

## HCS HB 835 -- HEALTH CARE PROVIDERS

SPONSOR: Cooper (155)

COMMITTEE ACTION: Voted "do pass" by the Committee on Health Care Policy by a vote of 6 to 3.

This substitute changes the laws regarding health care providers.

### SURGEON GENERAL

The substitute establishes the Office of the Missouri Surgeon General within the Department of Health and Senior Services and requires the Surgeon General to be a physician with a masters degree in public health or health management training or commensurate experience with public policy. The Surgeon General's duties include serving as chairperson of the State Board of Health; advising the Director of the Department of Health and Senior Services on developing strategies to improve health indicators; creating an Internet web site to promote healthy lifestyles for Missouri citizens; providing health information to schools, employers, and private and public institutions; and promoting public health information, health literacy, and disease prevention. The Surgeon General will be appointed to a four-year term by the Governor with the advice and consent of the Senate and is required to submit an annual report on the current overall health of Missouri citizens and any recommendations for improvements by January 31 of each year to the Speaker of the House of Representatives, President Pro Tem of the Senate, and Governor.

### HEPATITIS C TESTING PROGRAM

The substitute requires the Department of Health and Senior Services to establish and oversee a voluntary hepatitis C testing program for health care providers. Testing is confidential, and results may only be disclosed to the facility where the health care provider offers patient care.

### CERTIFICATE OF NEED

The substitute defines "long-term care facilities" for purposes of the Certificate of Need Program and limits the application of certificate of need requirements to long-term care facilities. Currently, certificate of need requirements apply to a broader range of health care facilities, including hospitals and long-term care facilities.

### WILLING PROVIDERS OF HEALTH CARE

The substitute prohibits health insurers, the Missouri Medicaid Program, and the federal Medicare Program from discriminating against any provider located within the geographic coverage area of a health benefit plan who is willing to meet the terms and conditions for participation in the health benefit plan.

#### PHYSICIAN REFERRALS

The substitute prohibits a physician who is referred a patient for diagnosis by another physician from delegating the diagnosis to a nurse or nurse practitioner.

#### HOSPITAL MEDICAL STAFF SELF-GOVERNANCE

The substitute gives hospital medical staff the right to self-govern when establishing certain provisions of medical bylaws, rules, or regulations; selecting and removing medical staff officers; assessing and utilizing medical staff dues; retaining an attorney; and the initiation and adoption of bylaws, rules, regulations, or amendments.

The medical staff and hospital governing board will meet to resolve any dispute arising under the provision. Once all administrative remedies have been exhausted, a court of competent jurisdiction may resolve the dispute.

#### DEPARTMENT OF HEALTH AND SENIOR SERVICES FUNDS

The substitute creates in the state treasury the Department of Health and Senior Services Administrative and Cost Allocation Fund and the Department of Health and Senior Services Disaster Fund. The substitute:

- (1) Specifies that the administrative and cost allocation fund will receive funding by appropriations, deposits, and moneys transferred or paid to the department in return for goods and services provided;
- (2) Specifies that the disaster fund will be used during a state of emergency by the Governor to furnish immediate aid and relief;
- (3) Allows the State Treasurer to serve as custodian and the department director to serve as administrator over these funds;
- (4) Specifies that moneys in these funds will not lapse to the credit of general revenue at the end of the biennium, and all interest earned will be deposited into the fund; and
- (5) Allows any interest earned on the Missouri Public Health Services Fund to accrue to the fund.

The substitute contains an emergency clause for these provisions.

#### BIRTH AND DEATH RECORDS

The substitute requires a birth certificate to be filed within five days, instead of the current seven days, certifying the place, time, and date of the live birth by a signature or an electronic process approved by the Department of Health and Senior Services.

All medical certificates when filing for a certificate of death can have their accuracy attested to by either a signature or an electronic process approved by the department.

#### IMMUNIZATIONS

Effective April 1, 2007, the substitute prohibits immunizations administered in Missouri to knowingly pregnant women or children under the age of three from containing more than one microgram of mercury per five-tenths-milliliter dose.

Effective April 1, 2007, insurers licensed in Missouri that provide coverage for immunizations on a fee schedule or a percentage reimbursement basis are required to reimburse for immunizations not containing mercury. This reimbursement must be at the same percentage rate of the usual and customary charges provided for immunizations containing mercury or other preservatives prior to April 1, 2007.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Could exceed \$19,374,279 in FY 2006, Could exceed \$19,412,847 in FY 2007, and Could exceed \$19,418,907 in FY 2008. Estimated Cost on Other State Funds of Could exceed \$4,197,995 in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill creates a state Surgeon General to coordinate healthy lifestyle programs for the state. The Surgeon General would help focus attention on improving the health of all Missourians.

Testifying for the bill were Representative Baker (25); and Missouri State Medical Association.

OPPOSERS: There was no opposition voiced to the committee.

Amy Woods, Senior Legislative Analyst