

Notes for amendment to SSB 1120/ HSB 153

- 1: Changes heading for division to reflect broader subject matter.
2. Rewords to refer to PMIC rather than to licensee to be consistent with other paragraphs under 125.13.
3. Rewords references to other accrediting organizations to be like language in current code that the bill is striking in section 135H.6(1)(b)
4. Replaces “promulgated” with “adopted” relating to rules.
5. Rewords description of ICD.
6. Adds “assessment” to the definition of PMIC as to what services a PMIC provides.
7. Uses definition of “SED” that was used in 225C.1 (repealed July 1, 2025). The bill definition changes what “duration” modifies.
8. Adds “assessment” to the nature of care of a PMIC.
- 9-11 Uses term “serious emotional disturbance” rather than “serious emotional disturbance disorder”
12. Corrective using defined term “psychiatric institution”.
13. Reinserting more of current law to ensure that neither TPR nor transfer of legal custody nor relinquishment of custody are required for youth to obtain treatment at PMIC. Current bill language eliminates relinquishment.
14. Going back to current code on “adoption” not “promulgation” of rules.
15. Going back to HHS suggested language on adoption of rules on protective locked environment in a PMIC to direct that the rules relate to application of PLE rather than just allowing the adoption of rules.
16. This section and others in chapter 229 use “appropriate” to modify the type of facility where an individual is placed. HHS would like to remain consistent and reinsert “appropriate” here and throughout.
17. Going back to more of current code language.
18. Placement at “appropriate” public hospital for minor respondent.
19. Reinserting current code language referencing punishment for contempt under chapter 665.
20. “Appropriate” public hospital

21. Using definition of “behavioral health condition” developed by HHS subject matter experts. Broader than under chapter 225A for BH system in order to provide for evaluation/assessment even if do not yet have diagnosis under DSM.

22. Serious emotional disturbance rather than SED disorder.

23. Going back to current code language to ensure the hearing is not permissive, but the court ordering the physical assessment or behavioral health assessment is. “The court may, after a hearing, order ..” vs. “The court may hold a hearing to order”

24. Going back to current code language with the court deeming an inpatient PA or BHE necessary. Also changing “commitment” to ordering because not under chapter 229.

25. Reinserting current code to the extent possible. Not ordered to receive, but just ordered to a suitable facility. Changing “commitment” to ordering because not under chapter 229.

26. Reinserting flow of process under current code while making necessary changes for bill. Uses updated language in 2025 Code.

27. Mostly semantics.

28. Reinserting current code to make sure concepts are retained, including that the persons responsible, though present, refused consent.

29. Reinserting current code for section 232.78(5)(a) to ensure concepts are retained, including that the persons responsible, though present, refused consent.

30. LSA will keep current Code on section 232.83(2) unnumbered paragraph 1, but will change paragraph “a” to reinsert current Code concepts to make sure substantive provisions are retained, including that the persons responsible, though present, refused consent.

31. Reinserting current code while making necessary changes for bill.

Changes to section 232.102(5)—child in need of assistance and 232.127(7)—family in need of assistance. Reinserts language developed by HHS on use of state training school for physical assessments and behavioral health evaluations for boys; only if initiated by HHS director’s authorization and approval of a request for a court order; and only if followed by review and order of the court. A male child must be at all times separated from children adjudicated as having committed a delinquent act who are placed as STS. The department shall adopt rules to administer.

32. Reinserting current code language about “performed”

33. Reinserts language developed by HHS on adoption of rules on application of protected locked environment in child foster care facilities, and children’s residential facilities.

Reinserts language developed by HHS on administrative rules adopted each by HHS and DIAL, in collaboration, to administer the division of the bill; directing the two agencies to review and adopt rules relating to PMICs, child foster care, and children’s residential facilities to provide for consistency regarding the use of restraints and seclusion; the application of licensing and certification requirements to provide for unmet needs; and considering the nature of the services and programming by each type of environment. Also directs HHS to adopt rules to apply a protective locked environment to shelter care and detention.

34. Replaces language in bill. Excludes from the definition of child residential facility, the care provided by a residential program to persons 16 years of age and older if HHS applies accreditation, certification, or standards of review to the program under a federally-approved HCBS waiver or other provision of the Medicaid program. By excluding these residential programs from the definition of child residential facility, the residential program does not also have to be licensed as a child residential facility to provide the HCBS and Habilitation services. This is similar language to that found in 135C.6(8). Residential program not defined there either.

This language will change to provide for appropriate separation between youth and adults receiving services.

35. At request of courts, clarifies that references to “director of juvenile court services” includes a designee of the director. This will change to include “the deputy director” instead of a designee.

36. Reinserts current code language to retain current provisions while making the change to director of juvenile court services.

37. Inserts changes suggested by courts so that the chief juvenile court office shall assist the director of juvenile court services and the state court administrator.

38. Lead-in correction.

39. Subsection 2 relating to personnel employed by juvenile court services was omitted. The new language provides that the chief juvenile court officer is subject to the supervision and direction of the director of juvenile court services.

40. subsection 1: At request of the courts, includes that CJCOs appoint JCOs subject to the approval of the director of juvenile court services.

41. strikes and replaces language developed by HHS so that the language in 514I.8B mirrors language in 249A.38 for inmates under Medicaid.

42. Includes additional corrective/conforming changes relating to joint commission.

43. Title change more descriptive of changes in bill