

SECOND REGULAR SESSION

HOUSE BILL NO. 2867

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STINNETT.

5226H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to notice requirements for health carriers, with penalty provisions.

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

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.378, to read as follows:

376.378. 1. As used in this section, the terms "health care provider", "health care service", "health carrier", and "participating provider" shall have the same meanings given to the terms in section 376.1350.

2. If a health carrier changes its address, insurance payer identification number, or other information necessary for a health care provider to file a claim for reimbursement of health care services with the health carrier, the health carrier shall notify all participating providers via certified mail and electronic mail of any such change no less than ninety calendar days before the change takes effect.

3. If a health carrier fails to provide notification of a change as required under subsection 2 of this section, the health carrier shall expeditiously pay all claims submitted by participating providers during the noncompliance period, which begins on the date notice of the change was required under subsection 2 of this section and ends on the date notification of the change is timely and appropriately made as required under subsection 2 of this section. The health carrier shall also pay any participating provider who submitted a claim during such noncompliance period one percent interest for each day of the noncompliance period and a penalty in an amount equal to one percent of each claim for each day of the noncompliance period.

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 **4. A health care provider may file a complaint for violation of this section with**
19 **the department of commerce and insurance through the process delineated in subsection**
20 **6 of section 376.384 and shall be afforded all remedies available under this section**
21 **through such complaint process.**

22 **5. A health care provider may seek relief for a violation of this section through a**
23 **court of competent jurisdiction. Upon a finding by a court of competent jurisdiction**
24 **that the health carrier failed to pay any claim, interest, or penalty under this section**
25 **without good cause, the court shall enter judgment for reasonable attorney's fees for**
26 **services necessary for recovery of moneys owed under this section. Upon a finding that**
27 **a health care provider filed suit without reasonable grounds to recover a claim, the**
28 **court shall award the health carrier reasonable attorney's fees necessary to the defense.**

29 **6. The provisions of this section shall not apply to MO HealthNet, except that a**
30 **Medicaid managed care organization as defined in section 208.431 shall be considered a**
31 **health carrier for purposes of this section.**

✓