

SECOND REGULAR SESSION

HOUSE BILL NO. 1174

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHOEMYER.

Pre-filed December 21, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4007L.01I

AN ACT

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

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 known as section 376.1175, to read as follows:

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

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

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

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

2. To be included in a health carrier's or health benefit plan's network of providers, a durable medical equipment provider that meets the requirements in subdivisions (1) and (2) of subsection 1 of this section shall register with the department of insurance as an eligible durable medical equipment provider. The department of insurance, in consultation with the department of social services, shall verify the eligibility of any 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, 2006, 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.

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