

2008 Filed House Bills With Relevance to Practicing Psychologists

HB 1739 Prescription Privileges for Psychologists:

See:

<http://www.house.mo.gov/billtracking/bills081/biltxt/intro/HB1739I.htm>

HB 1558 -- Missouri Universal Health Insurance Act

Sponsor: Hughes

Upon voter approval, this bill establishes the Missouri Universal Health Insurance Act, administered by the Department of Health and Senior Services, to provide comprehensive and necessary health care services for Missouri residents. No deductibles, co-payments, co-insurance, or other cost-sharing measures will be imposed.

Only public or nonprofit institutions meeting state quality and licensing guidelines can be a participating provider in the program. Private health insurers cannot sell insurance coverage that duplicates benefits provided by the program.

The program will establish regional offices, and the department director will provide funding for each region's expenditures. The program and regional offices will pay the expenses of institutional providers of health care, and each provider is required to negotiate an annual budget with the program which will cover anticipated expenses. The program will reimburse independent providers of health care on a fee-for-service basis. Other insurers and employers may offer benefits that do not duplicate those offered by the program.

The program will be funded:

- (1) By vastly reduced paperwork;
- (2) By requiring a rational bulk procurement of medications;
- (3) From existing sources of state revenue for health care;
- (4) By increasing personal income taxes on the top 5% income earners;
- (5) By instituting a modest payroll tax; and
- (6) By instituting a small tax on stock and bond transactions.

The State Board of Universal Quality and Access is established consisting of 15 members appointed by the Governor, with the advice and consent of the Senate. The board will meet at least twice a year to advise and report to the department director, Governor, and General Assembly on the program to ensure quality, access, and affordability.

HB 1300 -- Medical Malpractice Insurance

Sponsor: Kuessner

Beginning January 1, 2010, this bill requires all insurers providing medical malpractice insurance to health care providers to establish premium rates based on the average judgment awarded in medical malpractice cases by county during the previous calendar year. For providers practicing in more than one county, the premium rate will be adjusted based on the percentage of the provider's practice conducted in each county.

HB 1302 -- Medical Assistance Eligibility

Sponsor: Whorton

This bill increases the resource limit for medical assistance eligibility for a single individual to \$2,000 or more and \$3,500 or more for a married couple living together.

HB 1316 -- Parental Rights

Sponsor: Davis

This bill declares that parents of an unemancipated child younger than 18 years of age have the right to make all decisions regarding their child's health care and education; however, parents will not be given the authority to require their child to have an abortion.

A parent or guardian who home schools or sends his or her child to a private school will be allowed reimbursement upon providing satisfactory evidence of the schooling costs up to the amount of the county property taxes he or she paid that would have been given to the school district.

HB 1325 -- Prescriptive Authority

Sponsor: Sater

This bill authorizes a physician assistant or an advanced practice nurse to prescribe a controlled substance listed in Schedule V under a collaborative practice agreement.

HB 1330 -- Smoking Cessation

Sponsor: Sater

Beginning July 1, 2008, this bill requires the state to match the amount of any grant money received for smoking cessation. The Department of Health and Senior Services, subject to appropriations, will issue matching funds to eligible recipients. State matching grant money cannot exceed \$2 million in any fiscal year.

The bill contains an emergency clause.

HB 1331 -- Health Information

Sponsor: Sater

This bill requires the Department of Health and Senior Services, subject to appropriations, to establish the Missouri Center for Health Information and the State Consumer Health Information Advisory Committee. In its main provisions, the bill:

- (1) Requires the center to establish a comprehensive health care cost information system to collect, compile, coordinate, analyze, index, distribute, and use health care and procedure cost-related data;
- (2) Specifies that the center can apply for and receive grants, gifts, and other payments from any governmental or other public or private entity;
- (3) Specifies that the center can charge a reasonable fee for services that have been provided;
- (4) Requires the department to produce information for consumer awareness and cost comparison; and
- (5) Specifies that the advisory committee is to help the center review the comprehensive health information system and recommend improvements and requires that the committee meet at least quarterly.

HB 1339 -- Medical Malpractice

Sponsor: Muschany

This bill changes the laws regarding medical malpractice by revising the definitions of "health care provider" to exclude persons, hospitals, or abortion facilities for medical malpractice claims that involve performing or inducing an abortion and "health care services" to exclude services involved in performing or inducing an abortion.

The bill specifies that the General Assembly will not provide civil liability protections to health care providers who perform or induce abortions.

HB 1374 -- School Nurses

Sponsor: Portwood

Beginning with the 2009-2010 school year, this bill requires certain school nurses to be paid on the same pay scale as teachers with equivalent work history and working hours in their district. The salary requirements will not decrease school funding or decrease nursing staff positions. The definition of "salary" does not include supplements for extra duties.

School psychologists not included:
HB 1375 -- Medical Assistance Program Provider Reimbursement

Sponsor: Portwood

This bill specifies that under the MO HealthNet Program, the successor to the Missouri Medicaid Program, providers can receive enhanced reimbursement for certain services. The enhanced rate will be 120% of the federal Medicare reimbursement rate for new patients and 110% for established patients. In order to qualify for the enhanced reimbursement, the provider must:

- (1) Become the health care home for a MO HealthNet patient;
- (2) Complete a patient history and consultation for the patient;
and
- (3) File a treatment plan for the patient.

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

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.148, to read as follows:

208.148. 1. As used in this section, "MO HealthNet" means the program described in section 208.001.

2. Under the MO HealthNet program, any physician who is a provider in the program and meets the requirements of this section shall receive enhanced reimbursement for the specified services provided. In order to qualify for the enhanced reimbursement, the physician provider shall:

- (1) Become the health care home for a MO HealthNet patient;**
- (2) Complete a patient history and consultation, including but not limited to a review of systems, a list of problems, and the initiation of coordination of care for the MO HealthNet patient; and**

(3) File a treatment plan for the MO HealthNet patient. Such plan may be filed electronically.

3. If a physician provider meets the requirements of subsection 2 of this section, the physician provider shall be reimbursed under the program at the following rates for all services provided by the physician with the American Medical Association Current Procedural Terminology (CPT) codes 99201 to 99205 for new patients and CPT codes 99211 to 99215 for established patients:

- (1) For new patients, one hundred twenty percent of the Medicare reimbursement rate for such services; and**

(2) For established patients, one hundred ten percent of the Medicare reimbursement rate for such services.

4. (1) For purposes of this section, the MO HealthNet division, any third-party administrator, or any other entity that contracts with the division for health care services shall not change any diagnostic or current procedural terminology code submitted by the health care provider for health care services without the express written permission of the health care provider and without the examination of the patient record.

(2) Every contract between the division or any agent of the division and a health care provider shall specifically set forth the codes, including code modifiers, for which the division shall provide compensation, remuneration, or reimbursement, and the amount of compensation, remuneration, or reimbursement for each such code. The code and code modifier shall refer to the most recent American Medical Association code book and other recognized codes as adopted and used in the Medicare and Medicaid programs of the state and federal government.

5. The MO HealthNet division may promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

Note: Only Physicians appear to be covered under this bill. In other words, once more physicians are given a raise and psychologists continue to eat the 9% decrease in per unity pay.

Rep. Portwood is a Republican from Baldwin (St. Louis area) MO.

HB 1382 -- Sexual Offenses

Sponsor: Cox

This bill changes the laws regarding the age of victims and offenders in various sexual offenses (must be 15 years of age rather than 13).

HB 1386 -- Municipal Health Care Facilities

Sponsor: Cox

Currently, an ordinance providing for a larger board of trustees for municipal health care facilities requires that three-fifths of the trustees be citizens of the city. This bill specifies that some or all of the trustees do not have to be citizens of the city.

HB 1398 -- State Legal Expense Fund

Sponsor: Dusenberg

This bill adds specialists to the list of health care providers for whom the State Legal Expense Fund is available for payment of certain claims filed against a provider.

Exempts healthcare providers and specialists from federal taxes and other protections when giving free services to a non-profit corporation.

HB 1399 -- Workers' Compensation

Sponsor: Dusenberg

This bill allows certain paid police officers of a paid police department to be eligible for workers' compensation benefits for an injury due to psychological stress.

HB 1405 -- Restricted Natural Substances

Sponsor: Weter

This bill creates the crime of possessing or having control of a restricted natural substance, a class A misdemeanor for the first offense and a class D felony for each subsequent offense. No person will be guilty of the crime if the person owns, possesses, manages, or otherwise controls land on which a restricted natural substance naturally grows unless the person knowingly plants or cultivates the restricted natural substance, harvests the substance for any person to drink, inhale, or otherwise ingest the restricted natural substance, or allows or authorizes another person to drink, inhale, or ingest the substance.

It will be unlawful for any person to distribute, deliver, manufacture, produce, or cultivate a restricted natural substance or to attempt to or possess with intent to distribute, deliver, manufacture, produce, or cultivate a restricted natural substance. A person who commits any of these crimes will be guilty of a felony with a minimum of four years' imprisonment for the first offense and a minimum of 10 years for each subsequent offense.

HB 1408 -- Fund for the Reduction of Alcohol-Related Problems

Sponsor: Deeken

This bill creates the Fund for the Reduction of Alcohol-Related

Problems and Underage Drinking to be administered by the State Treasurer. The fund will receive moneys beginning on the effective date of the bill through appropriation from taxes and fees for selling intoxicating liquor and from private donations. Half of the moneys in the fund will be used for prevention and alcohol-related traffic safety and half for treatment and recovery of alcohol-related problems through statutory programs. Alcohol-related problems are described, along with examples of services and programs. The fund will be implemented over a three-year period.

The provisions of the bill will expire six years from the effective date.

HB 1409 -- Ignition Interlock Restricted Driver's Licenses

Sponsor: Deeken

This bill allows a person who has been convicted of more than two violations relating to driving while intoxicated to receive an ignition interlock restricted driver's license for 12 months if the person has completed an approved driving while under the influence treatment and monitoring court program or has maintained sobriety as demonstrated through continuous alcohol monitoring or twice daily breath testing. The license will specify that the person is required to have an ignition interlock device on all vehicles he or she drives. If there have been attempts to operate the vehicle with excessive breath alcohol concentration, the ignition interlock restricted license will be continued until 12 consecutive months without attempts to operate the vehicle have been achieved; otherwise, after the 12-month period, the person's driver's license will be reinstated.

HB 1427 -- Child Abuse Report Immunity

Sponsor: Kraus

This bill gives immunity from any civil or criminal liability to any person who reports a case of suspected child abuse, neglect, or assault to the proper authorities including liability for any action taken by the proper institution, facility, or agency.

HB 1443 -- Solvents

Sponsor: Roorda

This bill prohibits a person from intentionally smelling or inhaling the fumes of or inducing or aiding another person to induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual, or mental processes by the use of amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite, and their iso-analogues. A violation of these offenses will be a class B misdemeanor for a first conviction and a class D felony for subsequent convictions.

The bill specifies that no person who owns or operates any business which is a venue for a live entertainment performance and receives over 50% of its gross annual income from the sale of recorded video entertainment, alcoholic beverages, or beer can sell or offer for sale toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite, or their iso-analogues.

HB 1445 -- Falsifying a Drug or Alcohol Test

Sponsor: Roorda

This bill creates the crime of altering or falsifying a drug or alcohol test, a class D felony. The crime is committed when a person knowingly alters or falsifies a drug or alcohol test by:

- (1) Using any device designed to alter or falsify the test;
- (2) Submitting an altered, false, or adulterated biological sample;
- (3) Submitting a sample collected from another person or an animal; or
- (4) Submitting false documents or making false material statements with the intent to alter or falsify a test.

The bill also makes it a class A misdemeanor to manufacture, possess, sell, give away, distribute, produce, market, or transport a biological sample with the intent to alter or falsify a test or to manufacture, possess, sell, give away, distribute, produce, or market an adulterant for these samples. An adulterant is any substance that can be added to a sample to corrupt it.

HB 1468 -- Child Endangerment

Sponsor: Pratt

This bill establishes Hope's Law which changes the laws regarding the crime of endangering the welfare of a child in the first degree. Any person who violates the provisions of Chapter 195, RSMo, regarding the possession or control of a controlled substance in the presence or in a residence where a person younger than 17 years of age resides will be guilty of a class B felony.

HB 1504 -- Sexually Transmitted Diseases

Sponsor: Walton

This bill allows physicians to use expedited partner therapy under certain conditions by dispensing and prescribing medications for partners of persons diagnosed with certain sexually transmitted diseases even when there is no existing physician/patient relationship.

HB 1507 -- Intervention Fees for Parolees

Sponsor: Hughes

This bill eliminates the payment of an intervention fee as a condition of parole.

HB 1524 -- Child Care Facility Rating System

Sponsor: Franz

This bill requires the Department of Social Services in collaboration with the departments of Health and Senior Services, Elementary and Secondary Education, and Mental Health to develop by September 1, 2008, a quality rating system for early childhood and before- and after-school programs that are licensed by the Department of Social Services. Licensing will be the baseline rating, with the highest rating being accreditation. The Department of Social Services must use the model developed by the University of Missouri Center for Family Policy and Research to establish the quality rating system. The rating system will allow an individual to evaluate and select the best early childhood program, provide accountability information to policymakers and funders, and guide providers in achieving quality outcomes for child care. The rating system must be fully implemented by July 1, 2011.

By July 1, 2010, the Coordinating Board for Early Childhood within the Children's Services Commission must develop a plan for a tiered rating system of reimbursement for child care subsidies based on the rating system.

The bill creates the Quality Rating System Program Improvement Grant Fund to be administered by the Department of Social Services to provide grants directly to licensed providers to make quality improvements to comply with the rating system. Moneys in the fund will consist of donations, gifts, transfers, and appropriations from the General Assembly.

The Department of Social Services in collaboration with the departments of Health and Senior Services and Elementary and Secondary Education will be responsible for:

- (1) Collecting, developing, and distributing resource materials to educate the public and child care programs about the rating system; and
- (2) Posting the ratings on the Internet by January 1, 2010.

The provisions of the bill will expire six years from the effective date.

HB 1565 -- Forensic Examinations and Medical Treatment

Sponsor: LeVota

This bill changes the laws regarding the payment for forensic

examinations and the medical treatment of victims of sexual offenses. If there has been no compensation from the Department of Health and Senior Services, the bill allows the medical provider to seek reimbursement for these services from a third-party payer.

HB 1576 -- Department of Insurance, Financial Institutions, and Professional Registration

Sponsor: Wasson

The Governor's Executive Order 06-04 transferred all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent issues of the Division of Finance, State Banking Board, Division of Credit Unions, and Division of Professional Registration from the Department of Economic Development to the Department of Insurance creating the Department of Insurance, Financial Institutions, and Professional Registration. This bill allows the Revisor of Statutes to change all references in the Revised Statutes of Missouri from "department of insurance," "insurance department," or "department of insurance, financial and professional regulation" to the "department of insurance, financial institutions and professional registration."

The bill also:

(1) Establishes the Division of Insurance Company Regulation to perform the functions of insurance company admissions and financial supervision and the Division of Insurance Market Regulation to perform the functions of rate and for regulation (Section 374.075, RSMo); and

(2) Creates the Professional Registration Fees Fund for depositing funds received from the various boards for services rendered by the Division of Professional Registration (Section 324.001).

HB 1583 -- Sexual Offender Treatment Facilities

Sponsor: Pearce

This bill prohibits an individual from owning or operating a sexual offender treatment facility for more than one person who is required to register on the sexual offender registry. Previously established facilities and those contracted through government bodies are exempt. A violation of the provisions of the bill will be a class A misdemeanor.

HB 1593 -- Operation of a Vessel With Excessive Blood-Alcohol Content

Sponsor: Lipke

Currently, a person commits the crime of operating a vessel with excessive blood-alcohol content when the person operates a vessel on the Mississippi River, Missouri River, or any lake in the

state with .1 of 1% or more by weight of alcohol in his or her blood. This bill lowers the level to .08 of 1%.

HB 1611 -- Children's Bill of Courtroom Rights

Sponsor: Dixon

This bill establishes a children's bill of courtroom rights that applies to all children testifying in court. In its main provisions, the bill:

- (1) Assures a child the right to understand the oath administered in court and requires the court to present the oath in a developmentally appropriate manner;
- (2) Grants the child the right to understand all questions asked of him or her;
- (3) Requires the court to allow the child to testify at a time of day when the child is best able to understand the questions asked of him or her;
- (4) Grants the child the right to have a comfort item, such as a blanket or stuffed animal, when testifying;
- (5) Grants the child the right to have a support person present during his or her testimony;
- (6) Requires that the child is questioned in a manner that is neither intimidating nor frightening which includes disallowing any attorney from raising his or her voice while questioning the child or making an argument; and
- (7) Grants the child the right to be comfortable when testifying.

HB 1620 -- Prescriptive Authority for Advanced Practice Registered Nurses

Sponsor: Jones (117)

This bill authorizes advanced practice registered nurses who hold a certificate of controlled substance prescriptive authority from the State Board of Nursing to enter into collaborative agreements with physicians to administer and dispense Schedule II, III, IV, and V control substances. However, they are prohibited, under any circumstance, from prescribing a controlled substance for themselves or any family member.

Guidelines are established for controlled substance collaborative agreements and the documentation required for the state board to grant a certificate for prescriptive authority.

HB1725 Removes Health Care Provider Exemption from Jury Duty, but give court discretion:

Upon timely application to the court, the court may, in its discretion, excuse from service as a petit or grand juror any person licensed as a health care provider, as defined in section 538.205, RSMo, but only if such person provides a written statement to the court certifying that he or she is actually providing health care services to patients, and that the person's service as a juror would be detrimental to the health of the person's patients.