

SECOND REGULAR SESSION

SENATE BILL NO. 935

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5144S.011

AN ACT

To repeal section 376.1345, RSMo, and to enact in lieu thereof one new section relating to overpayment of health insurance claims.

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

Section A. Section 376.1345, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 376.1345, to read as follows:

376.1345. 1. As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.

2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.

3. If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:

(1) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and

(2) In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the

21 provider requests otherwise.

22 4. A health carrier shall allow the provider to select to be reimbursed by
23 an electronic funds transfer through the Automated Clearing House Network as
24 required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if
25 the provider makes such selection, the health carrier shall use such
26 reimbursement method to reimburse the provider until the provider requests
27 otherwise.

28 **5. An amount a health carrier claims was overpaid to a provider**
29 **may only be collected, withheld, or recouped from the provider, or**
30 **third party that submitted the provider's claim under the third party's**
31 **provider identification number, to whom the overpaid amount was**
32 **originally paid. The notice of withholding or recoupment by a health**
33 **carrier shall also inform the provider or third party of the health care**
34 **service, date of service, and patient for which the recoupment is being**
35 **made.**

36 **6.** Violation of this section shall be deemed an unfair trade practice under
37 sections 375.930 to 375.948.

Bill ✓

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