

HCS SCS SB 177 -- HEALTH CARE

SPONSOR: Brown (Sater)

COMMITTEE ACTION: Voted "do pass" by the Committee on Health Care Policy by a vote of 12 to 0.

This substitute changes the laws regarding health care.

SALES TAX EXEMPTION FOR CERTAIN DRUGS AND MEDICAL EQUIPMENT
(Section 144.030, RSMo)

A state and local sales and use tax exemption is authorized for diabetic accessories and supplies or any medical equipment, supplies, or devices which are purchased or rented upon the order of a physician or that are otherwise paid for by insurance, the federal Medicare Program, or the Missouri Medicaid Program. All over-the-counter or nonprescription drugs which are prescribed by a practitioner are also added to the list of exempted items. Currently, these are exempt if they are for an individual with a disability.

VOLUNTEER HEALTH SERVICES ACT (Sections 191.1100 - 191.1112)

The Volunteer Health Services Act is established which allows a licensed health care provider to render volunteer professional health care services for a sponsoring organization. Any person with a suspended or revoked license or who renders services outside the scope of his or her license is not eligible to provide services under the act. Before a health care professional can provide volunteer services, the sponsoring organization must register with the Department of Health and Senior Services and pay a \$50 fee. A sponsoring organization must file a quarterly voluntary services report with the department, keep its records of health care provider volunteers up to date, and maintain the records for five years following the service rendered by the health care provider volunteer.

An insurer providing professional liability coverage to a health care provider on or after August 28, 2011, cannot exclude coverage to a health care provider who volunteers his or her health care services if the sponsoring organization and the health care provider comply with the provisions of the act.

Any health care provider volunteering his or her services will not be liable for any civil damages for any act or omission resulting from his or her service unless it was the result of gross negligence or willful misconduct. A volunteer cannot receive any form of direct or indirect compensation, benefits, or any consideration for his or her health care services and must

perform acts within the scope of his or her professional license and in compliance with all applicable health care regulations.

Any volunteer crisis response team member who participates in a crisis intervention cannot be liable in tort for any personal injuries or emotional distress of any participant to the intervention that is caused by the act or omission of the team member during an intervention with certain specified exceptions.

HENRY COUNTY HEALTH BOARD (Section 192.300)

Any order, rule, or regulation adopted by the county health board in Henry County must be approved by the county commission.

MO HEALTHNET DENTAL BENEFITS (Section 208.240)

The MO HealthNet Division within the Department of Social Services, or a contractor of the division, may implement a statewide dental delivery system to ensure recipient participation of and access to providers of dental services under MO HealthNet.

FOOD STAMP ELIGIBILITY FOR CERTAIN FELONS (Section 208.247)

The substitute specifies that, pursuant to the option granted by 21 U.S.C. Section 862a(d) under the federal Personal Responsibility and Work Opportunity Act of 1996, an individual who has pled guilty to or is found guilty under federal or state law of a felony involving the possession or use of a controlled substance must be eligible for federal food stamp program benefits if:

- (1) The person, as determined by the Department of Social Services, is successfully participating in, is accepted for treatment but on a waiting list, or has satisfactorily completed a substance abuse treatment program approved by the Division of Alcohol and Drug Abuse within the Department of Mental Health;
- (2) A division-certified treatment provider determines that the person does not need substance abuse treatment; or
- (3) The person is successfully complying with or has already complied with all obligations imposed by a court, the Division of Alcohol and Drug Abuse, and the Division of Probation and Parole within the Department of Corrections.

The individual must also meet all other factors for food stamp program eligibility.

MENTAL HEALTH EARNINGS FUND (Sections 630.053 and 630.095)

The substitute allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriations, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds made from these sales and services.

DEPARTMENT OF MENTAL HEALTH INVESTIGATION REPORTS (Section 630.167)

A statutory reference is revised to specify that an investigative report of the Department of Mental Health will be automatically admissible in any hearing before the Administrative Hearing Commission.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Unknown greater than \$100,000 in FY 2012, FY 2013, and FY 2014. Estimated Net Cost on Other State Funds of Unknown in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill generates moneys for the state from the sale of a manual on mental health first aid. The bill also updates to the law to address the current practice of the Department of Mental Health regarding an investigative report for a hearing before the Administrative Hearing Commission.

Testifying for the bill were Senator Brown; and Department of Mental Health.

OPPOSERS: There was no opposition voiced to the committee.