

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 836,
2 Page 1, Section A, Line 4, by inserting after all of said section and line the following:

3
4 "9.154. 1. August 28, 2016, and thereafter the date designated by the show-me
5 compassionate medical education research project committee established in section 191.596, shall
6 be designated as "Show-Me Compassionate Medical Education Day" in Missouri. The citizens of
7 the state of Missouri are encouraged to participate in appropriate activities and events to increase
8 awareness regarding medical education, medical student well-being, and measures that have been
9 shown to be effective, are currently being evaluated for effectiveness, and are being proposed for
10 effectiveness in positively impacting medical student well-being and education.

11 2. The director of the department of mental health shall notify the revisor of statutes of the
12 date selected by the show-me compassionate medical education research project committee for the
13 show-me compassionate medical education day.

14 191.594. 1. Sections 191.594 to 191.596 shall be known and may be cited as the "Show-Me
15 Compassionate Medical Education Act".

16 2. No medical school in this state shall prohibit, discourage, or otherwise restrict a medical
17 student organization or medical organization from undertaking or conducting a study of the
18 prevalence of depression and suicide or other mental health issues among medical students. No
19 medical school in this state shall penalize, discipline, or otherwise take any adverse action against a
20 student or a medical student organization in connection with such student's or medical student
21 organization's participation in, planning, or conducting a study of the prevalence of depression and
22 suicide or other mental health issues among medical students.

23 3. For purposes of this section, the following terms shall mean:

24 (1) "Medical organization" includes, but is not limited to, organizations such as the Missouri
25 State Medical Association and the Missouri Association of Osteopathic Physicians and Surgeons;

26 (2) "Medical school", any allopathic or osteopathic school of medicine in this state;

27 (3) "Medical student organization" includes, but is not limited to, organizations such as the
28 American Medical Student Association, the Student Osteopathic Medical Association, and any
29 medical student section of a medical organization.

30 191.596. 1. Medical schools in this state may, in collaboration with the show-me
31 compassionate medical education research project committee, conduct a single center or multicenter
32 study or studies, which, if conducted, shall be known as the "Show-Me Compassionate Medical
33 Education Research Project", in order to facilitate the collection of data and implement practices and
34 protocols to minimize stress and reduce the risk of depression and suicide for medical students in
35 this state.

36 2. There is hereby established the "Show-Me Compassionate Medical Education Research
Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

Project Committee", which shall consist of representatives from each of the medical schools in this state and the director of the department of mental health, or the director's designee. The committee shall:

(1) Conduct an initial meeting on August 28, 2016, to organize, and meet as necessary thereafter to implement any research project conducted; and

(2) Set the date for the show-me compassionate medical education day designated under section 9.154. The date selected shall be for 2017 and every year thereafter.

3. Any single center or multicenter study undertaken by the committee or its member schools may include, but need not be limited to, the following:

(1) Development of study protocols designed to identify the root causes that contribute to the risk of depression and suicide for medical students;

(2) Examination of the culture and academic program of medical schools that may contribute to the risk of depression and suicide for medical students;

(3) Collection of any relevant additional data including, but not limited to, consultation and collaboration with mental health professionals and mental health resources in the communities where medical schools are located;

(4) Collaboration between the medical schools in this state in order to share information and to identify and make recommendations under subdivision (5) of this subsection; and

(5) Based on the data and findings under subdivisions (1) to (3) of this subsection:

(a) Identification of the best practices to be implemented at each medical school designed to address the root causes and changes in medical school culture in order to minimize stress and reduce the risk of depression and suicide for medical students;

(b) Recommendation of any statutory or regulatory changes regarding licensure of medical professionals and recommendation of any changes to common practices associated with medical training or medical practice that the committee believes will accomplish the goals set out in this section.

4. The committee shall prepare an annual report that shall include any information under subdivision (5) of subsection 3 of this section and any measures reported by any medical school as a result of the findings under this section. The report shall be made available annually on each medical school's website and to the Missouri general assembly."; and

Further amend said bill, Page 19, Section 336.020, Line 9, by inserting after all of said section and line the following:

"610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such

1 persons;

2 (4) "Incident report", a record of a law enforcement agency consisting of the date, time,
3 specific location, name of the victim and immediate facts and circumstances surrounding the initial
4 report of a crime or incident, including any logs of reported crimes, accidents and complaints
5 maintained by that agency;

6 (5) "Investigative report", a record, other than an arrest or incident report, prepared by
7 personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response
8 to an incident report or in response to evidence developed by law enforcement officers in the course
9 of their duties.

10 2. Each law enforcement agency of this state, of any county, and of any municipality shall
11 maintain records of all incidents reported to the agency, investigations and arrests made by such law
12 enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding
13 any other provision of law other than the provisions of subsections [4, 5 and 6] 5, 6, and 7 of this
14 section or section 320.083, investigative reports of all law enforcement agencies are closed records
15 until the investigation becomes inactive. If any person is arrested and not charged with an offense
16 against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed
17 record except that the disposition portion of the record may be accessed and except as provided in
18 section 610.120.

19 3. Except as provided in subsections [4, 5, 6 and 7] 5, 6, 7, and 8 of this section, if any
20 portion of a record or document of a law enforcement officer or agency, other than an arrest report,
21 which would otherwise be open, contains information that is reasonably likely to pose a clear and
22 present danger to the safety of any victim, witness, undercover officer, or other person; or
23 jeopardize a criminal investigation, including records which would disclose the identity of a source
24 wishing to remain confidential or a suspect not in custody; or which would disclose techniques,
25 procedures or guidelines for law enforcement investigations or prosecutions, that portion of the
26 record shall be closed and shall be redacted from any record made available pursuant to this chapter.

27 4. (1) Notwithstanding any other provision of this section or law to the contrary, any
28 portion of a record or document of a law enforcement officer or agency involving a suicide or
29 attempted suicide shall be a closed record for thirty days after the suicide or attempted suicide.

30 (2) Notwithstanding the provisions of subsection 1 of this section, if a suicide occurred,
31 such records shall be released prior to thirty days to any relative of the individual within the second
32 degree of consanguinity or affinity upon request.

33 (3) Notwithstanding the provisions of subsection 1 of this section, in the case of an
34 attempted suicide, such records shall be released to the individual who attempted to commit suicide
35 at the individual's request or upon the request of the individual's parent or guardian if the individual
36 is a minor, or the individual's spouse or relative within the second degree of consanguinity or
37 affinity if the individual is incapacitated.

38 (4) Notwithstanding the provisions of subsection 1 of this section, in the case of suicide or
39 attempted suicide, such records may be released for the following purposes:

40 (a) Criminal, civil, administrative, or other legal proceedings;

41 (b) Law enforcement investigative or other purposes;

42 (c) To any covered entity, as defined in the Health Insurance Portability and Accountability
43 Act of 1996, as amended, that is providing or may provide services to any individual or his or her
44 relative within the second degree of consanguinity or affinity; or

45 (d) If the release of such information is immediately necessary for the preservation of the
46 health and safety of any individual or for public health and welfare.

47 5. Any person, including a family member of such person within the first degree of
48 consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a

person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

[5.] 6. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

[6.] 7. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

[7.] 8. The victim of an offense as provided in chapter 566 may request that his or her identity be kept confidential until a charge relating to such incident is filed.

610.200. 1. Except as provided in subsection 2 of this section, all law enforcement agencies that maintain a daily log or record that lists suspected crimes, accidents, or complaints shall make available the following information for inspection and copying by the public:

(1) The time, substance, and location of all complaints or requests for assistance received by

1 the agency;

2 (2) The time and nature of the agency's response to all complaints or requests for assistance;
3 and

4 (3) If the incident involves an alleged crime or infraction:

5 (a) The time, date, and location of occurrence;

6 (b) The name and age of any victim, unless the victim is a victim of a crime under chapter
7 566;

8 (c) The factual circumstances surrounding the incident; and

9 (d) A general description of any injuries, property or weapons involved.

10 2. Notwithstanding any other provision of law to the contrary, no law enforcement agency
11 shall release any portion of a record or document of a law enforcement officer or agency involving a
12 suicide or attempted suicide unless such release complies with the requirements of subsection 4 of
13 section 610.100.

14 Section B. Because immediate action is necessary to ensure the well-being of medical
15 students in this state, the enactment of sections 9.154, 191.594, and 191.596 of section A of this act
16 is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
17 and is hereby declared to be an emergency act within the meaning of the constitution, and the
18 enactment of sections 9.154, 191.594, and 191.596 of section A of this act shall be in full force and
19 effect upon its passage and approval."; and

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.
23