

SECOND REGULAR SESSION

# HOUSE BILL NO. 1718

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RILEY.

3263H.02I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to health care contractors.

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

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be known as section 285.490, to read as follows:

**285.490. 1. For purposes of this section, the following terms mean:**

(1) "Health care contractor", any person or organization, including, but not limited to, an individual, corporation, limited liability company, partnership, sole proprietor, or other entity, that enters into an agreement with a platform in order to use the platform to provide services to third-party individuals or third-party entities seeking health care services;

(2) "Health care service", any health care, dental, or veterinary service or any service in support of or related to such service;

(3) "Platform", an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, that both:

(a) Operates a digital website or digital smartphone application that facilitates the provision of health care services to individuals or entities seeking such services; and

(b) Accepts requests for health care services only through its digital website or digital smartphone application and does not accept requests for health care services by telephone, by facsimile, or in person at physical locations.

2. Notwithstanding any other provision of law, a health care contractor shall be treated as an independent contractor and not as an employee of the platform for all

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 purposes under state and local laws, regulations, ordinances, and resolutions if the  
19 following conditions are met:

20 (1) The platform and health care contractor agree in writing that the health care  
21 contractor is an independent contractor with respect to the platform;

22 (2) The platform does not unilaterally prescribe specific hours during which the  
23 health care contractor is required to be available to accept requests for health care  
24 services from third-party individuals or third-party entities;

25 (3) The health care contractor is free to accept or reject requests for health care  
26 services without being penalized in any form by the platform. This subdivision shall not  
27 apply if the health care contractor accepts a request for health care services and  
28 subsequently fails to fulfill any of its contractual obligations with respect to the request;

29 (4) The platform does not bar the health care contractor from engaging in any  
30 other occupation or business;

31 (5) The platform does not require health care contractors to use specific supplies  
32 or equipment;

33 (6) The platform does not control the means and methods for the services  
34 performed by a health care contractor by requiring the health care contractor to follow  
35 specified instructions governing how to perform the services. However, the platform  
36 may require that the quality of the services provided by the health care contractor meets  
37 specific standards and requirements;

38 (7) The agreement or contract between the health care contractor and the  
39 platform may be terminated by either the health care contractor or the platform with or  
40 without cause;

41 (8) The health care contractor is responsible for the taxes on the health care  
42 contractor's own earnings derived from the services performed for third parties  
43 through the assignments or connections received through the platform; and

44 (9) All or substantially all of the payment to the health care contractor is based  
45 on the performance of services for third parties who have engaged the services of the  
46 health care contractor through the platform.

47 3. Nothing in this section shall be construed to permit a health care contractor to  
48 provide any health care service without holding any license required under the laws of  
49 this state to provide such service.

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