

HOUSE BILL NO. 1945

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HRUZA.

4438H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 338.333, RSMo, and to enact in lieu thereof three new sections relating to health care.

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

Section A. Section 338.333, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 208.149, 338.333, and 376.1245, to read as follows:

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

(1) "Clinical pathology services", professional medical services provided by a pathologist for the examination, diagnosis, and interpretation of laboratory tests performed on patient specimens to aid in the diagnosis and treatment of disease. Clinical pathology services include, but are not limited to, hematology, microbiology, immunology, clinical chemistry, molecular pathology, and other laboratory-based diagnostic procedures;

(2) "Hospital-based pathologist", a licensed physician specializing in pathology who provides clinical pathology services within a hospital setting;

(3) "Professional component of clinical pathology services", the portion of clinical pathology services that involves the pathologist's professional expertise in interpreting and supervising laboratory tests, excluding the technical component of performing the laboratory tests.

2. The fee for the professional component of clinical pathology services shall be paid by MO HealthNet for professional services provided by a hospital-based pathologist for inpatient clinical pathology services rendered to patients covered by the MO HealthNet program.

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 **3. The reimbursement amount for the professional component of clinical**
19 **pathology services shall be set at thirty percent of the approved outpatient simplified fee**
20 **schedule based on Medicare's clinical laboratory fee schedule for the corresponding**
21 **clinical pathology services payable by MO HealthNet.**

22 **4. (1) If the fee for the professional component of clinical pathology services is**
23 **paid for professional services provided by a pathologist employed by the hospital where**
24 **the clinical pathology services are rendered to covered MO HealthNet patients, the**
25 **professional fee shall be paid directly to the hospital.**

26 **(2) If the fee for the professional component of clinical pathology services is paid**
27 **for professional services provided by a pathologist who is not employed by the hospital**
28 **where clinical pathology services are rendered to covered MO HealthNet patients, the**
29 **professional fee shall be paid directly to the third party providing the services.**

30 **5. The department of social services shall promulgate all necessary rules and**
31 **regulations for the administration of this section. Any rule or portion of a rule, as that**
32 **term is defined in section 536.010, that is created under the authority delegated in this**
33 **section shall become effective only if it complies with and is subject to all of the**
34 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
35 **536 are nonseverable and if any of the powers vested with the general assembly**
36 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
37 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
38 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

338.333. 1. Except as otherwise provided by the board of pharmacy by rule in the
2 event of an emergency or to alleviate a supply shortage, no person or distribution outlet shall
3 act as a wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party
4 logistics provider without first obtaining license to do so from the Missouri board of
5 pharmacy and paying the required fee. The board may grant temporary licenses when the
6 wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics
7 provider first applies for a license to operate within the state. Temporary licenses shall
8 remain valid until such time as the board shall find that the applicant meets or fails to meet the
9 requirements for regular licensure. No license shall be issued or renewed for a wholesale
10 drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider to
11 operate unless the same shall be operated in a manner prescribed by law and according to the
12 rules and regulations promulgated by the board of pharmacy with respect thereto. Separate
13 licenses shall be required for each distribution site owned or operated by a wholesale drug
14 distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider, unless
15 such drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider
16 meets the requirements of section 338.335.

17 2. An agent or employee of any licensed or registered wholesale drug distributor,
18 pharmacy distributor, drug outsourcer, or third-party logistics provider need not seek
19 licensure under this section and may lawfully possess pharmaceutical drugs, if the agent or
20 employee is acting in the usual course of his or her business or employment.

21 3. The board may permit out-of-state wholesale drug distributors, drug outsourcers,
22 third-party logistics ~~[provider]~~ **providers**, or out-of-state pharmacy distributors to be licensed
23 as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that the
24 entity both:

25 (1) Possesses a valid license granted by another state pursuant to legal standards
26 comparable to those which must be met by a wholesale drug distributor, pharmacy distributor,
27 drug ~~[outsourcers]~~ **outsourcer**, or third-party logistics provider of this state as prerequisites
28 for obtaining a license under the laws of this state. **If a state license is not issued by their**
29 **resident state, out-of-state wholesale drug distributors and third-party logistics**
30 **providers with a current and valid drug distributor accreditation from the National**
31 **Association of Boards of Pharmacy or its successor may be eligible for licensure as**
32 **provided by the board by rule; and**

33 (2) Distributes into Missouri from a state which would extend reciprocal treatment
34 under its own laws to a wholesale drug distributor, pharmacy distributor, drug outsourcers, or
35 third-party logistics provider of this state.

376.1245. 1. As used in this section, the following terms mean:

2 (1) **"Anesthesia time", the period during which an anesthesia practitioner is**
3 **present with the patient, starting when the anesthesia practitioner begins to prepare the**
4 **patient for anesthesia services in the operating room or an equivalent area and ending**
5 **when the anesthesia practitioner is no longer furnishing anesthesia services to the**
6 **patient because the patient may be placed safely under postoperative or postanesthesia**
7 **care. The term "anesthesia time" includes, if counted by the anesthesia practitioner,**
8 **blocks of time around an interruption in anesthesia time provided the anesthesia**
9 **practitioner is furnishing continuous anesthesia care within the time periods around the**
10 **interruption;**

11 (2) **"Anesthesia time units", time units recognized with appropriate time**
12 **intervals that do not exceed fifteen minutes in length for each interval and that, taken**
13 **together, represent the total anesthesia time for a particular anesthesia service;**

14 (3) **"Excepted benefit plan", the same meaning given to the term in section**
15 **376.998;**

16 (4) **"Health benefit plan", the same meaning given to the term in section**
17 **376.1350. The term "health benefit plan" shall also include MO HealthNet, the**
18 **children's health insurance program authorized under chapter 208, the Missouri**

19 consolidated health care plan established under chapter 103, and any other state-
20 sponsored health insurance program;

21 (5) "Health carrier", the same meaning given to the term in section 376.1350.
22 The term "health carrier" shall also include the MO HealthNet division and any
23 Medicaid managed care organization as defined in section 208.431;

24 (6) "Payment of anesthesia services", an amount paid for anesthesia services:

25 (a) Determined by using prevailing medical coding and billing standards in the
26 professional medical billing community, such as the Current Procedural Terminology
27 code book published by the American Medical Association, the Medicare Claims
28 Processing Manual, or guidance from nationally recognized anesthesia organizations;
29 and

30 (b) Calculated as the product obtained by multiplying the following together:

31 a. The sum of the base units for the appropriate medical code plus anesthesia
32 time units; and

33 b. An anesthesia conversion factor that is defined in the individual contract
34 between the health carrier or health benefit plan and the anesthesia practitioner or
35 group.

36 2. No health carrier or health benefit plan shall establish, implement, or enforce
37 any policy, practice, or procedure that imposes a time limit for the payment of
38 anesthesia services provided during a medical or surgical procedure.

39 3. No health carrier or health benefit plan shall establish, implement, or enforce
40 any policy, practice, or procedure that restricts or excludes all anesthesia time in
41 calculating the payment of anesthesia services.

42 4. Excepted benefit plans shall be subject to the requirements of this section.

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