2) of section 632.590 shall not be applicable in determining the  
10 appropriateness of an extension.

**632.605. 1.** During the period of an order for assisted outpatient treatment, if  
2 the mental health program or mental health professional who is providing the  
3 respondent's assisted outpatient treatment determines that the respondent is not  
4 complying with the court order, the mental health program or mental health  
5 professional shall notify the court immediately.

6         **2.** If it comes to the attention of the court that a respondent subject to an order of  
7 assisted outpatient treatment is not complying with the order, the court may require one  
8 or more of the following, without a hearing:

9         **(1)** That the respondent be taken for evaluation to a community mental health  
10 center providing comprehensive mental health services to individuals residing in the  
11 service area in which the respondent resides;

12         **(2)** That the respondent be hospitalized in a psychiatric hospital for a period of  
13 not more than ten days; and

14         **(3)** Upon recommendation by the community mental health center providing  
15 comprehensive mental health services to individuals residing in the service area in which  
16 the respondent resides, that the individual be hospitalized for a period of more than ten  
17 days, but not longer than the duration of the order for assisted outpatient treatment, or  
18 not longer than ninety days, whichever is less.

19         **3.** The court may direct peace officers to transport the respondent to a  
20 designated facility or a community mental health center, as applicable, and the court  
21 may specify conditions under which the respondent may return to assisted outpatient  
22 treatment before the order expires. Reimbursement for transportation costs shall be  
23 allowed as provided under section 632.312.

24         **4.** A respondent hospitalized without a hearing as provided in subsection 2 of  
25 this section may object to the hospitalization. Upon transfer of the respondent to the  
26 hospital, the hospital shall notify the respondent of his or her right to object under this  
27 section. Upon receipt of an objection to the hospitalization, the court shall schedule a  
28 hearing for a determination that the individual requires hospitalization. The  
29 respondent shall have all rights specified in section 632.593 at the hearing. The court  
30 shall order the respondent discharged from hospitalization unless the court or jury  
31 finds, based upon clear and convincing evidence, that the respondent requires

32 **hospitalization as a result of the respondent's failure to comply with the order for**  
33 **assisted outpatient treatment.**

**632.610. Beginning December 1, 2028, the office of state courts administrator**  
2 **shall submit an annual report to the general assembly summarizing:**

3 **(1) The number of individuals subject to orders for assisted outpatient**  
4 **treatment;**

5 **(2) Statistics on compliance and noncompliance rates with assisted outpatient**  
6 **treatment; and**

7 **(3) Any impact that assisted outpatient treatment has on hospitalization and**  
8 **incarceration rates.**

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