

FIRST REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 10
92ND GENERAL ASSEMBLY

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STEPHEN S. DAVIS, Chief Clerk

0010L.03P

AN ACT

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

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

There is appropriated out of the State Treasury, to be expended only as provided in
2 Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each
3 department, division, agency, and program enumerated in each section for the item or items
4 stated, and for no other purpose whatsoever chargeable to the fund designated for the period
5 beginning July 1, 2003 and ending June 30, 2004, as follows:

Section 10. 002. To the Department of Mental Health

2 For the purpose of funding Personal Service, Expense and Equipment,
3 grants, refunds and distributions of the department
4 From General Revenue Fund \$509,234,658
5 From Federal Funds 136,243,848E
6 From Mental Health Interagency Payments Fund 6,322,098
7 From Facilities Maintenance Reserve Fund 1,197,230
8 From Mental Health Intergovernmental Transfer Fund 10,000,000
9 From General Revenue Reimbursements Fund 4,544,329

10	From Compulsive Gamblers Fund	452,988
11	From Health Initiatives Fund	4,935,195
12	From Family Support Loan Fund	291,305
13	From Mental Health Earnings Fund	3,711,600
14	From Healthy Families Trust Fund-Health Care Account	2,077,681
15	From Healthy Families Trust Fund-Tobacco Prevention Account	300,000
16	From Debt Offset Escrow Fund	70,000
17	From Mental Health Trust Fund	8,273,223

Section 10.003. To the Department of Mental Health

2	There is transferred out of the State Treasury such amounts as may be	
3	necessary to transfer money among certain funds for the several	
4	divisions and programs of the department	
5	From Department of Mental Health-Federal Fund	\$19,811,800
6	From General Revenue Reimbursements Fund	2,700,000
7	From Escheats Fund	50,000

DEPARTMENT OF MENTAL HEALTH TOTALS

General Revenue Fund	\$509,234,658
Federal Funds	136,243,848
Other Funds	<u>34,586,321</u>
Total (Not to exceed 9,625.98 F.T.E.)	\$680,064,827

Section 10.004. To the Department of Health and Senior Services

2	For the purpose of funding Personal Service, Expense and Equipment,	
3	grants, refunds and distributions of the department provided: 1. For	
4	the purpose of funding family planning services, pregnancy testing	
5	and follow-up services, that none of these funds appropriated	
6	herein may be expended to directly or indirectly subsidize abortion	
7	services or administrative expenses. Abortion services include	
8	performing, assisting with, or directly referring for abortions, or	
9	encouraging or counseling patients to have abortions. Family	
10	planning services are preconception services that limit or enhance	
11	fertility, including contraception methods, the management of	
12	infertility, preconception counseling, education, and general	
13	reproductive health care. Follow-up services are services that	

14 supplement initial consultations for family planning services and
15 pregnancy testing but do not include pregnancy or childbirth care.
16 Nondirective counseling is defined as providing patients with a list
17 of health care and social service providers that provide pregnancy,
18 prenatal, delivery, infant care, foster care, adoption, alternative to
19 abortion and abortion services and nondirective, non-marketing
20 information in regard to such providers. Such list may categorize
21 the providers by the service or services they provide. An
22 organization that receives these funds may not directly refer
23 patients who seek abortion services to any organization that
24 provides abortion services, including its own independent affiliate.
25 Nondirective counseling relating to pregnancy may be provided.
26 None of these funds may be paid or granted to an organization or
27 an affiliate of an organization that provides abortion services. An
28 organization that receives these funds may not display or distribute
29 marketing materials about abortion services to patients. An
30 otherwise qualified organization shall not be disqualified from
31 receipt of these funds because of its affiliation with an
32 organization that provides abortion services, provided that the
33 affiliated organization that provides abortion services is
34 independent as determined by the conditions set forth in this
35 section. To ensure that the state does not lend its imprimatur to
36 abortion services, and to ensure that an organization that provides
37 abortion services does not receive a direct or indirect economic or
38 marketing benefit from these funds, an organization that receives
39 these funds and its independent affiliate that provides abortion
40 services may not share any of the following:
41 (a) The same or similar name;
42 (b) Medical or non-medical facilities, including but not limited to
43 business offices, treatment, consultation, examination, and waiting
44 rooms;
45 (c) Expenses;
46 (d) Employee wages or salaries; or
47 (e) Equipment or supplies, including but not limited to computers,
48 telephone systems, telecommunications equipment and office
49 supplies.

50 An independent affiliate that provides abortion services must be
51 separately incorporated from any organization that receives these
52 funds. An organization that receives these funds must maintain
53 financial records that demonstrate strict compliance with this
54 section and that demonstrate that its independent affiliate that
55 provides abortion services receives no direct or indirect economic
56 or marketing benefit from these funds. An independent audit shall
57 be conducted at least once every three years to ensure compliance
58 with this section. If the organization is an affiliate of an
59 organization which provides abortion services, the independent
60 audit shall be conducted at least annually. The audit shall be
61 conducted by either an independent auditing firm retained by the
62 department of health or by an independent auditing firm approved
63 by the department and retained by an organization receiving these
64 funds. Any organization receiving federal funds pursuant to Title
65 X of the federal Public Health Services Act may perform services
66 which are required under the federal act, but otherwise prohibited
67 pursuant to this section if:

- 68 1) Specifically directed by United States Secretary of Health and
69 Human Services to perform such services by written order directed
70 to the organization; and
- 71 2) Such order is final and no longer subject to appeal, and
- 72 3) The refusal to perform such required services will result in the
73 withholding of federal funds to said organization.

74 Federal statutory or regulatory provisions or guidelines of general
75 application shall not constitute such written order as described
76 herein.

77 2. If any provision of subsection 1 of this section is held invalid,
78 the provision shall be severed from subsection 1 of this section and
79 the remainder of subsection 1 of this section shall be enforced. If
80 the entirety of subsection 1 of this section is held invalid, then this
81 appropriation shall be in accordance with subsection 3 of this
82 section; otherwise subsections 3 and 5 of this section shall have
83 no effect.

84 3. For the purpose of funding family planning services, pregnancy
85 testing, and follow-up services that are provided directly by the

86 department of health or provided directly by government agencies
87 of this state or provided directly by any political subdivision of this
88 state or provided directly by community mental health centers
89 organized pursuant to sections 205.975 to 205.990, RSMo, or
90 provided directly by community action agencies organized
91 pursuant to sections 660.370 to 660.374, RSMo, through
92 contractual agreement with the department, provided that none of
93 the funds appropriated herein may be expended to directly or
94 indirectly subsidize abortion services or administrative expenses.
95 Abortion services include performing, assisting with, or directly
96 referring for abortions, or encouraging or counseling patients to
97 have abortions. Family planning services are preconception
98 services that limit or enhance fertility, including contraception
99 methods, the management of infertility, preconception counseling,
100 education, and general reproductive health care. Follow-up
101 services are services that supplement initial consultations for
102 family planning services and pregnancy testing but do not include
103 pregnancy or childbirth care. Nondirective counseling is defined
104 as providing patients with a list of health care and social service
105 providers that provide pregnancy, prenatal, delivery, infant care,
106 foster care, adoption, alternative to abortion and abortion services
107 and nondirective, non-marketing information in regard to such
108 providers. Such list may categorize the providers by the service or
109 services they provide. An entity that receives funds pursuant to
110 this subsection may not directly refer patients who seek abortion
111 services to any organization that provides abortion services.
112 Nondirective counseling relating to pregnancy may be provided.
113 None of the funds provided pursuant to this subsection may be
114 paid or granted to an entity that provides abortion services. Any
115 entity receiving funds pursuant to this subsection may not display
116 or distribute marketing materials about abortion services to
117 patients. An independent audit shall be conducted at least once
118 every three years to ensure compliance with this section. The audit
119 shall be conducted by either an independent auditing firm retained
120 by the department of health or by an independent auditing firm
121 approved by the department and retained by the entity receiving
122 these funds. Any entity receiving federal funds pursuant to Title

123 X of the federal Public Health Services Act may perform services
124 which are required under the federal act, but otherwise prohibited
125 pursuant to this section if:

- 126 1) Specifically directed by the United States Secretary of Health
127 and Human Services to perform such services by written order
128 directed to the entity; and
129 2) Such order is final and no longer subject to appeal, and
130 3) The refusal to perform such required services will result in the
131 withholding of federal funds to said entity.

132 Federal statutory or regulatory provisions or guidelines of general
133 application shall not constitute such written order as described
134 herein.

135 4. If the entirety of subsection 1 of this section is held invalid and
136 any provision of subsection 3 of this section is held invalid, then
137 this appropriation shall be in accordance with subsection 5;
138 otherwise subsection 5 shall have no effect.

139 5. For the purpose of funding family planning services, pregnancy
140 testing, and follow-up services that are provided directly by the
141 department of health or provided by government agencies of this
142 state or provided directly by any political subdivision of this state
143 through contractual agreement with the department, provided that
144 none of these funds appropriated herein may be expended to
145 directly or indirectly subsidize abortion services or administrative
146 expenses. Abortion services include performing, assisting with, or
147 directly referring for abortions, or encouraging or counseling
148 patients to have abortions. Family planning services are
149 preconception services that limit or enhance fertility, including
150 contraception methods, the management of infertility,
151 preconception counseling, education, and general reproductive
152 health care. Follow-up services are services that supplement initial
153 consultations for family planning services and pregnancy testing
154 but do not include pregnancy or childbirth care. Nondirective
155 counseling is defined as providing patients with a list of health
156 care and social service providers that provide pregnancy, prenatal,
157 delivery, infant care, foster care, adoption, alternative to abortion
158 and abortion services and nondirective, non-marketing information

in regard to such providers. Such list may categorize the providers by the service or services they provide. The department and any other government entity receiving funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to a government entity that provides abortion services. The department and any other government entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the department of health or by an independent auditing firm approved by the department and retained by the government entity receiving these funds. Any government entity receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 1) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the government entity; and
- 2) Such order is final and no longer subject to appeal, and
- 3) The refusal to perform such required services will result in the withholding of federal funds to said government entity.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

6. For the purpose of funding alternatives to abortion services, consisting of services or counseling offered to a pregnant woman and continuing for one year thereafter, to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption, including, but not limited to the following: prenatal care;

194 medical and mental health care; parenting skills; drug and alcohol
 195 testing and treatment; child care; newborn or infant care; housing;
 196 utilities; educational services; food, clothing and supplies relating
 197 to pregnancy, newborn care and parenting; adoption assistance; job
 198 training and placement; establishing and promoting responsible
 199 paternity; ultrasound services; case management; domestic abuse
 200 protection; and transportation. Actual provision and delivery of
 201 such services shall be dependent on client needs and not otherwise
 202 prioritized by the department. Such services shall be available only
 203 during pregnancy and continuing for one year thereafter, and shall
 204 exclude any service of the type described in paragraphs 1
 205 through 5. An independent audit shall be conducted annually to
 206 ensure compliance with this section. None of these funds shall be
 207 expended to perform or induce, assist in the performing or
 208 inducing of, or refer for, abortions; and none of these funds shall
 209 be granted to organizations or affiliates of organizations that
 210 perform or induce, assist in the performing or inducing of, or refer
 211 for, abortions

212	From General Revenue Fund	\$84,552,947
213	From Federal Funds	316,923,445E
214	From Department of Mental Health Interagency Payments Fund	520,527
215	From Division of Aging Donations Fund	50,000
216	From Nursing Facility Quality of Care Fund	3,373,257
217	From Health Initiatives Fund	5,406,873
218	From Health Access Incentive Fund	4,220,482
219	From Mammography Fund	70,402
220	From Division of Aging Elderly Home Delivered Meals Trust Fund	430,000
221	From Missouri Public Health Services Fund	3,215,501
222	From Professional & Practical Nursing Student Loan and Nurse Loan	
223	Repayment Fund	535,835
224	From Medical School Loan Repayment Fund	50,000
225	From Department of Health Document Services Fund	815,012
226	From Workers Compensation Fund	140,163
227	From Department of Health-Donated Fund	4,514,453
228	From Healthy Families Trust Fund-Senior Catastrophic Prescription Account	980,000
229	From Hazardous Waste Remedial Fund	241,409

230	From Missouri Senior Rx Fund	30,786,736
231	From Debt Offset Escrow Fund	50,000
232	From Organ Donation Fund	357,482
233	From Early Childhood Development Education and Care Fund	991,998
234	From Smith Memorial Endowment Fund	35,000
235	From Blindness Education Screening and Treatment Fund	250,000
236	From Missouri Lead Abatement Loan Fund	276,000
237	From Crippled Children's Service Fund	275,000

Section 10.006. To the Department of Health and Senior Services

2	There is transferred out of the State Treasury such amounts as may be	
3	necessary to transfer money among certain funds for the several	
4	divisions and programs of the department	
5	From Health Initiatives Fund	\$4,268,003
6	From Healthy Families Trust Fund-Senior Catastrophic Prescription Account ...	19,199,041

DEPARTMENT OF HEALTH TOTALS

General Revenue Fund	\$84,552,947
Federal Funds	316,923,445
Other Funds	<u>57,015,603</u>
Total (Not to exceed 2,184.16 F.T.E.)	\$458,491,995