

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 830

AN ACT

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

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

Section A. Sections 197.400 and 197.445, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 197.400 and 197.445, to read as follows: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) "Council", the home health services advisory council created by sections 197.400 to 197.475;
- (2) "Department", the department of health and senior services;
- (3) "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, nurse practitioner, clinical nurse specialist, or physician assistant;
- (4) "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;
- (5) "Nurse practitioner, clinical nurse specialist", a person recognized by the state board of nursing pursuant to

the provisions of chapter 335 to practice in this state as a nurse practitioner or clinical nurse specialist;

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

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

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

(9) "Physician assistant", a person licensed by the state board of registration for the healing arts pursuant to the provisions of chapter 334 to practice in this state as a physician assistant;

[(8)] (10) "Plan of treatment", a plan reviewed and signed as often as [medically] necessary by a physician [or], podiatrist, nurse practitioner, clinical nurse specialist, or a physician assistant, not to exceed sixty days in duration, prescribing items and services for an individual patient's condition. A plan of treatment signed by a nurse practitioner, clinical nurse specialist, or a physician assistant shall be subject to review by a physician, consistent with the collaborative practice arrangement provisions of chapter 334 and implementing regulations;

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

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

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

2. The rules and standards adopted by the department pursuant to the provisions of sections 197.400 to 197.477 shall apply to all health services covered by sections 197.400 to 197.477 rendered to any patient being served by a home health agency regardless of source of payment for the service, patient's condition, or place of residence, at which the home health services are ordered by the physician [or], podiatrist, nurse practitioner, clinical nurse specialist, or physician assistant. No rule or portion of a rule promulgated pursuant to the authority of sections 197.400 to 197.477 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.