

## HB 2298 -- DISCLOSURE OF HEALTH CARE SERVICES

SPONSOR: Newman

This bill changes the laws regarding health care services.

### SAFE AND RELIABLE CARE

The bill allows the Department of Health and Senior Services to adopt rules governing complication plans to ensure patients of crisis pregnancy centers have access to safe and reliable care (Section 188.021, RSMo).

### TRAINED MEDICAL STAFF

The bill requires the presence of appropriately trained medical staff for any medical procedure performed in a crisis pregnancy center to the same degree as required by other specialized health clinics in this state (Section 188.340).

### TAX CREDITS AND PUBLIC FUNDING

The bill states that if any pregnancy crisis center fails to comply with certain provisions, then the center shall be ineligible for any tax credits issued by the state or for any public funding (Section 188.345).

### TRUTH IN MEDICINE ACT

This bill creates the "Truth in Medicine Act" that prohibits a government health care agency or any organization that receives government health care funding from endorsing five specific lies about abortion, as specified in the bill (Section 188.345).

### DISCLOSURE OF HEALTH SERVICES

The bill changes the law regarding entities that provide pregnancy-related services without the employment and supervision of a physician, nurse practitioner, physician assistant, registered nurse, or nurse midwife.

The provisions of this bill apply to any entity that primarily provides pregnancy-related services and advertises or solicits patrons with offers to provide prenatal sonography, pregnancy tests, or pregnancy options counseling unless all of the public locations of the entity employs one or more specified health professionals that must be present when medical services or treatment is provided.

Each entity must provide a written notice of specified services provided. The notice must be conspicuously placed at all of the entrances where the specified services are provided, in all waiting areas, on any website maintained by the entity that refers to the services, and in all advertisements promoting the services or entity providing the services.

The bill prohibits an entity that collects health information from a patron from disclosing the patron's health information without the written authorization of the patron. Upon receipt of a written request from a patron of the entity to examine or obtain a copy of the patron's health information, an entity must make health information available to the patron at no charge.

If any person violates these provisions, the department must serve a written notice informing the person of the violation and stating that the person may avoid an administrative penalty by curing the violation within five days of the service of the notice. If the person fails to cure the violation within five days of the date of service of the notice, the department must impose an administrative penalty.

A person is entitled to a contested case hearing to dispute any administrative penalty imposed under these provisions. Any administrative decision must be subject to judicial review in accordance with Chapter 536. All administrative penalties recovered under these provisions must be deposited in the state General Revenue Fund and available for general governmental expenses. Nothing in these provisions must be construed to prohibit the department from maintaining an action in the name of the state for injunction or other process against any person to restrain or prevent a violation of a requirement or prohibition under these provisions (Section 191.762).

## INSPECTIONS

The bill requires the department to make an unannounced on-site inspection of any crisis pregnancy center at least annually. The inspection shall include compliance with all requirements that the facility maintain adequate staffing and equipment to respond to medical emergency and compliance that continuous physician services or registered professional nursing services be provided whenever a patient is in the facility (Sections 197.200 and 197.230).

## TRAINING PROGRAMS

By July 1, 2018, the bill requires all crisis pregnancy centers to provide training programs to all unlicensed staff providing patient care within 90 days of the beginning date of employment. A crisis

pregnancy center must submit documentation to the department as a requirement for licensure (Section 197.287).

#### INTERFERENCE WITH MEDICAL ASSISTANCE

A person commits the offense of interference with medical assistance if he or she, while working as an employee of a crisis pregnancy center knowingly: orders or requests medical personnel to deviate from any applicable standard of care or ordinary practice while providing medical assistance to a patient for reasons unrelated to the patient's health or welfare; or attempts to prevent medical personnel from providing medical assistance to a patient in accordance with all applicable standards of care or ordinary practice for reasons unrelated to the patient's health or welfare. This offense is a class A misdemeanor (Section 574.200).

This bill is the same as HB 10 (2017 2nd Extraordinary Session) and similar to HB 374 (2017).