

SECOND REGULAR SESSION

HOUSE BILL NO. 1943

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRIST.

4514H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to payment for health care services, with penalty provisions.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.2299, to read as follows:

191.2299. 1. This section shall be known and may be cited as the "Honest Billing Act".

2. As used in this section, the following terms shall mean:

(1) "Campus", the same meaning as in 42 CFR 413.65(a), as may be amended from time to time;

(2) "Enrollee", the same meaning as is ascribed to such term in section 376.1350;

(3) "Facility", the same meaning as is ascribed to such term in section 376.1350;

(4) "Health care service", the same meaning as is ascribed to such term in section 376.1350;

(5) "Health carrier" or "carrier", the same meaning as is ascribed to such term in section 376.1350;

(6) "National provider identifier" or "NPI", the standard, unique health identifier for health care providers that is issued by the National Plan and Provider Enumeration System in accordance with 45 CFR Part 162;

(7) "Off-campus outpatient department of a facility", a location:

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 **(a) Whose operations are directly or indirectly owned or controlled by, in whole**
17 **or in part, or affiliated with, a hospital, regardless of whether the operations are under**
18 **the same governing body as the hospital;**

19 **(b) That is located more than two hundred fifty yards from the hospital's main**
20 **campus;**

21 **(c) That provides services that are organizationally and functionally integrated**
22 **with the hospital; and**

23 **(d) That is an outpatient facility providing preventive, diagnostic, treatment, or**
24 **emergency services.**

25 **3. Except as otherwise specified in this section, this section shall apply to all**
26 **facilities licensed and operating in this state and to all health carriers doing business in**
27 **this state. This section shall apply to claims submitted on or after January 1, 2025.**

28 **4. Irrespective of 45 CFR 162.410(a)(1), each off-campus outpatient department**
29 **of a facility shall apply for, obtain, and use, on all claims filed after the date specified in**
30 **subsection 3 of this section, for reimbursement or payment for health care services**
31 **provided in that department, a unique NPI that is distinct from the NPI used by the**
32 **main campus of the facility and any other off-campus location of the facility.**

33 **5. (1) No facility, or entity on behalf of a facility, shall, with respect to health**
34 **care services furnished to an enrollee at an off-campus outpatient department of a**
35 **facility, submit a claim for such health care services to a health carrier, or hold the**
36 **enrollee liable for such health care services, unless those health care services are billed**
37 **using the separate unique NPI established for the off-campus outpatient department**
38 **and on a CMS 1500 form or a HIPAA X12 837P electronic claims transaction or a**
39 **successor form or transaction.**

40 **(2) No health carrier shall be responsible to reimburse claims for health care**
41 **services furnished to an enrollee at an off-campus outpatient department of a facility if**
42 **such claims are not billed in accordance with this subsection.**

43 **6. A facility, or entity on behalf of a facility, that does not bill for health care**
44 **services rendered to an enrollee at an off-campus outpatient department of a facility in**
45 **accordance with this section shall not hold the enrollee liable to pay for the health care**
46 **services. A violation of this subsection shall constitute a violation of the Missouri**
47 **merchandising practices act, sections 407.010 to 407.130, subject to enforcement by the**
48 **attorney general.**

49 **7. A facility applying for a license or license renewal by the state shall**
50 **demonstrate that it has obtained one or more NPIs as required under this section as a**
51 **condition of receiving licensure, and shall use its unique NPI or NPIs on every claim for**
52 **payment in the manner required under this section.**

53 **8. The department of health and senior services may, in accordance with chapter**
54 **536, impose penalties on any licensee violating any of the provisions of this section by**
55 **taking any or all of the following actions, separately or in combination:**

56 **(1) Imposing an administrative fine of one thousand dollars for each violation of**
57 **this section;**

58 **(2) Recovering reasonable investigative fees and costs incurred as a consequence**
59 **of the violation or violations;**

60 **(3) Suspending, revoking, or denying the issuance or renewal of a license;**

61 **(4) Placing conditions on a license;**

62 **(5) Placing a licensee on probation;**

63 **(6) Referring a licensee to the attorney general for investigation; and**

64 **(7) Requiring the provider to post information about these penalties on the main**
65 **page of its website.**

66 **9. The director of the department of commerce and insurance shall have**
67 **authority to refer any violation of this section to the department of health and senior**
68 **services. The attorney general shall have authority to enforce the provisions of this**
69 **section.**

70 **10. The director of the department of commerce and insurance may promulgate**
71 **rules as necessary for the implementation of this section. Any rule or portion of a rule,**
72 **as that term is defined in section 536.010, that is created under the authority delegated**
73 **in this section shall become effective only if it complies with and is subject to all of the**
74 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
75 **536 are nonseverable and if any of the powers vested with the general assembly**
76 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
77 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
78 **and any rule proposed or adopted after August 28, 2024, shall be invalid and void.**

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