

SECOND REGULAR SESSION

HOUSE BILL NO. 2570

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (46).

5738H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage of anesthesia services, with an emergency clause.

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
2 known as section 376.1245, to read as follows:

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

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 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 published by the American Society of
29 Anesthesiologists; 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.

Section B. Because immediate action is necessary to protect the ability of health care
2 providers to deliver medically necessary health care services to Missourians, section A of this
3 act is deemed necessary for the immediate preservation of the public health, welfare, peace,
4 and safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its passage and
6 approval.