

SECOND REGULAR SESSION

HOUSE BILL NO. 1589

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HELMS.

4046H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 197.215, RSMo, and to enact in lieu thereof one new section relating to birthing centers.

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

Section A. Section 197.215, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 197.215, to read as follows:

197.215. 1. Upon receipt of an application for a license, the department of health and senior services shall issue a license if the applicant and ambulatory surgical center facilities or abortion facilities meet the requirements established under sections 197.200 to 197.240, and have provided affirmative evidence that:

(1) Each member of the surgical staff is a physician, dentist or podiatrist currently licensed to practice in Missouri, and each person authorized to perform or induce abortions is a physician currently licensed to practice in Missouri;

(2) Surgical procedures in ambulatory surgical centers shall be performed only by physicians, dentists or podiatrists, who at the time are privileged to perform surgical procedures in at least one licensed hospital in the community in which the ambulatory surgical center is located, thus providing assurance to the public that patients treated in the center shall receive continuity of care should the services of a hospital be required; alternatively, applicant shall submit a copy of a current working agreement with at least one licensed hospital in the community in which the ambulatory surgical center is located, guaranteeing the transfer and admittance of patients for emergency treatment whenever necessary. **Birthing centers shall not be required to have a physician on staff with hospital admitting privileges;**

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 (3) Continuous physician services or registered professional nursing services are
18 provided whenever a patient is in the facility;

19 (4) Adequate medical records for each patient are to be maintained.

20 2. Upon receipt of an application for a license, or the renewal thereof, the department
21 shall issue or renew the license if the applicant and program meet the requirements established
22 under sections 197.200 to 197.240. Each license shall be issued only for the persons and
23 premises named in the application. A license, unless sooner suspended or revoked, shall be
24 issued for a period of one year.

25 3. Each license shall be issued only for the premises and persons or governmental units
26 named in the application, and shall not be transferable or assignable except with the written
27 consent of the department. Licenses shall be posted in a conspicuous place on the licensed
28 premises.

29 4. If, during the period in which an ambulatory surgical center license or an abortion
30 facility license is in effect, the license holder or operator legally transfers operational
31 responsibilities by any process to another person as defined in section 197.200, an application
32 shall be made for the issuance of a new license to become effective on the transfer date.

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