

FIRST REGULAR SESSION

HOUSE BILL NO. 878

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), MUNZLINGER, PEARCE, ROBB, JETTON,
THRELKELD, RICHARD AND PAGE (Co-sponsors).

Read 1st time February 15, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1851L.02I

AN ACT

To amend chapters 135 and 191, RSMo, by adding thereto four new sections relating to health professional shortage areas.

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

Section A. Chapters 135 and 191, RSMo, are amended by adding thereto four new
2 sections, to be known as sections 135.575, 191.1050, 191.1053, and 191.1056, to read as
3 follows:

135.575. 1. As used in this section, the following terms mean:

- 2 **(1) "Missouri healthcare access fund", the fund created in section 191.1056, RSMo;**
3 **(2) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo,**
4 **excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;**
5 **(3) "Taxpayer", any individual subject to the tax imposed in chapter 143, RSMo,**
6 **excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.**

7 **2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be**
8 **allowed a tax credit for donations in excess of one hundred dollars made to the Missouri**
9 **healthcare access fund. The tax credit amount shall be equal to one-half of the total**
10 **donation made, but shall not exceed twenty-five thousand dollars per taxpayer claiming**
11 **the credit. If the amount of the tax credit issued exceeds the amount of the taxpayer's state**
12 **tax liability for the tax year for which the credit is claimed, the difference shall not be**
13 **refundable but may be carried forward to any of the taxpayer's next four taxable years.**

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.

14 No tax credit granted under this section shall be transferred, sold, or assigned. The
15 cumulative amount of tax credits which may be issued under this section in any one fiscal
16 year shall not exceed five million dollars.

17 3. The department of revenue may promulgate rules to implement the provisions
18 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
19 RSMo, that is created under the authority delegated in this section shall become effective
20 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
21 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
22 nonseverable and if any of the powers vested with the general assembly pursuant to
23 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
24 are subsequently held unconstitutional, then the grant of rulemaking authority and any
25 rule proposed or adopted after August 28, 2007, shall be invalid and void.

26 4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

27 (1) The provisions of the new program authorized under this section shall
28 automatically sunset six years after the effective date of this section unless reauthorized by
29 an act of the general assembly; and

30 (2) If such program is reauthorized, the program authorized under this section
31 shall automatically sunset twelve years after the effective date of the reauthorization of this
32 section; and

33 (3) This section shall terminate on September first of the calendar year immediately
34 following the calendar year in which the program authorized under this section is sunset.

191.1050. As used in sections 191.1050 to 191.1056, the following terms shall mean:

2 (1) "Area of defined need", a rural area or section of an urban area of this state
3 which is located in a federally designated health professional shortage area and which is
4 designated by the department as being in need of the services of health care professionals;

5 (2) "Department", the department of health and senior services;

6 (3) "Director", the director of the department of health and senior services;

7 (4) "Eligible facility", a public or nonprofit private medical facility or other health
8 care facility licensed under chapter 197, RSMo, or any group of licensed health care
9 professionals, but excluding sole practitioners, in an area of defined need that is designated
10 by the department as eligible to receive disbursements from the Missouri healthcare access
11 fund under section 191.1056.

191.1053. 1. The department shall have the authority to designate an eligible
2 facility or facilities in an area of defined need. In making such designation, the department
3 shall consult with local health departments and consider factors, including but not limited
4 to the health status of the population of the area, the ability of the population of the area

5 to pay for health services, the accessibility the population of the area has to health services,
6 and the availability of health professionals in the area.

7 **2. The department shall reevaluate the designation of an eligible facility six years**
8 **from the initial designation and every six years thereafter. Each such facility shall have**
9 **the burden of proving that the facility meets the applicable requirements regarding the**
10 **definition of an eligible facility.**

11 **3. The department shall not revoke the designation of an eligible facility until the**
12 **department has afforded interested persons and groups in the facility's area of defined**
13 **need to provide data and information in support of renewing the designation. The**
14 **department may make a determination on the basis of such data and information and**
15 **other data and information available to the department.**

191.1056. 1. There is hereby created in the state treasury the "Missouri Healthcare
2 **Access Fund", which shall consist of gifts, grants, and devises deposited into the fund. The**
3 **state treasurer shall be custodian of the fund and shall disburse moneys from the fund in**
4 **accordance with sections 30.170 and 30.180, RSMo. The director shall approve**
5 **disbursements from the fund to any eligible facility to attract and recruit health care**
6 **professionals and other necessary personnel, to purchase or rent facilities, to pay for**
7 **facility expansion or renovation, to purchase office and medical equipment, to pay**
8 **personnel salaries, or to pay any other costs associated with providing primary healthcare**
9 **services to the population in the facility's area of defined need.**

10 **2. The state of Missouri shall provide matching moneys from the general revenue**
11 **fund equaling one-half of the amount deposited into the fund. The total annual amount**
12 **available to the fund from state sources under such a match program shall be five million**
13 **dollars.**

14 **3. The maximum annual donation that any one individual or corporation may**
15 **make is fifty thousand dollars. Any individual or corporation, excluding nonprofit**
16 **corporations, that make a contribution to the fund totaling one hundred dollars or more**
17 **shall receive a tax credit for one-half of all donations made annually under section 135.575,**
18 **RSMo. In addition, any office or medical equipment donated to any eligible facility shall**
19 **be an eligible donation for purposes of receipt of a tax credit under section 135.575, RSMo,**
20 **but shall not be eligible for any matching funds under subsection 2 of this section.**

21 **4. If any clinic or facility has received money from the fund closes or significantly**
22 **decreases its operations, as determined by the department, within one year of receiving**
23 **such money, the amount of such money received and the amount of the match provided**
24 **from the general revenue fund shall be refunded to each appropriate source.**

25 **5. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
26 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
27 **the general revenue fund.**

28 **6. The state treasurer shall invest moneys in the fund in the same manner as other**
29 **funds are invested. Any interest and moneys earned on such investments shall be credited**
30 **to the fund.**

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