

FIRST REGULAR SESSION

SENATE BILL NO. 507

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

1942S.011

KRISTINA MARTIN, Secretary

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.

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,
2 701.342, 701.344, and 701.348, RSMo, are repealed and seven new
3 sections enacted in lieu thereof, to be known as sections
4 701.326, 701.328, 701.336, 701.340, 701.342, 701.344, and
5 701.348, to read as follows:

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

9 2. The director of the department of health and senior
10 services shall promulgate rules and regulations specifying
11 the level of lead poisoning which shall be reported and any
12 accompanying information to be reported in each case. Such
13 information may include the patient's name, full residence
14 address, and diagnosis, including the blood lead level.
15 Such information may include pathological findings, the
16 stage of the disease, environmental and known occupational

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

factors, method of treatment and other relevant data from medical histories. Reports of lead poisoning shall be filed with the director of the department of health and senior services within a period of time specified by the director. The department shall prescribe the form and manner in which the information shall be reported.

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

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

701.328. 1. The department of health and senior services shall protect the identity of the patient and physician involved in the reporting required by sections 701.318 to 701.349 **in accordance with the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act.** [Such identity shall not be revealed except that the identity of the patient shall be released only upon written consent of the patient. The identity of the physician shall be released only upon written consent of the physician.]

2. [The department may release without consent any information obtained pursuant to sections 701.318 to 701.349, including the identities of certain patients or physicians, when the information is necessary for the

15 performance of duties by public employees within, or the
16 legally designated agents of, any federal, state, or local
17 agency, department or political subdivision, but only when
18 such employees and agents need to know such information to
19 perform their public duties.

20 3.] The department shall use or publish reports based
21 upon materials reported pursuant to sections 701.318 to
22 701.349 to advance research, education, treatment and lead
23 abatement. The department shall geographically index the
24 data from lead testing reports to determine the location of
25 areas of high incidence of lead poisoning. The department
26 shall provide qualified researchers with data from the
27 reported information upon the researcher's compliance with
28 appropriate conditions as provided by rule and upon payment
29 of a fee to cover the cost of processing the data.

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

11 2. The department of health and senior services and
12 the department of social services, in collaboration with
13 related not-for-profit organizations, health maintenance
14 organizations, and the Missouri consolidated health care
15 plan, shall devise an educational strategy to increase the
16 number of children who are tested for lead poisoning under
17 the Medicaid program. [The goal of the educational strategy

18 is to have seventy-five percent of the children who receive
19 Medicaid tested for lead poisoning. The educational
20 strategy shall be implemented over a three-year period and
21 shall be in accordance with all federal laws and
22 regulations.]

23 3. The children's division, in collaboration with the
24 department of health and senior services, shall regularly
25 inform eligible clients of the availability and desirability
26 of lead screening and treatment services, including those
27 available through the early and periodic screening,
28 diagnosis, and treatment (EPSDT) component of the Medicaid
29 program.

701.340. 1. [Beginning January 1, 2002,] The
2 department of health and senior services shall, subject to
3 appropriations, implement a childhood lead testing program
4 [which requires every child less than six years of age to be
5 tested for lead poisoning] in accordance with the provisions
6 of sections 701.340 to 701.349. **Every health care provider
7 who serves children shall annually provide education to all
8 parents and guardians of children less than four years of
9 age regarding lead hazards to children, and annually provide
10 the option to test every child less than four years of age
11 for lead poisoning with consent of the parent or guardian.**

12 In coordination with the department of health and senior
13 services, every health care facility serving children less
14 than [six] **four** years of age, including but not limited to
15 hospitals and clinics licensed pursuant to chapter 197,
16 shall take appropriate steps to ensure that their patients
17 receive such lead poisoning testing.

18 2. The test for lead poisoning shall consist of a
19 blood sample that shall be sent for analysis to a laboratory
20 licensed pursuant to the federal Clinical Lab Improvement

21 Act (CLIA). The department of health and senior services
22 shall, by rule, determine the blood test protocol to be used.

23 3. Nothing in sections 701.340 to 701.349 shall be
24 construed to require a child to undergo lead testing whose
25 parent or guardian objects to the testing in a written
26 statement that states the parent's or guardian's reason for
27 refusing such testing.

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

9 2. Every child less than six years of age [not
10 residing or spending more than ten hours a week in
11 geographic areas identified as high risk by the department]
12 shall be assessed annually using a questionnaire to
13 determine whether such child is at high risk for lead
14 poisoning. The department, in collaboration with the
15 department of social services, shall develop the
16 questionnaire, which shall follow the recommendations of the
17 federal Centers for Disease Control and Prevention. The
18 department may modify the questionnaire to broaden the scope
19 of the high-risk category. Local boards or commissions of
20 health may add questions to the questionnaire.

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

25 4. [Any child deemed to be at high risk for lead
26 poisoning pursuant to this section who resides in housing
27 currently undergoing renovations may be tested at least once
28 every six months during the renovation and once after the
29 completion of the renovation.]

30 5.] Any laboratory providing test results for lead
31 poisoning pursuant to sections 701.340 to 701.349 shall
32 notify the department of the test results of any child
33 tested for lead poisoning as required in section 701.326.
34 Any child who tests positive for lead poisoning shall
35 receive follow-up testing in accordance with rules
36 established by the department. The department shall, by
37 rule, establish the methods and intervals of follow-up
38 testing and treatment for such children.

39 [6.] 5. When the department is notified of a case of
40 lead poisoning, the department shall require the testing of
41 all other children less than six years of age, and any other
42 children or persons at risk, as determined by the director,
43 who are residing or have recently resided in the household
44 of the lead-poisoned child.

701.344. 1. In geographic areas determined to be of
2 high risk for lead poisoning as set forth in section
3 701.342, every child care facility, as defined in section
4 210.201, and every child care facility affiliated with a
5 school system, a business organization or a nonprofit
6 organization shall, within thirty days of enrolling a child
7 **age twelve months to four years of age**, require the child's
8 parent or guardian to provide evidence of lead poisoning
9 testing in the form of a statement from the health care
10 professional that administered the test or provide a written
11 statement that states **that** the [parent's or guardian's
12 reason for refusing] **parent or guardian refused** such

13 testing. If there is no evidence of testing, the person in
14 charge of the facility shall provide the parent or guardian
15 with information about lead poisoning and locations in the
16 area where the child can be tested. When a parent or
17 guardian cannot obtain such testing, the person in charge of
18 the facility may arrange for the child to be tested by a
19 local health officer with the consent of the child's parent
20 or guardian. At the beginning of each year of enrollment in
21 such facility, the parent or guardian shall provide proof of
22 testing in accordance with the provisions of sections
23 701.340 to 701.349 and any rules promulgated thereunder.

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

701.348. Nothing in sections 701.340 to 701.349 shall
2 prohibit a political subdivision of this state or a local
3 board of health, **or a state agency** from enacting and
4 enforcing ordinances, rules or laws for the prevention,
5 detection and control of lead poisoning which provide the
6 same or more stringent provisions as sections 701.340 to
7 701.349, or the rules promulgated thereunder.

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