

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1316
100TH GENERAL ASSEMBLY

3090H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 168.021, 208.151, 210.109, and 210.150, RSMo, and to enact in lieu thereof five new sections relating to military families.

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

Section A. Sections 168.021, 208.151, 210.109, and 210.150, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 27.115, 168.021, 208.151,
3 210.109, and 210.150, to read as follows:

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

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:
3 (1) By the state board, under rules and regulations prescribed by it:
4 (a) Upon the basis of college credit;
5 (b) Upon the basis of examination;
6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid doctoral degree from an accredited institution of higher education
9 accredited by a regional accrediting association such as North Central Association. Such
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued

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.

11 only after successful completion of the examination required for graduation pursuant to rules
12 adopted by the state board of education, and shall be restricted to those certificates established
13 pursuant to subdivision (2) of subsection 3 of this section;

14 (3) By the state board, which shall issue the professional certificate classification in both
15 the general and specialized areas most closely aligned with the current areas of certification
16 approved by the state board, commensurate with the years of teaching experience of the
17 applicant, and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

20 (b) Successful attainment of the Missouri qualifying score on the exit assessment for
21 teachers or administrators designated by the state board of education. Applicants who have not
22 successfully achieved a qualifying score on the designated examinations will be issued a
23 two-year nonrenewable provisional certificate; and

24 (c) Upon completion of a background check as prescribed in section 168.133 and
25 possession of a valid teaching certificate in the state from which the applicant's teacher
26 preparation program was completed;

27 (4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's
28 degree, or higher degree, and a passing score for the designated exit examination, for individuals
29 whose academic degree and professional experience are suitable to provide a basis for instruction
30 solely in the subject matter of banking or financial responsibility, at the discretion of the state
31 board. Such certificate shall be limited to the major area of study of the holder and shall be
32 restricted to those certificates established under subdivision (2) of subsection 3 of this section.
33 Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act
34 under sections 168.102 to 168.130 and each school district shall have the decision-making
35 authority on whether to hire the holders of such certificates;

36 (5) By the state board, under rules and regulations prescribed by it, on the basis of
37 certification by the American Board for Certification of Teacher Excellence (ABCTE) and
38 verification of ability to work with children as demonstrated by sixty contact hours in any one
39 of the following areas as validated by the school principal: sixty contact hours in the classroom,
40 of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at
41 least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private
42 school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE
43 certificate of license to teach, except that such certificate shall not be granted for the areas of
44 early childhood education, or special education. For certification in the area of elementary
45 education, ninety contact hours in the classroom shall be required, of which at least thirty shall
46 be in an elementary classroom. Upon the completion of the requirements listed in paragraphs

47 (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career
48 continuous professional certificate under subdivision (3) of subsection 3 of this section:

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

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

54 (c) Attainment of a successful performance-based teacher evaluation; and

55 (d) Participation in a beginning teacher assistance program; or

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

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

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

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

65 (d) Completion of a background check as prescribed under section 168.133.

66

67 The initial visiting scholars certificate shall certify the holder of such certificate to teach for one
68 year. An applicant shall be eligible to renew an initial visiting scholars certificate a maximum
69 of two times, based upon the completion of the requirements listed under paragraphs (a), (b), and
70 (d) of this subdivision; completion of professional development required by the school district
71 and school; and attainment of a satisfactory performance-based teacher evaluation.

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

81 3. (1) Certificates of license to teach in the public schools of the state shall be based
82 upon minimum requirements prescribed by the state board of education which shall include

83 completion of a background check as prescribed in section 168.133. The state board shall
84 provide for the following levels of professional certification: an initial professional certificate
85 and a career continuous professional certificate.

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

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

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

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

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

103 (b) The career continuous professional certificate shall be continuous based upon
104 verification of actual employment in an educational position as provided for in state board
105 guidelines and completion of fifteen contact hours of professional development per year which
106 may include hours spent in class in an appropriate college curriculum. Should the possessor of
107 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
108 professional development requirement, the possessor may, within two years, make up the
109 missing hours. In order to make up for missing hours, the possessor shall first complete the
110 fifteen-hour requirement for the current year and then may count hours in excess of the current
111 year requirement as make-up hours. Should the possessor fail to make up the missing hours
112 within two years, the certificate shall become inactive. In order to reactivate the certificate, the
113 possessor shall complete twenty-four contact hours of professional development which may
114 include hours spent in the classroom in an appropriate college curriculum within the six months
115 prior to or after reactivating his or her certificate. The requirements of this paragraph shall be
116 monitored and verified by the local school district which employs the holder of the career
117 continuous professional certificate.

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

- 122 a. Has ten years of teaching experience as defined by the state board of education;
 - 123 b. Possesses a master's degree; or
 - 124 c. Obtains a rigorous national certification as approved by the state board of education.
- 125 4. Policies and procedures shall be established by which a teacher who was not retained
126 due to a reduction in force may retain the current level of certification. There shall also be
127 established policies and procedures allowing a teacher who has not been employed in an
128 educational position for three years or more to reactivate his or her last level of certification by
129 completing twenty-four contact hours of professional development which may include hours
130 spent in the classroom in an appropriate college curriculum within the six months prior to or after
131 reactivating his or her certificate.

132 5. The state board shall, upon completion of a background check as prescribed in section
133 168.133, issue a professional certificate classification in the areas most closely aligned with an
134 applicant's current areas of certification, commensurate with the years of teaching experience of
135 the applicant, to any person who is hired to teach in a public school in this state and who
136 possesses a valid teaching certificate from another state or certification under subdivision (4) of
137 subsection 1 of this section, provided that the certificate holder shall annually complete the state
138 board's requirements for such level of certification, and shall establish policies by which
139 residents of states other than the state of Missouri may be assessed a fee for a certificate of
140 license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to
141 recover any or all costs associated with the issuing of a certificate of license to teach. The board
142 shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall
143 **be valid for three years and shall** allow the holder to assume classroom duties pending the
144 completion of a criminal background check under section 168.133, for any applicant who:

- 145 (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- 146 (2) Relocated from another state within one year of the date of application;
- 147 (3) Underwent a criminal background check in order to be issued a teaching certificate
148 of license from another state; and
- 149 (4) Otherwise qualifies under this section.

150 6. The state board may assess to holders of an initial professional certificate a fee, to be
151 deposited into the excellence in education revolving fund established pursuant to section
152 160.268, for the issuance of the career continuous professional certificate. However, such fee
153 shall not exceed the combined costs of issuance and any criminal background check required as

154 a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any
155 fees associated with the program leading to the issuance of the certificate, but nothing in this
156 section shall prohibit a district from developing a policy that permits fee reimbursement.

157 7. Any member of the public school retirement system of Missouri who entered covered
158 employment with ten or more years of educational experience in another state or states and held
159 a certificate issued by another state and subsequently worked in a school district covered by the
160 public school retirement system of Missouri for ten or more years who later became certificated
161 in Missouri shall have that certificate dated back to his or her original date of employment in a
162 Missouri public school.

163 **8. Within thirty days of receiving an application from a military spouse of an active**
164 **duty member of the Armed Forces of the United States who has been transferred or is**
165 **scheduled to be transferred to the state of Missouri, or who has been transferred or is**
166 **scheduled to be transferred to an adjacent state and is or will be domiciled in the state of**
167 **Missouri, or has moved to the state of Missouri on a permanent change-of-station basis and**
168 **has successfully completed the background check described under subsection 5 of this**
169 **section and section 168.133, the state board shall issue to such applicant a full certificate**
170 **of license to teach, provided that the applicant has paid all necessary fees and has**
171 **otherwise met all requirements to be issued such a certificate.**

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

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

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

15 (3) All participants receiving blind pension benefits;

16 (4) All persons who would be determined to be eligible for old age assistance benefits,
17 permanent and total disability benefits, or aid to the blind benefits under the eligibility standards
18 in effect December 31, 1973, or less restrictive standards as established by rule of the family

19 support division, who are sixty-five years of age or over and are patients in state institutions for
20 mental diseases or tuberculosis;

21 (5) All persons under the age of twenty-one years who would be eligible for aid to
22 families with dependent children except for the requirements of subdivision (2) of subsection 1
23 of section 208.040, and who are residing in an intermediate care facility, or receiving active
24 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section
25 1396d, as amended;

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

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

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

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

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

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

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

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

52 (14) Children who have attained six years of age but have not attained nineteen years of
53 age. For children who have attained six years of age but have not attained nineteen years of age,
54 the family support division shall use an income assessment methodology which provides for

55 eligibility when family income is equal to or less than equal to one hundred percent of the federal
56 poverty level established by the Department of Health and Human Services, or its successor
57 agency. As necessary to provide MO HealthNet coverage under this subdivision, the department
58 of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C.
59 Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not
60 attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C.
61 Section 1396d using a more liberal income assessment methodology as authorized by paragraph
62 (2) of subsection (r) of 42 U.S.C. Section 1396a;

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

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

71 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under
72 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet
73 benefits and to have been found eligible for such assistance under such plan on the date of such
74 birth and to remain eligible for such assistance for a period of time determined in accordance
75 with applicable federal and state law and regulations so long as the child is a member of the
76 woman's household and either the woman remains eligible for such assistance or for children
77 born on or after January 1, 1991, the woman would remain eligible for such assistance if she
78 were still pregnant. Upon notification of such child's birth, the family support division shall
79 assign a MO HealthNet eligibility identification number to the child so that claims may be
80 submitted and paid under such child's identification number;

81 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to
82 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO
83 HealthNet benefits be required to apply for aid to families with dependent children. The family
84 support division shall utilize an application for eligibility for such persons which eliminates
85 information requirements other than those necessary to apply for MO HealthNet benefits. The
86 division shall provide such application forms to applicants whose preliminary income
87 information indicates that they are ineligible for aid to families with dependent children.
88 Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection
89 shall be informed of the aid to families with dependent children program and that they are

90 entitled to apply for such benefits. Any forms utilized by the family support division for
91 assessing eligibility under this chapter shall be as simple as practicable;

92 (19) Subject to appropriations necessary to recruit and train such staff, the family support
93 division shall provide one or more full-time, permanent eligibility specialists to process
94 applications for MO HealthNet benefits at the site of a health care provider, if the health care
95 provider requests the placement of such eligibility specialists and reimburses the division for the
96 expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and
97 equipment of such eligibility specialists. The division may provide a health care provider with
98 a part-time or temporary eligibility specialist at the site of a health care provider if the health care
99 provider requests the placement of such an eligibility specialist and reimburses the division for
100 the expenses, including but not limited to the salary, benefits, travel, training, telephone,
101 supplies, and equipment, of such an eligibility specialist. The division may seek to employ such
102 eligibility specialists who are otherwise qualified for such positions and who are current or
103 former welfare participants. The division may consider training such current or former welfare
104 participants as eligibility specialists for this program;

105 (20) Pregnant women who are eligible for, have applied for and have received MO
106 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to
107 be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided
108 under section 208.152 until the end of the sixty-day period beginning on the last day of their
109 pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving
110 birth shall, subject to appropriations and any necessary federal approval, be eligible for MO
111 HealthNet benefits for substance abuse treatment and mental health services for the treatment
112 of substance abuse for no more than twelve additional months, as long as the woman remains
113 adherent with treatment. The department of mental health and the department of social services
114 shall seek any necessary waivers or state plan amendments from the Centers for Medicare and
115 Medicaid Services and shall develop rules relating to treatment plan adherence. No later than
116 fifteen months after receiving any necessary waiver, the department of mental health and the
117 department of social services shall report to the house of representatives budget committee and
118 the senate appropriations committee on the compliance with federal cost neutrality requirements;

119 (21) Case management services for pregnant women and young children at risk shall be
120 a covered service. To the greatest extent possible, and in compliance with federal law and
121 regulations, the department of health and senior services shall provide case management services
122 to pregnant women by contract or agreement with the department of social services through local
123 health departments organized under the provisions of chapter 192 or chapter 205 or a city health
124 department operated under a city charter or a combined city-county health department or other
125 department of health and senior services designees. To the greatest extent possible the

126 department of social services and the department of health and senior services shall mutually
127 coordinate all services for pregnant women and children with the crippled children's program,
128 the prevention of intellectual disability and developmental disability program and the prenatal
129 care program administered by the department of health and senior services. The department of
130 social services shall by regulation establish the methodology for reimbursement for case
131 management services provided by the department of health and senior services. For purposes
132 of this section, the term "case management" shall mean those activities of local public health
133 personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in
134 the state's MO HealthNet program, refer them to local physicians or local health departments
135 who provide prenatal care under physician protocol and who participate in the MO HealthNet
136 program for prenatal care and to ensure that said high-risk mothers receive support from all
137 private and public programs for which they are eligible and shall not include involvement in any
138 MO HealthNet prepaid, case-managed programs;

139 (22) By January 1, 1988, the department of social services and the department of health
140 and senior services shall study all significant aspects of presumptive eligibility for pregnant
141 women and submit a joint report on the subject, including projected costs and the time needed
142 for implementation, to the general assembly. The department of social services, at the direction
143 of the general assembly, may implement presumptive eligibility by regulation promulgated
144 pursuant to chapter 207;

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

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

153 (b) All persons who would be determined to be eligible for aid to the blind benefits
154 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section
155 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of
156 January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C.
157 Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal
158 poverty level;

159 (c) All persons who would be determined to be eligible for permanent and total disability
160 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
161 Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan

162 as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income
163 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the
164 income limit if authorized by annual appropriations. Eligibility standards for permanent and total
165 disability benefits shall not be limited by age;

166 (25) Persons who have been diagnosed with breast or cervical cancer and who are
167 eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons
168 shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section
169 1396r-1;

170 (26) Persons who are in foster care under the responsibility of the state of Missouri on
171 the date such persons attained the age of eighteen years, or at any time during the thirty-day
172 period preceding their eighteenth birthday, or persons who received foster care for at least six
173 months in another state, are residing in Missouri, and are at least eighteen years of age, without
174 regard to income or assets, if such persons:

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

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

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

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

186 3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance
187 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months
188 immediately preceding the month in which such family became ineligible for such assistance
189 because of increased income from employment shall, while a member of such family is
190 employed, remain eligible for MO HealthNet benefits for four calendar months following the
191 month in which such family would otherwise be determined to be ineligible for such assistance
192 because of income and resource limitation. After April 1, 1990, any family receiving aid
193 pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months
194 immediately preceding the month in which such family becomes ineligible for such aid, because
195 of hours of employment or income from employment of the caretaker relative, shall remain
196 eligible for MO HealthNet benefits for six calendar months following the month of such
197 ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6.

198 Each family which has received such medical assistance during the entire six-month period
199 described in this section and which meets reporting requirements and income tests established
200 by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall
201 receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet
202 division may provide by rule and as authorized by annual appropriation the scope of MO
203 HealthNet coverage to be granted to such families.

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

210 5. The department of social services may apply to the federal Department of Health and
211 Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration
212 waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars
213 in additional costs to the state, unless subject to appropriation or directed by statute, but in no
214 event shall such waiver applications or amendments seek to waive the services of a rural health
215 clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2)
216 or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section
217 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight
218 committee created in section 208.955. A request for such a waiver so submitted shall only
219 become effective by executive order not sooner than ninety days after the final adjournment of
220 the session of the general assembly to which it is submitted, unless it is disapproved within sixty
221 days of its submission to a regular session by a senate or house resolution adopted by a majority
222 vote of the respective elected members thereof, unless the request for such a waiver is made
223 subject to appropriation or directed by statute.

224 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,
225 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of
226 subsection 1 of this section shall only be eligible if annual appropriations are made for such
227 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
228 1396a(a)(10)(A)(I).

229 **7. (1) Notwithstanding any provision of law to the contrary, a military service**
230 **member, or an immediate family member residing with such military service member, who**
231 **is a legal resident of this state and is eligible for MO HealthNet developmental disability**
232 **services, shall have his or her eligibility for MO HealthNet developmental disability**
233 **services temporarily suspended for any period of time during which such person**

234 temporarily resides outside of this state for reasons relating to military service, but shall
235 have his or her eligibility immediately restored upon returning to this state to reside.

236 (2) Notwithstanding any provision of law to the contrary, if a military service
237 member, or an immediate family member residing with such military service member, is
238 not a legal resident of this state, but would otherwise be eligible for MO HealthNet
239 developmental disability services, such individual shall be deemed eligible for MO
240 HealthNet developmental disability services for the duration of any time in which such
241 individual is temporarily present in this state for reasons relating to military service.

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

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

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

10 (1) Maintain a central registry;

11 (2) Receive reports and establish and maintain an information system operating at all
12 times, capable of receiving and maintaining reports;

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

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

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

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

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

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

42 **(9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator**
43 **or any person responsible for the care, custody, and control of the subject child is a**
44 **member of any branch of the military, as defined under section 40.005.**

45

46 As used in this subsection, "report" includes any telephone call made pursuant to section
47 210.145.

210.150. 1. The children's division shall ensure the confidentiality of all reports and
2 records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local
3 offices, the central registry, and other appropriate persons, officials, and institutions pursuant to
4 sections 210.109 to 210.183. To protect the rights of the family and the child named in the report
5 as a victim, the children's division shall establish guidelines which will ensure that any disclosure
6 of information concerning the abuse and neglect involving that child is made only to persons or
7 agencies that have a right to such information. The division may require persons to make written
8 requests for access to records maintained by the division. The division shall only release
9 information to persons who have a right to such information. The division shall notify persons
10 receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section
11 of the purpose for which the information is released and of the penalties for unauthorized
12 dissemination of information. Such information shall be used only for the purpose for which the
13 information is released.

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

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

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

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

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

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

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

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

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

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report
70 involving a specific person or child-care facility who does or may provide services or care to a
71 child of the person requesting the information. Request for examinations shall be made to the
72 division director or the director's designee, in writing, by the parent or legal guardian of the child
73 and shall be accompanied with a signed and notarized release form from the person who does
74 or may provide care or services to the child. The notarized release form shall include the full
75 name, date of birth and Social Security number of the person who does or may provide care or
76 services to a child. The response shall include information pertaining to the nature and
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central
78 registry. This response shall not include any identifying information regarding any person other
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten
80 working days of the time it was received by the division;

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

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

89 (12) Any child fatality review panel established pursuant to section 210.192 or any state
90 child fatality review panel established pursuant to section 210.195;

91 (13) Any person who is a tenure-track or full-time research faculty member at an
92 accredited institution of higher education engaged in scholarly research, with the permission of
93 the director. Prior to the release of any identifying information, the director shall require the
94 researcher to present a plan for maintaining the confidentiality of the identifying information.
95 The researcher shall be prohibited from releasing the identifying information of individual cases;
96 **and**

97 **(14) Appropriate staff of the United States Department of Defense including, but**
98 **not limited to, authorized family advocacy program staff or any other staff authorized to**
99 **receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a**
100 **report has been made and the suspected perpetrator or any person responsible for the care,**
101 **custody, and control of the subject child is a member of any branch of the military.**

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

106 (1) Appropriate staff of the division;

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

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

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

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

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

129 (7) Any person engaged in bona fide research purpose, with the permission of the
130 director; provided, however, that no information identifying the subjects of the reports or the
131 reporters shall be made available to the researcher, unless the identifying information is essential
132 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,
133 provides written permission; **and**

134 **(8) Appropriate staff of the United States Department of Defense including, but not**
135 **limited to, authorized family advocacy program staff or any other staff authorized to**
136 **receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a**
137 **report has been made and the suspected perpetrator or any person responsible for the care,**
138 **custody, and control of the subject child is a member of any branch of the military.**

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

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

147 **6. Notwithstanding any provisions of this section or chapter 210 to the contrary,**
148 **if the division receives a report and ascertains that a suspected perpetrator or any person**
149 **responsible for the care, custody, and control of the subject child is a member of any**
150 **branch of the military, the division shall report its findings to the most relevant family**
151 **advocacy program authorized by the United States Department of Defense or any other**
152 **relevant person authorized by the United States Department of Defense to receive reports**
153 **under 10 U.S.C. Section 1787.**

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