

SENATE BILL NO. 909

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3549S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 324, RSMo, by adding thereto one new section relating to the use of online platforms by health care contractors.

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

Section A. Chapter 324, RSMo, is amended by adding thereto
2 one new section, to be known as section 324.049, to read as
3 follows:

**324.049. 1. For purposes of this section, the
2 following terms shall mean:**

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

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

13 (3) "Platform", an organization, including a
14 corporation, limited liability company, partnership, sole
15 proprietorship, or any other entity, that both:

16 (a) Operates a digital website or digital smartphone
17 application that facilitates the provision of health care

18 services to individuals or entities seeking such services;
19 and

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

25 2. Notwithstanding any other provision of law to the
26 contrary, a health care contractor shall be treated as an
27 independent contractor and shall not be treated as an
28 employee of a platform for the purposes of all state and
29 local laws, regulations, ordinances, and resolutions if:

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

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

37 (3) The health care contractor may accept or reject
38 service requests without penalty in any form by the
39 platform. This subdivision shall not apply if the health
40 care contractor accepts a service request and fails to
41 fulfill any of its contractual obligations pursuant to such
42 request;

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

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

47 (6) The platform does not control the means and
48 methods for the services performed by a health care
49 contractor by requiring the health care contractor to follow

50 specified instructions governing the performance of
51 services. However, the platform may require that the
52 quality of the services provided by the health care
53 contractor meet specific standards and requirements;

54 (7) The agreement or contract between the health care
55 contractor and the platform may be terminated by either the
56 health care contractor or the platform with or without cause;

57 (8) The health care contractor is responsible for the
58 taxes on the health care contractor's own earnings derived
59 from the services performed for third-party individuals or
60 third-party entities through the assignments or connections
61 received from the platform; and

62 (9) All, or substantially all, payment to the health
63 care contractor is based on the performance of services for
64 third-party individuals or third-party entities who have
65 engaged the services of the health care contractor through
66 the platform.

67 3. Nothing in this section shall be construed to
68 authorize a health care contractor to provide any health
69 care service for which a license, registration, or
70 certificate is required pursuant to chapters 191, 197, 198,
71 209, or 324 to 346 if such contractor is not so licensed,
72 registered, or certified.

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