

SECOND REGULAR SESSION

SENATE BILL NO. 1017

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time March 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5260S.011

AN ACT

To repeal sections 198.439, 208.437, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to certain provider taxes, with expiration dates.

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

Section A. Sections 198.439, 208.437, and 338.550, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 198.439,
3 208.437, and 338.550, to read as follows:

198.439. Sections 198.401 to 198.436 shall expire on September 30, [2011]
2 **2015**.

208.437. 1. A Medicaid managed care organization reimbursement
2 allowance period as provided in sections 208.431 to 208.437 shall be from the first
3 day of July to the thirtieth day of June. The department shall notify each
4 Medicaid managed care organization with a balance due on the thirtieth day of
5 June of each year the amount of such balance due. If any managed care
6 organization fails to pay its managed care organization reimbursement allowance
7 within thirty days of such notice, the reimbursement allowance shall be
8 delinquent. The reimbursement allowance may remain unpaid during an appeal.

9 2. Except as otherwise provided in this section, if any reimbursement
10 allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid
11 and delinquent, the department of social services may compel the payment of
12 such reimbursement allowance in the circuit court having jurisdiction in the
13 county where the main offices of the Medicaid managed care organization are
14 located. In addition, the director of the department of social services or the
15 director's designee may cancel or refuse to issue, extend or reinstate a Medicaid
16 contract agreement to any Medicaid managed care organization which fails to pay

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 such delinquent reimbursement allowance required by sections 208.431 to 208.437
18 unless under appeal.

19 3. Except as otherwise provided in this section, failure to pay a delinquent
20 reimbursement allowance imposed under sections 208.431 to 208.437 shall be
21 grounds for denial, suspension or revocation of a license granted by the
22 department of insurance, financial institutions and professional registration. The
23 director of the department of insurance, financial institutions and professional
24 registration may deny, suspend or revoke the license of a Medicaid managed care
25 organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay
26 a managed care organization's delinquent reimbursement allowance unless under
27 appeal.

28 4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in
29 any way limit the tax-exempt or nonprofit status of any Medicaid managed care
30 organization with a contract under 42 U.S.C. Section 1396b(m) granted by state
31 law.

32 5. Sections 208.431 to 208.437 shall expire on September 30, [2011] **2015**.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550
2 shall expire ninety days after any one or more of the following conditions are met:

3 (1) The aggregate dispensing fee as appropriated by the general assembly
4 paid to pharmacists per prescription is less than the fiscal year 2003 dispensing
5 fees reimbursement amount; or

6 (2) The formula used to calculate the reimbursement as appropriated by
7 the general assembly for products dispensed by pharmacies is changed resulting
8 in lower reimbursement to the pharmacist in the aggregate than provided in
9 fiscal year 2003; or

10 (3) September 30, [2011] **2015**. The director of the department of social
11 services shall notify the revisor of statutes of the expiration date as provided in
12 this subsection. The provisions of sections 338.500 to 338.550 shall not apply to
13 pharmacies domiciled or headquartered outside this state which are engaged in
14 prescription drug sales that are delivered directly to patients within this state via
15 common carrier, mail or a carrier service.

16 2. Sections 338.500 to 338.550 shall expire on September 30, [2011] **2015**.

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