

SECOND REGULAR SESSION

# HOUSE BILL NO. 1565

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WALLINGFORD.

4044H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 197.400, 197.405, and 197.445, RSMo, and to enact in lieu thereof three new sections relating to home health.

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

Section A. Sections 197.400, 197.405, and 197.445, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 197.400, 197.405, and 197.445, to read as follows:

197.400. As used in sections 197.400 to 197.475, unless the context otherwise requires, the following terms mean:

(1) **"Clinical nurse specialist", a person licensed by the state board of nursing under the provisions of chapter 335 to practice in this state as a clinical nurse specialist;**

(2) "Council", the home health services advisory council created by sections 197.400 to 197.475;

~~(2)~~ (3) "Department", the department of health and senior services;

~~(3)~~ (4) "Home health agency", a public agency or private organization or a subdivision or subunit of an agency or organization that provides two or more home health services at the residence of a patient according to a ~~physician's~~ written ~~and signed~~ plan of treatment **signed by a physician, podiatrist, nurse practitioner, clinical nurse specialist, or physician assistant;**

~~(4)~~ (5) "Home health services", any of the following items and services provided at the residence of the patient on a part-time or intermittent basis: nursing, physical therapy, speech therapy, occupational therapy, home health aid, or medical social service;

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.

16           ~~[(5)]~~ (6) **"Nurse practitioner", a person licensed by the state board of nursing**  
17 **under the provisions of chapter 335 to practice in this state as a nurse practitioner;**

18           (7) "Part-time or intermittent basis", the providing of home health services in an  
19 interrupted interval sequence on the average of not to exceed three hours in any twenty-four-  
20 hour period;

21           ~~[(6)]~~ (8) "Patient's residence", the actual place of residence of the person receiving  
22 home health services, including institutional residences as well as individual dwelling units;

23           ~~[(7)]~~ (9) "Physician", a person licensed by the state board of registration for the  
24 healing arts pursuant to the provisions of chapter 334 to practice in this state as a physician  
25 and surgeon;

26           ~~[(8)]~~ (10) **"Physician assistant", a person licensed by the state board of**  
27 **registration for the healing arts under the provisions of chapter 334 to practice in this**  
28 **state as a physician assistant;**

29           (11) "Plan of treatment", a plan reviewed and signed as often as medically necessary  
30 by a physician [ø], podiatrist, **nurse practitioner, clinical nurse specialist, or physician**  
31 **assistant**, not to exceed sixty days in duration, prescribing items and services for an  
32 individual patient's condition;

33           ~~[(9)]~~ (12) "Podiatrist", a person licensed by the state board of podiatry pursuant to the  
34 provisions of chapter 330 to practice in this state as a podiatrist;

35           ~~[(10)]~~ (13) "Subunit" or "subdivision", any organizational unit of a larger  
36 organization which can be clearly defined as a separate entity within the larger structure,  
37 which can meet all of the requirements of sections 197.400 to 197.475 independent of the  
38 larger organization, which can be held accountable for the care of patients it is serving, and  
39 which provides to all patients care and services meeting the standards and requirements of  
40 sections 197.400 to 197.475.

197.405. No home health agency, including Medicare and Medicaid providers, shall  
2 provide two or more of the home health services covered by subdivision ~~[(4)]~~ (5) of section  
3 197.400 or shall hold itself out as providing such home health services or as a home health  
4 agency unless it is licensed and registered in accordance with the provisions of sections  
5 197.400 to 197.475.

197.445. 1. The department may adopt reasonable rules and standards necessary to  
2 carry out the provisions of sections 197.400 to 197.477. The rules and standards adopted  
3 shall not be less than the standards established by the federal government for home health  
4 agencies under Title XVIII of the Federal Social Security Act. The reasonable rules and  
5 standards shall be initially promulgated within one year of September 28, 1983.

6           2. The rules and standards adopted by the department pursuant to the provisions of  
7 sections 197.400 to 197.477 shall apply to all health services covered by sections 197.400 to

8 197.477 rendered to any patient being served by a home health agency regardless of source of  
9 payment for the service, patient's condition, or place of residence, at which the home health  
10 services are ordered by the physician [~~or~~], podiatrist, **nurse practitioner, clinical nurse**  
11 **specialist, or physician assistant**. No rule or portion of a rule promulgated pursuant to the  
12 authority of sections 197.400 to 197.477 shall become effective unless it has been  
13 promulgated pursuant to the provisions of section 536.024.

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