

FIRST REGULAR SESSION

# HOUSE BILL NO. 906

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HADEN.

1997H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 701.326, 701.328, 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, and to enact in lieu thereof seven new sections relating to lead poisoning.

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

Section A. Sections 701.326, 701.328, 701.336, 701.340, 701.342, 701.344, and  
2 701.348, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as  
3 sections 701.326, 701.328, 701.336, 701.340, 701.342, 701.344, and 701.348, to read as  
4 follows:

701.326. 1. The department of health and senior services shall establish and maintain  
2 a lead poisoning information reporting system which shall include a record of lead poisoning  
3 cases which occur in Missouri along with the information concerning these cases which is  
4 deemed necessary and appropriate to conduct comprehensive epidemiologic studies of lead  
5 poisoning in this state and to evaluate the appropriateness of lead abatement programs.

6 2. The director of the department of health and senior services shall promulgate rules  
7 and regulations specifying the level of lead poisoning which shall be reported and any  
8 accompanying information to be reported in each case. Such information may include the  
9 patient's name, full residence address, and diagnosis, including the blood lead level. Such  
10 information may include pathological findings, the stage of the disease, environmental and  
11 known occupational factors, method of treatment and other relevant data from medical  
12 histories. Reports of lead poisoning shall be filed with the director of the department of  
13 health and senior services within a period of time specified by the director. The department  
14 shall prescribe the form and manner in which the information shall be reported.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           3. The attending health care professional of any patient with lead poisoning shall  
16 provide to the department of health and senior services the information required pursuant to  
17 this section.

18           ~~[4. When a case of lead poisoning is reported to the director, the director shall inform  
19 such local boards of health, public health agencies, and other persons and organizations as the  
20 director deems necessary; provided that, the name of any child contracting lead poisoning  
21 shall not be included unless the director determines that such inclusion is necessary to protect  
22 the health and well-being of the affected individual.]~~

          701.328. 1. The department of health and senior services shall protect the identity of  
2 the patient and physician involved in the reporting required by sections 701.318 to 701.349 **in  
3 accordance with the administrative simplification provisions of the federal Health  
4 Insurance Portability and Accountability Act of 1996 (HIPAA)**. ~~[Such identity shall not  
5 be revealed except that the identity of the patient shall be released only upon written consent  
6 of the patient. The identity of the physician shall be released only upon written consent of the  
7 physician.]~~

8           2. ~~[The department may release without consent any information obtained pursuant to  
9 sections 701.318 to 701.349, including the identities of certain patients or physicians, when  
10 the information is necessary for the performance of duties by public employees within, or the  
11 legally designated agents of, any federal, state, or local agency, department or political  
12 subdivision, but only when such employees and agents need to know such information to  
13 perform their public duties.~~

14           ~~3.]~~ The department shall use or publish reports based upon materials reported  
15 pursuant to sections 701.318 to 701.349 to advance research, education, treatment and lead  
16 abatement. The department shall geographically index the data from lead testing reports to  
17 determine the location of areas of high incidence of lead poisoning. The department shall  
18 provide qualified researchers with data from the reported information upon the researcher's  
19 compliance with appropriate conditions as provided by rule and upon payment of a fee to  
20 cover the cost of processing the data.

          701.336. 1. The department of health and senior services shall cooperate with the  
2 federal government in implementing subsections (d) and (e) of 15 U.S.C. Section 2685 to  
3 establish public education activities and an information clearinghouse regarding childhood  
4 lead poisoning. The department may develop additional educational materials on lead  
5 hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and  
6 disposal, and on health hazards during abatement.

7           2. The department of health and senior services and the department of social services,  
8 in collaboration with related not-for-profit organizations, health maintenance organizations,  
9 and the Missouri consolidated health care plan, shall devise an educational strategy to

10 increase the number of children who are tested for lead poisoning under the Medicaid  
11 program. ~~[The goal of the educational strategy is to have seventy-five percent of the children  
12 who receive Medicaid tested for lead poisoning. The educational strategy shall be  
13 implemented over a three-year period and shall be in accordance with all federal laws and  
14 regulations.]~~

15 3. The children's division, in collaboration with the department of health and senior  
16 services, shall regularly inform eligible clients of the availability and desirability of lead  
17 screening and treatment services, including those available through the early and periodic  
18 screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

701.340. 1. ~~[Beginning January 1, 2002,]~~ The department of health and senior  
2 services shall, subject to appropriations, implement a childhood lead testing program ~~[which  
3 requires every child less than six years of age to be tested for lead poisoning]~~ in accordance  
4 with the provisions of sections 701.340 to 701.349. **Every medical provider who serves  
5 children shall annually provide education to all parents and guardians of children under  
6 four years of age regarding lead hazards to children and shall annually provide the  
7 option to test every child under four years of age for lead poisoning with the consent of  
8 the parent or guardian.** In coordination with the department of health and senior services,  
9 every health care facility serving children ~~[less than six]~~ **under four** years of age, including  
10 but not limited to hospitals and clinics licensed pursuant to chapter 197, shall take appropriate  
11 steps to ensure that ~~[their patients receive]~~ **the medical providers in the facility offer** such  
12 lead poisoning testing **in accordance with the provisions of this section.**

13 2. The test for lead poisoning shall consist of a blood sample that shall be sent for  
14 analysis to a laboratory licensed pursuant to the federal Clinical Lab Improvement Act  
15 (CLIA). The department of health and senior services shall, by rule, determine the blood test  
16 protocol to be used.

17 3. Nothing in sections 701.340 to 701.349 shall be construed to require a child to  
18 undergo lead testing whose parent or guardian objects to the testing ~~[in a written statement  
19 that states the parent's or guardian's reason for refusing such testing].~~

701.342. 1. The department of health and senior services shall, using factors  
2 established by the department, including but not limited to the geographic index from data  
3 from testing reports, identify geographic areas in the state that are at high risk for lead  
4 poisoning. ~~[All children less than six years of age who reside or spend more than ten hours a  
5 week in an area identified as high risk by the department shall be tested annually for lead  
6 poisoning.]~~

7 2. Every child ~~[less than]~~ **under** six years of age ~~[not residing or spending more than  
8 ten hours a week in geographic areas identified as high risk by the department]~~ shall be  
9 assessed annually using a questionnaire to determine whether such child is at high risk for

10 lead poisoning. The department, in collaboration with the department of social services, shall  
11 develop the questionnaire, which shall follow the recommendations of the federal Centers for  
12 Disease Control and Prevention. The department may modify the questionnaire to broaden  
13 the scope of the high-risk category. Local boards or commissions of health may add  
14 questions to the questionnaire.

15 3. Every child deemed to be at high risk for lead poisoning according to the  
16 questionnaire developed pursuant to subsection 2 of this section shall, **with the consent of a**  
17 **parent or guardian**, be tested using a blood sample.

18 4. ~~[Any child deemed to be at high risk for lead poisoning pursuant to this section~~  
19 ~~who resides in housing currently undergoing renovations may be tested at least once every six~~  
20 ~~months during the renovation and once after the completion of the renovation.~~

21 5.] Any laboratory providing test results for lead poisoning pursuant to sections  
22 701.340 to 701.349 shall notify the department of the test results of any child tested for lead  
23 poisoning as required in section 701.326. Any child who tests positive for lead poisoning  
24 shall receive follow-up testing in accordance with rules established by the department. The  
25 department shall, by rule, establish the methods and intervals of follow-up testing and  
26 treatment for such children.

27 ~~[6.]~~ 5. When the department is notified of a case of lead poisoning, the department  
28 shall require the testing of all other children ~~[less than]~~ **under** six years of age, and any other  
29 children or persons at risk, as determined by the director, who are residing or have recently  
30 resided in the household of the lead-poisoned child.

701.344. 1. In geographic areas determined to be of high risk for lead poisoning as  
2 set forth in section 701.342, every child care facility, as defined in section 210.201, and every  
3 child care facility affiliated with a school system, a business organization or a nonprofit  
4 organization shall, within thirty days of enrolling a child **twelve months of age or older and**  
5 **under five years of age**, require the child's parent or guardian to provide evidence of lead  
6 poisoning testing in the form of a statement from the health care professional that  
7 administered the test or provide a written statement that states the ~~[parent's or guardian's~~  
8 ~~reason for refusing]~~ **parent or guardian refused** such testing. If there is no evidence of  
9 testing, the person in charge of the facility shall provide the parent or guardian with  
10 information about lead poisoning and locations in the area where the child can be tested.  
11 When a parent or guardian cannot obtain such testing, the person in charge of the facility may  
12 arrange for the child to be tested by a local health officer with the consent of the child's parent  
13 or guardian. At the beginning of each year of enrollment in such facility, the parent or  
14 guardian shall provide proof of testing in accordance with the provisions of sections 701.340  
15 to 701.349 and any rules promulgated thereunder.

16           2. No child shall be denied access to education or child care because of failure to  
17 comply with the provisions of sections 701.340 to 701.349.

          701.348. Nothing in sections 701.340 to 701.349 shall prohibit a political subdivision  
2 of this state [~~or~~], a local board of health, **or a state agency** from enacting and enforcing  
3 ordinances, rules or laws for the prevention, detection and control of lead poisoning which  
4 provide the same or more stringent provisions as sections 701.340 to 701.349, or the rules  
5 promulgated thereunder.

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