

SECOND REGULAR SESSION

# HOUSE BILL NO. 1793

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COOPER (155) (Sponsor) AND STEVENSON (Co-sponsor).

Read 1st time January 23, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4330L.01I

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### AN ACT

To repeal sections 191.400, 192.014, and 660.062, RSMo, and to enact in lieu thereof one new section relating to the board of health and senior services.

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

Section A. Sections 191.400, 192.014, and 660.062, RSMo, are repealed and one new  
2 section enacted in lieu thereof, to be known as section 192.008, to read as follows:

**192.008. 1. There is hereby established the "State Board of Health and Senior  
2 Services" which shall consist of nine members who shall be appointed by the governor with  
3 the advice and consent of the senate. No member of the board shall hold any other office  
4 or employment under the state of Missouri other than in a consulting status relevant to the  
5 member's professional status, licensure, or designation. Not more than five of the members  
6 of the board shall be from the same political party.**

**7 2. Each member of the board shall be appointed for a term of four years; except  
8 that, of the members first appointed, two members shall be appointed for a term of one  
9 year, two members for a term of two years, two members for a term of three years, and  
10 three members for a term of four years. The successors of each member shall be appointed  
11 for full terms of four years. No person shall serve on the board for more than two terms.  
12 If a vacancy occurs in the membership, the governor may appoint a member for the  
13 remaining portion of the unexpired term created by the vacancy. If the vacancy occurs  
14 while the senate is not in session, the governor shall make a temporary appointment subject**

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.

15 to the approval of the senate when it next convenes. The terms of all members shall  
16 continue until their successors have been appointed and qualified.

17 3. The qualifications for the members of the board shall be as follows:

18 (1) At least three members shall be licensed by the state board of registration for  
19 the healing arts, the Missouri dental board, the Missouri board of nursing, or the Missouri  
20 state board of chiropractic examiners;

21 (2) One member shall be a person not licensed by the state board of registration for  
22 the healing arts, the Missouri dental board, the Missouri board of nursing, or the Missouri  
23 state board of chiropractic examiners and shall be representatives of those persons,  
24 professions, and businesses which are regulated and supervised by the department of  
25 health and senior services;

26 (3) One member shall be a person with experience in the field of public health;

27 (4) One member shall be a person with expertise in nutrition;

28 (5) One member shall be a person with expertise in rehabilitation services for  
29 persons with disabilities;

30 (6) One member shall be a person currently employed in the field of gerontology.

31

32 In making the remaining appointments, the governor shall give consideration to persons  
33 having special interest in public health-, gerontology-, or disability-related issues, including  
34 senior citizens.

35 4. The governor shall select from among the board membership a chair and a vice  
36 chair, who shall act as chairperson in the chair's absence. The board shall meet at the call  
37 of the chair. The chair may call meetings at such times as the chair deems advisable, and  
38 shall call a meeting when requested to do so by three or more members of the board. The  
39 members shall receive compensation in an amount equal to twenty-five dollars a day for  
40 each day of actual attendance at a board meeting and shall receive reimbursement for their  
41 actual and necessary expenses incurred in the performance of their duties as members of  
42 the board.

43 5. The board shall advise the department of health and senior services in the  
44 following areas:

45 (1) Promulgation of rules by the department;

46 (2) Formulation of the department budget;

47 (3) Planning for and operation of the department.

48 6. The board shall annually evaluate all boards, councils, committees, authorities,  
49 and bodies advisory to or an adjunct of the department or the department director for the  
50 purpose of recommending to the director one or more of the following:

- 51       **(1) The elimination of bodies whose activities are not consistent with goals and**  
52 **objectives of the department;**  
53       **(2) The consolidation of bodies whose activities encompass compatible**  
54 **programmatic subjects;**  
55       **(3) The restructuring of the relationship between the various bodies and their**  
56 **integration within the organizational structure of the department; and**  
57       **(4) Establishment of new bodies deemed essential to the functioning of the**  
58 **department.**

2           [191.400. 1. There is hereby created a "State Board of Health" which  
3 shall consist of seven members, who shall be appointed by the governor, by and  
4 with the advice and consent of the senate. No member of the state board of  
5 health shall hold any other office or employment under the state of Missouri other  
6 than in a consulting status relevant to the member's professional status, licensure  
7 or designation. Not more than four of the members of the state board of health  
8 shall be from the same political party.

9           2. Each member shall be appointed for a term of four years; except that  
10 of the members first appointed, two shall be appointed for a term of one year, two  
11 for a term of two years, two for a term of three years, and one for a term of four  
12 years. The successors of each shall be appointed for full terms of four years. No  
13 person may serve on the state board of health for more than two terms. The terms  
14 of all members shall continue until their successors have been duly appointed and  
15 qualified. Three of the persons appointed to the state board of health shall be  
16 persons who are physicians and surgeons licensed by the state board of  
17 registration for the healing arts of Missouri. One of the persons appointed to the  
18 state board of health shall be a dentist licensed by the Missouri dental board. One  
19 of the persons appointed to the state board of health shall be a chiropractic  
20 physician licensed by the Missouri state board of chiropractic examiners. Two  
21 of the persons appointed to the state board of health shall be persons other than  
22 those licensed by the state board of registration for the healing arts, the Missouri  
23 dental board, or the Missouri state board of chiropractic examiners and shall be  
24 representative of those persons, professions and businesses which are regulated  
25 and supervised by the department of health and senior services and the state  
26 board of health. If a vacancy occurs in the appointed membership, the governor  
27 may appoint a member for the remaining portion of the unexpired term created  
28 by the vacancy. If the vacancy occurs while the senate is not in session, the  
29 governor shall make a temporary appointment subject to the approval of the  
30 senate when it next convenes. The members shall receive actual and necessary  
31 expenses plus twenty-five dollars per day for each day of actual attendance.

32           3. The board shall elect from among its membership a chairperson and  
33 a vice chairperson, who shall act as chairperson in his or her absence. The board  
shall meet at the call of the chairperson. The chairperson may call meetings at

34 such times as he or she deems advisable, and shall call a meeting when requested  
35 to do so by three or more members of the board.]  
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[192.014. The state board of health shall advise the department of health  
2 and senior services in the:

3 (1) Promulgation of rules and regulations by the department of health and  
4 senior services. At least sixty days before the rules and regulations prescribed by  
5 the department or any subsequent changes in them become effective, a copy shall  
6 be filed in the office of the secretary of state. All rules and regulations  
7 promulgated by the department shall, as soon as practicable after their adoption,  
8 be submitted to the general assembly. The rules and regulations shall continue  
9 in force and effect until disapproved by the general assembly;

10 (2) Formulation of the budget for the department of health and senior  
11 services;

12 (3) Planning for and operation of the department of health and senior  
13 services.]  
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[660.062. 1. There is hereby created a "State Board of Senior Services"  
2 which shall consist of seven members, who shall be appointed by the governor,  
3 by and with the advice and consent of the senate. No member of the state board  
4 of senior services shall hold any other office or employment under the state of  
5 Missouri other than in a consulting status relevant to the member's professional  
6 status, licensure or designation. Not more than four of the members of the state  
7 board of senior services shall be from the same political party.

8 2. Each member shall be appointed for a term of four years; except that  
9 of the members first appointed, two shall be appointed for a term of one year, two  
10 for a term of two years, two for a term of three years and one for a term of four  
11 years. The successors of each shall be appointed for full terms of four years. No  
12 person may serve on the state board of senior services for more than two terms.  
13 The terms of all members shall continue until their successors have been duly  
14 appointed and qualified. One of the persons appointed to the state board of  
15 senior services shall be a person currently working in the field of gerontology.  
16 One of the persons appointed to the state board of senior services shall be a  
17 physician with expertise in geriatrics. One of the persons appointed to the state  
18 board of senior services shall be a person with expertise in nutrition. One of the  
19 persons appointed to the state board of senior services shall be a person with  
20 expertise in rehabilitation services of persons with disabilities. One of the  
21 persons appointed to the state board of senior services shall be a person with  
22 expertise in mental health issues. In making the two remaining appointments, the  
23 governor shall give consideration to individuals having a special interest in  
24 gerontology or disability-related issues, including senior citizens. Four of the  
25 seven members appointed to the state board of senior services shall be members  
26 of the governor's advisory council on aging. If a vacancy occurs in the appointed

27 membership, the governor may appoint a member for the remaining portion of  
28 the unexpired term created by the vacancy. The members shall receive actual and  
29 necessary expenses plus twenty-five dollars per day for each day of actual  
30 attendance.

31 3. The board shall elect from among its membership a chairman and a  
32 vice chairman, who shall act as chairman in his or her absence. The board shall  
33 meet at the call of the chairman. The chairman may call meetings at such times  
34 as he or she deems advisable, and shall call a meeting when requested to do so  
35 by three or more members of the board.

36 4. The state board of senior services shall advise the department of health  
37 and senior services in the:

38 (1) Promulgation of rules and regulations by the department of health and  
39 senior services;

40 (2) Formulation of the budget for the department of health and senior  
41 services; and

42 (3) Planning for and operation of the department of health and senior  
43 services.]

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