

FIRST REGULAR SESSION

# HOUSE BILL NO. 246

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHOEMYER.

Read 1<sup>st</sup> time January 18, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0647L.011

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### AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to durable medical equipment providers.

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

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be  
2 known as section 376.1175, to read as follows:

**376.1175. 1. Every health carrier and health benefit plan, as defined in section  
2 376.1350, shall include in its network of service providers any durable medical equipment  
3 provider that:**

4 **(1) Has a main office located in a Missouri community with a population of twenty-  
5 five thousand or less; and**

6 **(2) Is certified as a Medicare and/or Medicaid provider, and by the Missouri board  
7 of pharmacy; and**

8 **(3) Registers with the department of insurance as provided in subsection 2 of this  
9 section.**

10 **2. To be included in a health carrier's or health benefit plan's network of providers,  
11 a durable medical equipment provider that meets the requirements in subdivisions (1) and  
12 (2) of subsection 1 of this section shall register with the department of insurance as an  
13 eligible durable medical equipment provider. The department of insurance, in  
14 consultation with the department of social services, shall verify the eligibility of any  
15 durable medical equipment provider requesting to register with the department and, upon**

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.

16 verification of eligibility, shall include such provider in a durable medical provider  
17 registry, which shall be made available to all health carriers and health benefit plans  
18 licensed to do business in the state.

19       **3. Every health carrier and health benefit plan licensed to do business in the state**  
20 **of Missouri shall include any durable medical equipment provider that registers with**  
21 **department of insurance under this section in its network of providers.**

22       **4. All durable medical equipment providers that register under this section prior**  
23 **to November first shall be included in the network of providers for the following calendar**  
24 **year. After a provider's initial registration, the provider shall remain on the registry so**  
25 **long as the provider provides notice to the department of insurance by November first of**  
26 **the provider's continued eligibility and desire to remain on the registry. On or before**  
27 **January first of each year, all health carriers and health benefit plans shall provide each**  
28 **provider that registers with the department of insurance by November first of the**  
29 **provider's inclusion in the carrier's or plan's network of providers.**

30       **5. The department of insurance shall promulgate rules to implement the provisions**  
31 **of this section, including but not limited to forms for registration and renewal of**  
32 **registration. Any rule or portion of a rule, as that term is defined in section 536.010,**  
33 **RSMo, that is created under the authority delegated in this section shall become effective**  
34 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**  
35 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
36 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
37 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
38 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
39 **rule proposed or adopted after August 28, 2005, shall be invalid and void.**

40       **6. Any health carrier or health benefit plan that violates the provisions of this**  
41 **section shall have its license to do business in the state of Missouri subject to sanction by**  
42 **the department of insurance.**