

FIRST REGULAR SESSION

# HOUSE BILL NO. 852

## 95TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE WASSON.

2141L.01I

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal sections 192.068 and 324.001, RSMo, and to enact in lieu thereof two new sections relating to health care information.

---

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

Section A. Sections 192.068 and 324.001, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 192.068 and 324.001, to read as follows:

192.068. 1. Any entity subject to the provisions of sections 354.400 to 354.636, RSMo, shall provide data regarding quality of care, access to care, member satisfaction and member health status to the director of the department of health and senior services. Failure to provide such data shall be reported to the director of the department of insurance, financial institutions and professional registration and shall be subject to the penalties provided in section 354.444, RSMo. Any entity subject to the provisions of sections 354.400 to 354.636, RSMo, which continually or substantially fails to comply with the provisions of this section may be prohibited by the director of the department of insurance, financial institutions and professional registration from participating in any health program administered by the state. The department of health and senior services shall promulgate rules defining continual or substantial failure to comply with the provisions of this section.

2. The department of health and senior services shall specify by rule the types of data which shall be submitted and the methods of collection and submission. In defining data standards for the measurement of the quality of care, access to care, member satisfaction and member health status, the director of the department of health and senior services may:

(1) Use as the data set the Health Plan Employer Data and Information Set (HEDIS) or an equivalent data set as determined by the department of health and senior services;

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.

18 (2) Consider published standards developed by nationally recognized accreditation  
19 organizations including, but not limited to, the National Committee for Quality Assurance and  
20 the Joint Committee on Accreditation of Health Care Organizations;

21 (3) Consult with other state agencies and interested parties responsible for delivering,  
22 financing and purchasing health care in the state; and

23 (4) Use available department of health and senior services data and other agency data  
24 wherever appropriate.

25 3. Data or other information obtained by the department of health and senior services  
26 pursuant to the provisions of this section shall not be public information. **De-identified**  
27 **information and** reports and studies prepared by the department based upon such information  
28 shall be public information and may identify individual entities in the business of delivering or  
29 financing health care. The department of health and senior services may authorize the use of the  
30 data for other research pursuant to the provisions of section 192.067. The department shall not  
31 release data in a form which could be used to identify a patient.

32 4. The department may choose to perform studies and shall publish information,  
33 including at least an annual consumer guide, based upon the information obtained pursuant to  
34 the provisions of this section. The department shall allow health care financing entities or health  
35 care providers who have submitted data which will be used in any report to review and comment  
36 on the report prior to its publication or release for public use. With the permission of the entity  
37 or the health care provider, the department may include any comments of a health care financing  
38 entity or health care provider in the publication. The reports shall be made available to the  
39 public. The department may charge a reasonable fee to any entity in the business of delivering  
40 or financing health care for specialized reports or services requested by such entity. The fees  
41 shall be credited to the public health services fund established in section 192.900.

324.001. 1. For the purposes of this section, the following terms mean:

2 (1) "Department", the department of insurance, financial institutions and professional  
3 registration;

4 (2) "Director", the director of the division of professional registration; and

5 (3) "Division", the division of professional registration.

6 2. There is hereby established a "Division of Professional Registration" assigned to the  
7 department of insurance, financial institutions and professional registration as a type III transfer,  
8 headed by a director appointed by the governor with the advice and consent of the senate. All  
9 of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State  
10 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its  
11 divisions, agencies, and personnel.

12           3. The director of the division of professional registration shall promulgate rules and  
13 regulations which designate for each board or commission assigned to the division the renewal  
14 date for licenses or certificates. After the initial establishment of renewal dates, no director of  
15 the division shall promulgate a rule or regulation which would change the renewal date for  
16 licenses or certificates if such change in renewal date would occur prior to the date on which the  
17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or  
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.  
19 Registration fees set by a board or commission shall be effective for the entire licensing period  
20 involved, and shall not be increased during any current licensing period. Persons who are  
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees  
22 for the remainder of the period remaining at the time the fees are paid. Each board or  
23 commission shall provide the necessary forms for initial registration, and thereafter the director  
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission  
25 shall by rule and regulation require each applicant to provide the information which is required  
26 to keep the board's records current. **Each board or commission shall have the authority to**  
27 **collect and analyze information required to support workforce planning and policy**  
28 **development.** Each board or commission shall issue the original license or certificate.

29           4. The division shall provide clerical and other staff services relating to the issuance and  
30 renewal of licenses for all the professional licensing and regulating boards and commissions  
31 assigned to the division. The division shall perform the financial management and clerical  
32 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and  
33 renewal of licenses and certificates" means the ministerial function of preparing and delivering  
34 licenses or certificates, and obtaining material and information for the board or commission in  
35 connection with the renewal thereof. It does not include any discretionary authority with regard  
36 to the original review of an applicant's qualifications for licensure or certification, or the  
37 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action  
38 contemplated against the licensee or certificate holder. The division may develop and implement  
39 microfilming systems and automated or manual management information systems.

40           5. The director of the division shall maintain a system of accounting and budgeting, in  
41 cooperation with the director of the department, the office of administration, and the state  
42 auditor's office, to ensure proper charges are made to the various boards for services rendered  
43 to them. The general assembly shall appropriate to the division and other state agencies from  
44 each board's funds moneys sufficient to reimburse the division and other state agencies for all  
45 services rendered and all facilities and supplies furnished to that board.

46           6. For accounting purposes, the appropriation to the division and to the office of  
47 administration for the payment of rent for quarters provided for the division shall be made from

48 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for  
49 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited  
50 into it from each board's fund. Each board shall contribute a prorated amount necessary to fund  
51 the division for services rendered and rent based upon the system of accounting and budgeting  
52 established by the director of the division as provided in subsection 5 of this section. Transfers  
53 of funds to the professional registration fees fund shall be made by each board on July first of  
54 each year; provided, however, that the director of the division may establish an alternative date  
55 or dates of transfers at the request of any board. Such transfers shall be made until they equal  
56 the prorated amount for services rendered and rent by the division. The provisions of section  
57 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and  
58 placed to the credit of general revenue.

59 7. The director of the division shall be responsible for collecting and accounting for all  
60 moneys received by the division or its component agencies. Any money received by a board or  
61 commission shall be promptly given, identified by type and source, to the director. The director  
62 shall keep a record by board and state accounting system classification of the amount of revenue  
63 the director receives. The director shall promptly transmit all receipts to the department of  
64 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall  
65 provide each board with all relevant financial information in a timely fashion. Each board shall  
66 cooperate with the director by providing necessary information.

67 8. All educational transcripts, test scores, complaints, investigatory reports, and  
68 information pertaining to any person who is an applicant or licensee of any agency assigned to  
69 the division of professional registration by statute or by the department are confidential and may  
70 not be disclosed to the public or any member of the public, except with the written consent of  
71 the person whose records are involved. The agency which possesses the records or information  
72 shall disclose the records or information if the person whose records or information is involved  
73 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and  
74 work-product privilege to the same extent as any other person. Provided, however, that any  
75 board may disclose confidential information without the consent of the person involved in the  
76 course of voluntary interstate exchange of information, or in the course of any litigation  
77 concerning that person, or pursuant to a lawful request, or to other administrative or law  
78 enforcement agencies acting within the scope of their statutory authority. Information regarding  
79 identity, including names and addresses, registration, and currency of the license of the persons  
80 possessing licenses to engage in a professional occupation and the names and addresses of  
81 applicants for such licenses is not confidential information.

82 9. Any deliberations conducted and votes taken in rendering a final decision after a  
83 hearing before an agency assigned to the division shall be closed to the parties and the public.

84 Once a final decision is rendered, that decision shall be made available to the parties and the  
85 public.

86 10. A compelling governmental interest shall be deemed to exist for the purposes of  
87 section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund  
88 balance of any agency assigned to the division of professional registration is reasonably expected  
89 to exceed an amount that would require transfer from that fund to general revenue.

90 11. (1) The following boards and commissions are assigned by specific type transfers  
91 to the division of professional registration: Missouri state board of accountancy, chapter 326,  
92 RSMo; board of cosmetology and barber examiners, chapters 328 and 329, RSMo; [state board  
93 of registration] **Missouri board** for architects, professional engineers [and] , professional land  
94 surveyors and landscape architects, chapter 327, RSMo; **Missouri** state board of chiropractic  
95 examiners, chapter 331, RSMo; state board of registration for the healing arts, chapter 334,  
96 RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral  
97 directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; **Missouri** state  
98 board of nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of  
99 [podiatry] **podiatric medicine**, chapter 330, RSMo; Missouri real estate **appraisers** commission,  
100 chapter 339, RSMo; and Missouri veterinary medical board, chapter 340, RSMo. The governor  
101 shall appoint members of these boards by and with the advice and consent of the senate.

102 (2) The boards and commissions assigned to the division shall exercise all their  
103 respective statutory duties and powers, except those clerical and other staff services involving  
104 collecting and accounting for moneys and financial management relating to the issuance and  
105 renewal of licenses, which services shall be provided by the division, within the appropriation  
106 therefor. Nothing herein shall prohibit employment of professional examining or testing services  
107 from professional associations or others as required by the boards or commissions on contract.  
108 Nothing herein shall be construed to affect the power of a board or commission to expend its  
109 funds as appropriated. However, the division shall review the expense vouchers of each board.  
110 The results of such review shall be submitted to the board reviewed and to the house and senate  
111 appropriations committees annually.

112 (3) Notwithstanding any other provisions of law, the director of the division shall  
113 exercise only those management functions of the boards and commissions specifically provided  
114 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,  
115 personnel other than board personnel, and equipment.

116 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330,  
117 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, RSMo, shall mean personnel whose  
118 functions and responsibilities are in areas not related to the clerical duties involving the issuance  
119 and renewal of licenses, to the collecting and accounting for moneys, or to financial management

120 relating to issuance and renewal of licenses; specifically included are executive secretaries (or  
121 comparable positions), consultants, inspectors, investigators, counsel, and secretarial support  
122 staff for these positions; and such other positions as are established and authorized by statute for  
123 a particular board or commission. Boards and commissions may employ legal counsel, if  
124 authorized by law, and temporary personnel if the board is unable to meet its responsibilities with  
125 the employees authorized above. Any board or commission which hires temporary employees  
126 shall annually provide the division director and the appropriation committees of the general  
127 assembly with a complete list of all persons employed in the previous year, the length of their  
128 employment, the amount of their remuneration, and a description of their responsibilities.

129 (5) Board personnel for each board or commission shall be employed by and serve at the  
130 pleasure of the board or commission, shall be supervised as the board or commission designates,  
131 and shall have their duties and compensation prescribed by the board or commission, within  
132 appropriations for that purpose, except that compensation for board personnel shall not exceed  
133 that established for comparable positions as determined by the board or commission pursuant  
134 to the job and pay plan of the department of insurance, financial institutions and professional  
135 registration. Nothing herein shall be construed to permit salaries for any board personnel to be  
136 lowered except by board action.

137 12. All the powers, duties, and functions of the division of athletics, chapter 317, RSMo,  
138 and others, are assigned by type I transfer to the division of professional registration.

139 13. Wherever the laws, rules, or regulations of this state make reference to the "division  
140 of professional registration of the department of economic development", such references shall  
141 be deemed to refer to the division of professional registration.

✓