

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 106, Page 1, Section A, Line 12, by inserting after all of said section and line the following:

"9.388. The month of March of each year is hereby designated as "Rare Kidney Disease Awareness Month". The citizens of this state are encouraged to participate in appropriate awareness and educational activities for Rare Kidney Disease, available screening and genetic testing options, and efforts to improve treatment for patients.

37.725. 1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

(1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; ~~[or]~~

(2) Such disclosure is required by court order; or

(3) The child advocate determines that disclosure to law enforcement is necessary to ensure immediate child safety.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order."; and

Further amend said bill, Page 2, Section 167.027, Line 18, by inserting after all of said section and line the following:

Action Taken _____ Date _____

1 "190.600. 1. Sections 190.600 to 190.621 shall be known and may be cited as the "Outside
2 the Hospital Do-Not-Resuscitate Act".

3 2. As used in sections 190.600 to 190.621, unless the context clearly requires otherwise, the
4 following terms shall mean:

5 (1) "Attending physician":

6 (a) A physician licensed under chapter 334 selected by or assigned to a patient who has
7 primary responsibility for treatment and care of the patient; or

8 (b) If more than one physician shares responsibility for the treatment and care of a patient,
9 one such physician who has been designated the attending physician by the patient or the patient's
10 representative shall serve as the attending physician;

11 (2) "Cardiopulmonary resuscitation" or "CPR", emergency medical treatment administered
12 to a patient in the event of the patient's cardiac or respiratory arrest, and shall include cardiac
13 compression, endotracheal intubation and other advanced airway management, artificial ventilation,
14 defibrillation, administration of cardiac resuscitation medications, and related procedures;

15 (3) "Department", the department of health and senior services;

16 (4) "Emergency medical services personnel", paid or volunteer firefighters, law enforcement
17 officers, first responders, emergency medical technicians, or other emergency service personnel
18 acting within the ordinary course and scope of their professions, but excluding physicians;

19 (5) "Health care facility", any institution, building, or agency or portion thereof, private or
20 public, excluding federal facilities and hospitals, whether organized for profit or not, used, operated,
21 or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive
22 care to any person or persons. Health care facility includes but is not limited to ambulatory surgical
23 facilities, health maintenance organizations, home health agencies, hospices, infirmaries, renal
24 dialysis centers, long-term care facilities licensed under sections 198.003 to 198.186, medical
25 assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation
26 facilities, and residential treatment facilities;

27 (6) "Hospital", a place devoted primarily to the maintenance and operation of facilities for
28 the diagnosis, treatment, or care for not less than twenty-four consecutive hours in any week of three
29 or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal
30 physical conditions; or a place devoted primarily to provide for not less than twenty-four
31 consecutive hours in any week medical or nursing care for three or more nonrelated individuals.
32 Hospital does not include any long-term care facility licensed under sections 198.003 to 198.186;

33 (7) "Outside the hospital do-not-resuscitate identification" or "outside the hospital DNR
34 identification", a standardized identification card, bracelet, or necklace of a single color, form, and
35 design as described by rule of the department that signifies that the patient's attending physician has
36 issued an outside the hospital do-not-resuscitate order for the patient and has documented the
37 grounds for the order in the patient's medical file;

38 (8) "Outside the hospital do-not-resuscitate order" or "outside the hospital DNR order", a
39 written physician's order signed by the patient and the attending physician, or the patient's

1 representative and the attending physician, in a form promulgated by rule of the department which
2 authorizes emergency medical services personnel to withhold or withdraw cardiopulmonary
3 resuscitation from the patient in the event of cardiac or respiratory arrest;

4 (9) "Outside the hospital do-not-resuscitate protocol" or "outside the hospital DNR
5 protocol", a standardized method or procedure promulgated by rule of the department for the
6 withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services
7 personnel from a patient in the event of cardiac or respiratory arrest;

8 (10) "Patient", a person eighteen years of age or older who is not incapacitated, as defined in
9 section 475.010, and who is otherwise competent to give informed consent to an outside the hospital
10 do-not-resuscitate order at the time such order is issued, and who, with his or her attending
11 physician, has executed an outside the hospital do-not-resuscitate order under sections 190.600 to
12 190.621. A person who has a patient's representative shall also be a patient for the purposes of
13 sections 190.600 to 190.621, if the person or the person's patient's representative has executed an
14 outside the hospital do-not-resuscitate order under sections 190.600 to 190.621. A person under
15 eighteen years of age shall also be a patient for purposes of sections 190.600 to 190.621 if the
16 person has had a do-not-resuscitate order issued on his or her behalf under the provisions of section
17 191.250;

18 (11) "Patient's representative":

19 (a) An attorney in fact designated in a durable power of attorney for health care for a patient
20 determined to be incapacitated under sections 404.800 to 404.872; or

21 (b) A guardian or limited guardian appointed under chapter 475 to have responsibility for an
22 incapacitated patient.

23 190.603. 1. A patient or patient's representative and the patient's attending physician may
24 execute an outside the hospital do-not-resuscitate order. An outside the hospital do-not-resuscitate
25 order shall not be effective unless it is executed by the patient or patient's representative and the
26 patient's attending physician, and it is in the form promulgated by rule of the department.

27 2. A patient under eighteen years of age is not authorized to execute an outside the hospital
28 do-not-resuscitate order for himself or herself but may have a do-not-resuscitate order issued on his
29 or her behalf by one parent or legal guardian or by a juvenile or family court under the provisions of
30 section 191.250. Such do-not-resuscitate order shall also function as an outside the hospital do-not-
31 resuscitate order for the purposes of sections 190.600 to 190.621 unless such do-not-resuscitate
32 order authorized under the provisions of section 191.250 states otherwise.

33 3. If an outside the hospital do-not-resuscitate order has been executed, it shall be
34 maintained as the first page of a patient's medical record in a health care facility unless otherwise
35 specified in the health care facility's policies and procedures.

36 [3-] 4. An outside the hospital do-not-resuscitate order shall be transferred with the patient
37 when the patient is transferred from one health care facility to another health care facility. If the
38 patient is transferred outside of a hospital, the outside the hospital DNR form shall be provided to

any other facility, person, or agency responsible for the medical care of the patient or to the patient or patient's representative.

190.606. The following persons and entities shall not be subject to civil, criminal, or administrative liability and are not guilty of unprofessional conduct for the following acts or omissions that follow discovery of an outside the hospital do-not-resuscitate identification upon a patient or a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age, or upon being presented with an outside the hospital do-not-resuscitate order ~~[from Missouri, another state, the District of Columbia, or a territory of the United States]~~; provided that the acts or omissions are done in good faith and in accordance with the provisions of sections 190.600 to 190.621 and the provisions of an outside the hospital do-not-resuscitate order executed under sections 190.600 to 190.621:

(1) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that cause or participate in the withholding or withdrawal of cardiopulmonary resuscitation from such patient; and

(2) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that provide cardiopulmonary resuscitation to such patient under an oral or written request communicated to them by the patient or the patient's representative.

190.612. 1. Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order. However, emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.

2. ~~[Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States if such order is on a standardized written form:~~

~~(1) Signed by the patient or the patient's representative and a physician who is licensed to practice in the other state, the District of Columbia, or the territory of the United States; and~~

~~(2) Such form has been previously reviewed and approved by the department of health and senior services to authorize emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of a cardiac or respiratory arrest.~~

~~Emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative~~

expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.]

(1) Except as provided in subdivision (2) of this subsection, emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age if such do-not-resuscitate order has been authorized by one parent or legal guardian or by a juvenile or family court under the provisions of section 191.250.

(2) Emergency medical services personnel shall not comply with a do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient under eighteen years of age, either parent of such patient, the patient's legal guardian, or the juvenile or family court expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire for the patient to be resuscitated.

3. If a physician or a health care facility other than a hospital admits or receives a patient with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order, and the patient or patient's representative has not expressed or does not express to the physician or health care facility the desire to be resuscitated, and the physician or health care facility is unwilling or unable to comply with the outside the hospital do-not-resuscitate order, the physician or health care facility shall take all reasonable steps to transfer the patient to another physician or health care facility where the outside the hospital do-not-resuscitate order will be complied with.

190.613. 1. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order through the presentation of a properly executed outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States, or a Transportable Physician Orders for Patient Preferences (TPOPP)/Physician Orders for Life-Sustaining Treatment (POLST) form containing a specific do-not-resuscitate section.

2. Any outside the hospital do-not-resuscitate form identified from another state, the District of Columbia, or a territory of the United States, or a TPOPP/POLST form shall:

(1) Have been previously reviewed and approved by the department as in compliance with the provisions of sections 190.600 to 190.621;

(2) Not be accepted for a patient under eighteen years of age, except as allowed under section 191.250; and

(3) Not be effective during such time as the patient is pregnant as set forth in section 190.609.

A patient or patient's representative may express to emergency medical services personnel, at any time and by any means, the intent to revoke the outside the hospital do-not-resuscitate order.

1 3. The provisions of section 190.606 shall apply to the good faith acts or omissions of
2 emergency medical services personnel under this section."; and

3
4 Further amend said bill, Page 3, Section 192.775, Line 23, by inserting after all of said section and
5 line the following:

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7 "196.1050. 1. The proceeds of any monetary settlement or portion of a global settlement
8 between the attorney general of the state and any drug manufacturers, distributors, pharmacies, or
9 combination thereof to resolve an opioid-related cause of action against such drug manufacturers,
10 distributors, or combination thereof in a state or federal court shall only be utilized to pay for opioid
11 addiction treatment and prevention services and health care and law enforcement costs related to
12 opioid addiction treatment and prevention. Under no circumstances shall such settlement moneys
13 be utilized to fund other services, programs, or expenses not reasonably related to opioid addiction
14 treatment and prevention.

15 2. (1) There is hereby established in the state treasury the "Opioid Addiction Treatment and
16 Recovery Fund", which shall consist of the proceeds of any settlement described in subsection 1 of
17 this section, as well as any funds appropriated by the general assembly, or gifts, grants, donations, or
18 bequests. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
19 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and
20 money in the fund shall be used by the department of mental health, the department of health and
21 senior services, the department of social services, the department of public safety, the department of
22 corrections, and the judiciary for the purposes set forth in subsection 1 of this section.

23 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
24 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

25 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
26 invested. Any interest and moneys earned on such investments shall be credited to the fund.

27 197.020. 1. "Governmental unit" means any county, municipality or other political
28 subdivision or any department, division, board or other agency of any of the foregoing.

29 2. "Hospital" means a place devoted primarily to the maintenance and operation of facilities
30 for the diagnosis, treatment or care for not less than twenty-four consecutive hours in any week of
31 three or more nonrelated individuals suffering from illness, disease, injury, deformity or other
32 abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four
33 consecutive hours in any week medical or nursing care for three or more nonrelated individuals.
34 The term "hospital" shall include a facility designated as a rural emergency hospital by the Centers
35 for Medicare and Medicaid Services. The term "hospital" does not include convalescent, nursing,
36 shelter or boarding homes as defined in chapter 198.

37 3. "Person" means any individual, firm, partnership, corporation, company or association
38 and the legal successors thereof."; and

1 Further amend said bill, Page 13, Section 208.662, Line 92, by inserting after all of said section and
2 line the following:

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4 "210.1360. 1. Any personally identifiable information regarding any child under eighteen
5 years of age receiving child care from any provider or applying for or receiving any services through
6 a state program shall not be subject to disclosure except as otherwise provided by law.

7 2. This section shall not prohibit any state agency from disclosing personally identifiable
8 information to governmental entities or its agents, vendors, and contractors in connection to matters
9 relating to its official duties.

10 3. This section shall not prevent a parent or legal guardian from accessing the parent's or
11 legal guardian's child's records."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.