

FIRST REGULAR SESSION

HOUSE BILL NO. 398

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

1390H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 191.648, 192.769, and 210.030, RSMo, and to enact in lieu thereof four new sections relating to health care.

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

Section A. Sections 191.648, 192.769, and 210.030, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 191.648, 192.2521, 210.030, and 376.1240, to read as follows:

191.648. 1. As used in this section, the following terms mean:

(1) **"Designated sexually transmitted infection", chlamydia, gonorrhea, trichomoniasis, or any other sexually transmitted infection designated as appropriate for expedited partner therapy by the department of health and senior services or for which expedited partner therapy was recommended in the most recent Centers for Disease Control and Prevention guidelines for the prevention or treatment of sexually transmitted infections;**

(2) **"Expedited partner therapy" [means], the practice of treating the sex partners of persons with [chlamydia or gonorrhea] designated sexually transmitted infections without an intervening medical evaluation or professional prevention counseling;**

(3) **"Health care professional", a member of any profession regulated by chapter 334 or 335 authorized to prescribe medications.**

2. Any licensed [physician] **health care professional** may, but shall not be required to, utilize expedited partner therapy for the management of the partners of persons with [chlamydia or gonorrhea] **designated sexually transmitted infections**. Notwithstanding the requirements of 20 CSR 2150- 5.020 (5) or any other law to the contrary, a licensed

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.

17 ~~[physician]~~ **health care professional** utilizing expedited partner therapy may prescribe and
18 dispense medications for the treatment of ~~[chlamydia or gonorrhea]~~ **a designated sexually**
19 **transmitted infection** for an individual who is the partner of a person with ~~[chlamydia or~~
20 ~~gonorrhea]~~ **a designated sexually transmitted infection** and who does not have an
21 established ~~[physician/patient]~~ relationship with such ~~[physician]~~ **health care professional**.
22 ~~[Any antibiotic medications prescribed and dispensed for the treatment of chlamydia or~~
23 ~~gonorrhea under this section shall be in pill form.]~~

24 3. Any licensed ~~[physician]~~ **health care professional** utilizing expedited partner
25 therapy for the management of the partners with ~~[chlamydia or gonorrhea]~~ **designated**
26 **sexually transmitted infections** shall provide explanation and guidance to ~~[a]~~ **each** patient
27 ~~[diagnosed with chlamydia or gonorrhea]~~ of the preventative measures that can be taken by
28 the patient to stop the ~~[spread]~~ **transmission** of such ~~[diagnosis]~~ **infection**.

29 4. Any licensed ~~[physician]~~ **health care professional** utilizing expedited partner
30 therapy for the management of partners of persons with ~~[chlamydia or gonorrhea]~~ **designated**
31 **sexually transmitted infections** under this section shall have immunity from any civil
32 liability that may otherwise result by reason of such actions, unless such ~~[physician]~~ **health**
33 **care professional** acts negligently, recklessly, in bad faith, or with malicious purpose.

34 5. The department of health and senior services and the division of professional
35 registration within the department of commerce and insurance shall by rule develop
36 guidelines for the implementation of subsection 2 of this section. Any rule or portion of a
37 rule, as that term is defined in section 536.010, that is created under the authority delegated in
38 this section shall become effective only if it complies with and is subject to all of the
39 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
40 are nonseverable and if any of the powers vested with the general assembly pursuant to
41 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
42 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
43 proposed or adopted after August 28, 2010, shall be invalid and void.

**192.2521. A specialty hospital is exempt from the provisions of sections 192.2520
2 and 197.135 if such hospital has a policy for the transfer of a victim of a sexual assault to
3 an appropriate hospital with an emergency department. As used in this section,
4 "specialty hospital" means a hospital that has been designated by the department of
5 health and senior services as something other than a general acute care hospital.**

210.030. 1. Every licensed physician, midwife, registered nurse and all persons who
2 may undertake, in a professional way, the obstetrical and gynecological care of a pregnant
3 woman in the state of Missouri shall, if the woman consents, take or cause to be taken a
4 sample of venous blood of such woman at the time of the first prenatal examination, or not
5 later than twenty days after the first prenatal examination, **and another sample at twenty-**

6 **eight weeks of pregnancy** and subject such ~~[sample]~~ **samples** to an approved and standard
7 serological test for syphilis~~[, an]~~ **and** approved serological ~~[test]~~ **tests** for hepatitis B,
8 **hepatitis C, human immunodeficiency virus (HIV)**, and such other treatable diseases and
9 metabolic disorders as are prescribed by the department of health and senior services. ~~[In any~~
10 ~~area of the state designated as a syphilis outbreak area by the department of health and senior~~
11 ~~services, if the mother consents, a sample of her venous blood shall be taken later in the~~
12 ~~course of pregnancy and at delivery for additional testing for syphilis as may be prescribed by~~
13 ~~the department]~~ **If a mother tests positive for syphilis, hepatitis B, hepatitis C, or HIV, or**
14 **any combination of such diseases, the physician or person providing care shall**
15 **administer treatment in accordance with the most recent accepted medical practice.** If a
16 mother tests positive for hepatitis B, the physician or person who professionally undertakes
17 the pediatric care of a newborn shall also administer the appropriate doses of hepatitis B
18 vaccine and hepatitis B immune globulin (HBIG) in accordance with the current
19 recommendations of the Advisory Committee on Immunization Practices (ACIP). If the
20 mother's hepatitis B status is unknown, the appropriate dose of hepatitis B vaccine shall be
21 administered to the newborn in accordance with the current ACIP recommendations. If the
22 mother consents, a sample of her venous blood shall be taken. If she tests positive for
23 hepatitis B, hepatitis B immune globulin (HBIG) shall be administered to the newborn in
24 accordance with the current ACIP recommendations.

25 2. The department of health and senior services shall~~[, in consultation with the~~
26 ~~Missouri genetic disease advisory committee,]~~ make such rules pertaining to such tests as
27 shall be dictated by accepted medical practice, and tests shall be of the types approved **or**
28 **accepted** by the ~~[department of health and senior services]~~ **United States Food and Drug**
29 **Administration.** ~~[An approved and standard test for syphilis, hepatitis B, and other treatable~~
30 ~~diseases and metabolic disorders shall mean a test made in a laboratory approved by the~~
31 ~~department of health and senior services.]~~ No individual shall be denied testing by the
32 department of health and senior services because of inability to pay.

376.1240. 1. For purposes of this section, terms shall have the same meanings as
2 ascribed to them in section 376.1350, and the term "self-administered hormonal
3 contraceptive" shall mean a drug that is composed of one or more hormones and that is
4 approved by the Food and Drug Administration to prevent pregnancy, excluding
5 emergency contraception. Nothing in this section shall be construed to apply to
6 medications approved by the Food and Drug Administration to terminate an existing
7 pregnancy.

8 2. Any health benefit plan delivered, issued for delivery, continued, or renewed
9 in this state on or after January 1, 2026, that provides coverage for self-administered
10 hormonal contraceptives shall provide coverage to reimburse a health care provider or

11 **dispensing entity for the dispensing of a supply of self-administered hormonal**
12 **contraceptives intended to last up to one year.**

13 **3. The coverage required under this section shall not be subject to any greater**
14 **deductible or co-payment than other similar health care services provided by the health**
15 **benefit plan.**

2 ~~[192.769. 1. On completion of a mammogram, a mammography~~
3 ~~facility certified by the United States Food and Drug Administration (FDA) or~~
4 ~~by a certification agency approved by the FDA shall provide to the patient the~~
5 ~~following notice:~~

6 ~~"If your mammogram demonstrates that you have dense breast tissue,~~
7 ~~which could hide abnormalities, and you have other risk factors for breast~~
8 ~~cancer that have been identified, you might benefit from supplemental~~
9 ~~screening tests that may be suggested by your ordering physician. Dense~~
10 ~~breast tissue, in and of itself, is a relatively common condition. Therefore, this~~
11 ~~information is not provided to cause undue concern, but rather to raise your~~
12 ~~awareness and to promote discussion with your physician regarding the~~
13 ~~presence of other risk factors, in addition to dense breast tissue. A report of~~
14 ~~your mammography results will be sent to you and your physician. You~~
15 ~~should contact your physician if you have any questions or concerns regarding~~
16 ~~this report."~~

17 ~~2. Nothing in this section shall be construed to create a duty of care~~
18 ~~beyond the duty to provide notice as set forth in this section.~~

19 ~~3. The information required by this section or evidence that a person~~
20 ~~violated this section is not admissible in a civil, judicial, or administrative~~
21 ~~proceeding.~~

22 ~~4. A mammography facility is not required to comply with the~~
~~requirements of this section until January 1, 2015.]~~

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