

FIRST REGULAR SESSION

HOUSE BILL NO. 991

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHELPS.

1965H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to air ambulance memberships, with penalty provisions.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.324, to read as follows:

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

(1) "Air ambulance membership agreement", an agreement in exchange for consideration to pay for, indemnify, or provide an amount to a person for the cost of air ambulance services. The term "air ambulance membership agreement" shall not include a health insurance plan or policy regulated under chapter 376;

(2) "Air ambulance membership organization", an individual or entity that provides an air ambulance membership agreement.

2. (1) An air ambulance membership organization shall not knowingly sell, offer for sale, or provide an air ambulance membership agreement to an individual who is enrolled in MO HealthNet.

(2) If an individual who has purchased an air ambulance membership agreement subsequently enrolls in MO HealthNet during the duration of the membership agreement, the enrollee shall notify the air ambulance membership organization of such enrollment within thirty days following the effective date of the enrollment. If the enrollee timely notifies the air ambulance membership organization of such enrollment, the air ambulance membership organization shall provide the enrollee a prorated refund of any consideration paid for the period from the effective

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 date of the MO HealthNet enrollment through the expiration date of the air ambulance
19 membership agreement. If the enrollee does not timely notify the air ambulance
20 membership organization of such enrollment, the enrollee is not entitled to a prorated
21 refund, but the air ambulance membership organization shall still disenroll the enrollee
22 within thirty days of receipt of the notice of the enrollee's enrollment in MO HealthNet.

23 **3. All air ambulance membership agreement websites, brochures, and marketing**
24 **material shall include the following disclosures in at least twelve-point Times New**
25 **Roman font or, alternatively, a clear and conspicuous hyperlink that leads to the**
26 **following disclosures:**

27 **(1) The air ambulance membership agreement is a membership plan and is not**
28 **insurance coverage;**

29 **(2) MO HealthNet covers air ambulance transport services and requires no out-**
30 **of-pocket expense by the enrollee for air ambulance transport services; and**

31 **(3) Some state laws prohibit Medicaid beneficiaries from being offered air**
32 **ambulance memberships or being accepted into air ambulance membership programs.**
33 **If an individual submits an air ambulance membership agreement application, the**
34 **applicant is required to attest to the fact that the applicant is not currently, and does not**
35 **plan to be, enrolled in Medicaid.**

36 **4. An air ambulance membership agreement application shall include the**
37 **following disclosures in at least twelve-point Times New Roman font:**

38 **(1) The air ambulance membership agreement is a membership plan and is not**
39 **insurance coverage;**

40 **(2) MO HealthNet covers air ambulance transport services and requires no out-**
41 **of-pocket expense by the enrollee for air ambulance transport services; and**

42 **(3) Some state laws prohibit Medicaid beneficiaries from being offered air**
43 **ambulance memberships or being accepted into air ambulance membership programs.**
44 **By submitting this application, the applicant attests to the fact that the applicant is not**
45 **currently, and does not plan to be, enrolled in Medicaid. If the applicant is not currently**
46 **enrolled in Medicaid but becomes enrolled at any time during the duration of the**
47 **membership agreement, the applicant is required to notify the air ambulance**
48 **membership organization within thirty days. If the applicant timely notifies the air**
49 **ambulance membership organization of such enrollment, the air ambulance**
50 **membership organization shall provide the applicant a prorated refund of any**
51 **consideration paid for the air ambulance membership agreement.**

52 **5. If an enrollee believes that an individual or entity has violated the provisions**
53 **of this section, the enrollee may file a complaint with the office of the state attorney**
54 **general.**

55 **6. A violation of any provision of this section shall be deemed a violation of**
56 **section 407.020, and any person violating any provision of this section shall be subject to**
57 **all penalties, remedies, and procedures provided in sections 407.010 to 407.145. The**
58 **attorney general shall have all powers, rights, and duties regarding violations of this**
59 **section as are provided in sections 407.010 to 407.145.**

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