

HOUSEAMENDMENT NO. ____Offered byof

1 AMEND House Committee Substitute for House Bill No. 2125, Page 1,
 2 In the Title, Line 2, by deleting the words "diabetes prevention"
 3 and inserting in lieu thereof the words "healthcare"; and
 4

5 Further amend said bill, Page 1, Section A, Line 2, by
 6 inserting after all of said line the following:

7 "191.762. 1. As used in this section, the following terms
 8 shall mean:

9 (1) "Certified nurse midwife", a registered nurse who is
 10 currently certified as a nurse midwife by the American College of
 11 Nurse Midwives, or other nationally recognized certifying body
 12 approved by the board of nursing;

13 (2) "Certified nurse practitioner", a registered nurse who
 14 is currently certified as a nurse practitioner by a nationally
 15 recognized certifying body approved by the board of nursing;

16 (3) "Department", the department of health and senior
 17 services;

18 (4) "Health information", any oral or written information
 19 in any form or medium that relates to:

20 (a) The past, present or future physical or mental health
 21 or condition of an individual;

22 (b) The provision of health care to an individual; or

23 (c) The past, present, or future payment for the provision
 24 of health care to an individual;

25 (5) "Medical services", includes but is not limited to
 26 prenatal sonography, pregnancy tests, and pregnancy options
 27 counseling;

28 (6) "Physician", a physician licensed under chapter 334;

29 (7) "Physician assistant", a physician assistant licensed

Action Taken _____ Date _____

1 under sections 334.735 to 334.749;

2 (8) "Registered nurse", a person licensed under the
3 provisions of chapter 335 to engage in the practice of
4 professional nursing.

5 2. (1) The provisions of this section applies to an entity
6 if the primary purpose of the entity is to provide pregnancy-
7 related services and the entity advertises or solicits patrons
8 with offers to provide prenatal sonography, pregnancy tests, or
9 pregnancy options counseling.

10 (2) The provisions of this section do not apply to an
11 entity if, at all of the entity's sites that are open to the
12 public, the entity:

13 (a) Employs one or more of the following practitioners:

14 a. Physician;

15 b. Nurse practitioner;

16 c. Physician assistant;

17 d. Registered nurse; or

18 e. Nurse midwife; and

19 (b) Has one or more of the practitioners listed in
20 paragraph (a) of this subdivision onsite whenever medical
21 services or treatment is provided.

22 (3) An entity shall provide written notice of whether the
23 entity provides each of the following:

24 (a) Contraceptive drugs or devices that are approved by the
25 United States Food and Drug Administration;

26 (b) An onsite consultation with a practitioner listed in
27 paragraph (a) of subdivision (2) of this subsection;

28 (c) Adoption services or referral for adoption services;
29 and

30 (d) Abortion services or referral for abortion services.

31 (4) The notice required under subdivision (3) of this
32 subsection shall be:

33 (a) Conspicuously placed:

34 a. At all entrances to the premises at which the entity
35 provides the services described in subdivision (1) of this
36 subsection;

37 b. In all areas where individuals wait to receive the

1 services described in subdivision (1) of this subsection;

2 c. On any website maintained by the entity that refers to
3 the services described in subdivision (1) of this subsection;

4 d. In all advertisements promoting the services described
5 in subdivision (1) of this subsection or promoting the entity
6 providing the services; and

7 (b) Written and provided in a manner that a reasonable
8 person is likely to read and understand before accepting the
9 services described in subdivision (1) of this subsection.

10 (5) An entity that collects health information from a
11 patron of the entity shall not disclose the patron's health
12 information to any other person without the written authorization
13 of the patron.

14 (6) Upon receipt of a written request from a patron of the
15 entity to examine or obtain a copy of any health information of
16 the patron, an entity described in subdivision (1) of this
17 subsection shall:

18 (a) a. Make the health information of the patron that is
19 in the entity's possession or control available for examination
20 by the patron during regular business hours; and

21 b. Notwithstanding any other provision of law to the
22 contrary, provide at no charge to the patron one copy of any
23 health information of the patron that is in the entity's
24 possession or control to the patron, if requested; or

25 (b) Inform the patron that the entity does not have any
26 health information of the patron in the entity's possession or
27 control.

28 3. (1) If any person who violates the provisions of this
29 section, the department shall serve the person with a written
30 notice informing the person of the violation and stating that the
31 person may avoid an administrative penalty by curing the
32 violation within five days of the service of the notice.

33 (2) If the person fails to cure the violation within five
34 days of the date of service of the notice, the department shall
35 impose an administrative penalty of at least two hundred fifty
36 dollars but not more than one thousand dollars.

37 (3) If the violation continues for more than seven days

1 after the expiration of the five-day period, the department may
2 impose an additional administrative penalty of up to five
3 thousand dollars for the continued violation.

4 (4) If the violation continues for more than fourteen days
5 after the expiration of the five-day period, the department may
6 impose an additional administrative penalty of up to ten thousand
7 dollars for each week thereafter in which the violation
8 continues.

9 (5) A person is entitled, upon request submitted within a
10 time prescribed by the department by rule, to a contested case
11 hearing to dispute any administrative penalty imposed under this
12 section. Any administrative decision shall be subject to
13 judicial review in accordance with chapter 536.

14 (6) All administrative penalties recovered under this
15 section shall be deposited in the state general revenue fund and
16 shall be available for general governmental expenses.

17 (7) Nothing in this section shall be construed to prohibit
18 the department from maintaining an action in the name of the
19 state for injunction or other process against any person to
20 restrain or prevent a violation of a requirement or prohibition
21 under this section.

22 4. The department shall promulgate rules to implement the
23 provisions of this section. Any rule or portion of a rule, as
24 that term is defined in section 536.010, that is created under
25 the authority delegated in this section shall become effective
26 only if it complies with and is subject to all of the provisions
27 of chapter 536 and, if applicable, section 536.028. This section
28 and chapter 536 are nonseverable and if any of the powers vested
29 with the general assembly pursuant to chapter 536 to review, to
30 delay the effective date, or to disapprove and annul a rule are
31 subsequently held unconstitutional, then the grant of rulemaking
32 authority and any rule proposed or adopted after August 28, 2014,
33 shall be invalid and void."; and

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35 Further amend said title, enacting clause and intersectional
36 references accordingly.