

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1383

100TH GENERAL ASSEMBLY

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Reported from the Committee on Health and Pensions, April 29, 2020, with recommendation that the Senate Committee Substitute do pass.

3795S.04C

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal sections 190.092, 191.1146, 196.990, 334.285, 376.1345, 376.1575, and 376.1578, RSMo, and to enact in lieu thereof seventeen new sections relating to health care, with an emergency clause for a certain section.

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

Section A. Sections 190.092, 191.1146, 196.990, 334.285, 376.1345, 2 376.1575, and 376.1578, RSMo, are repealed and seventeen new sections enacted 3 in lieu thereof, to be known as sections 9.152, 9.166, 9.182, 9.300, 9.309, 190.092, 4 190.1005, 191.940, 191.1146, 195.805, 195.830, 196.990, 321.621, 334.285, 5 376.1345, 376.1575, and 376.1578, to read as follows:

**9.152. The month of May is hereby designated as "Mental Health 2 Awareness Month". The citizens of this state are encouraged to 3 participate in appropriate awareness and educational activities that 4 emphasize the importance of good mental health and the effects of 5 mental illness on Missourians.**

**9.166. The month of July shall be known as "Minority Mental 2 Health Awareness Month". The citizens of this state are encouraged to 3 observe the month with appropriate events and activities to raise 4 awareness of the effects of mental illness on minorities.**

**9.182. The month of September shall be designated as "Deaf 2 Awareness Month" and the last week of September shall be designated 3 as "Deaf Awareness Week" in Missouri. The citizens of this state are 4 encouraged to participate in appropriate activities and events to 5 commemorate the first World Congress of the World Federation of the**

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

6 **Deaf in 1951 and to increase awareness of deaf issues, people, and**  
7 **culture.**

9.300. The twenty-second day of each month shall be designated  
2 as "Buddy Check 22 Day" in the state of Missouri. Citizens of this state  
3 are encouraged to check in on veterans on the twenty-second day of  
4 each month and participate in appropriate events and activities that  
5 raise awareness of the problem of suicide facing military personnel.

9.309. The month of April is hereby designated as "Limb Loss  
2 Awareness Month" in Missouri. Citizens of this state are encouraged to  
3 engage in appropriate events and activities to spread awareness about  
4 limb loss and limb difference.

190.092. 1. This section shall be known and may be cited as the "Public  
2 Access to Automated External Defibrillator Act".

3 2. [A person or entity who acquires an automated external defibrillator  
4 shall ensure that:

5 (1) Expected defibrillator users receive training by the American Red  
6 Cross or American Heart Association in cardiopulmonary resuscitation and the  
7 use of automated external defibrillators, or an equivalent nationally recognized  
8 course in defibrillator use and cardiopulmonary resuscitation;

9 (2) The defibrillator is maintained and tested according to the  
10 manufacturer's operational guidelines;

11 (3) Any person who renders emergency care or treatment on a person in  
12 cardiac arrest by using an automated external defibrillator activates the  
13 emergency medical services system as soon as possible; and

14 (4) Any person or entity that owns an automated external defibrillator  
15 that is for use outside of a health care facility shall have a physician review and  
16 approve the clinical protocol for the use of the defibrillator, review and advise  
17 regarding the training and skill maintenance of the intended users of the  
18 defibrillator and assure proper review of all situations when the defibrillator is  
19 used to render emergency care.

20 3. Any person or entity who acquires an automated external defibrillator  
21 shall notify the emergency communications district or the ambulance dispatch  
22 center of the primary provider of emergency medical services where the  
23 automated external defibrillator is to be located.

24 4.] **A person or entity that acquires an automated external**  
25 **defibrillator shall:**

26           **(1) Comply with all regulations governing the placement of an**  
27 **automated external defibrillator;**

28           **(2) Ensure that the automated external defibrillator is**  
29 **maintained and tested according to the operation and maintenance**  
30 **guidelines set forth by the manufacturer;**

31           **(3) Ensure that the automated external defibrillator is tested at**  
32 **least every two years and after each use; and**

33           **(4) Ensure that an inspection is made of all automated external**  
34 **defibrillators on the premises at least every ninety days for potential**  
35 **issues related to the operation of the device, including a blinking light**  
36 **or other obvious defect that may suggest tampering or that another**  
37 **problem has arisen with the functionality of the automated external**  
38 **defibrillator.**

39           **3.** Any person who gratuitously and in good faith renders emergency care  
40 by use of or provision of an automated external defibrillator shall not be held  
41 liable for any civil damages **or subject to any criminal penalty** as a result of  
42 such care or treatment, unless the person acts in a willful and wanton or reckless  
43 manner in providing the care, advice, or assistance. The person **who** or entity  
44 **[who] that** provides **[appropriate]** training to the person using an automated  
45 external defibrillator, the person or entity responsible for the site where the  
46 automated external defibrillator is located, **and** the person or entity that owns  
47 the automated external defibrillator~~], the person or entity that provided clinical~~  
48 ~~protocol for automated external defibrillator sites or programs, and the licensed~~  
49 ~~physician who reviews and approves the clinical protocol]~~ shall likewise not be  
50 held liable for civil damages **or subject to any criminal penalty** resulting  
51 from the use of an automated external defibrillator. ~~[Nothing in this section shall~~  
52 ~~affect any claims brought pursuant to chapter 537 or 538.]~~

53           **[5.] 4.** All basic life support ambulances and stretcher vans operated in  
54 the state of Missouri shall be equipped with an automated external defibrillator  
55 and be staffed by at least one individual trained in the use of an automated  
56 external defibrillator.

57           **[6.] 5.** The provisions of this section shall apply in all counties within the  
58 state and any city not within a county.

**190.1005. Notwithstanding any other provision of law to the**  
2 **contrary, any training or course in cardiopulmonary resuscitation shall**  
3 **also include instruction on the proper use of automated external**

4 **defibrillators. Such training or course shall follow the standards**  
5 **created by the American Red Cross or the American Heart Association,**  
6 **or equivalent evidence-based standards from a nationally recognized**  
7 **organization.**

191.940. 1. **This section shall be known and may be cited as the**  
2 **"Postpartum Depression Care Act".**

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

4 (1) **"Ambulatory surgical center", the same meaning as defined in**  
5 **section 197.200;**

6 (2) **"Hospital", the same meaning as defined in section 197.020.**

7 3. **All hospitals and ambulatory surgical centers that provide**  
8 **labor and delivery services shall, prior to discharge following**  
9 **pregnancy, provide pregnant women and, if possible, fathers and other**  
10 **family members with information about postpartum depression,**  
11 **including its symptoms, methods of treatment, and available**  
12 **resources. The department of health and senior services, in**  
13 **cooperation with the department of mental health, shall provide**  
14 **written information that hospitals and ambulatory surgical centers may**  
15 **use and shall include such information on its website.**

191.1146. 1. **Physicians licensed under chapter 334 who use telemedicine**  
2 **shall ensure that a properly established physician-patient relationship exists with**  
3 **the person who receives the telemedicine services. The physician-patient**  
4 **relationship may be established by:**

5 (1) **An in-person encounter through a medical interview and physical**  
6 **examination;**

7 (2) **Consultation with another physician, or that physician's delegate, who**  
8 **has an established relationship with the patient and an agreement with the**  
9 **physician to participate in the patient's care; or**

10 (3) **A telemedicine encounter, if the standard of care does not require an**  
11 **in-person encounter, and in accordance with evidence-based standards of practice**  
12 **and telemedicine practice guidelines that address the clinical and technological**  
13 **aspects of telemedicine.**

14 2. **In order to establish a physician-patient relationship through**  
15 **telemedicine:**

16 (1) **The technology utilized shall be sufficient to establish an informed**  
17 **diagnosis as though the medical interview and physical examination has been**

18 performed in person; and

19 (2) Prior to providing treatment, including issuing prescriptions or  
20 **physician certifications under article XIV of the Missouri Constitution**,  
21 a physician who uses telemedicine shall interview the patient, collect or review  
22 relevant medical history, and perform an examination sufficient for the diagnosis  
23 and treatment of the patient. A questionnaire completed by the patient, whether  
24 via the internet or telephone, does not constitute an acceptable medical interview  
25 and examination for the provision of treatment by telehealth.

**195.805. 1. No edible marijuana-infused product sold in Missouri**  
2 **pursuant to article XIV of the Missouri Constitution shall be designed,**  
3 **produced, or marketed in a manner that is designed to appeal to**  
4 **persons under eighteen years of age, including, but not limited to, the**  
5 **following:**

6 (1) Candies, including gummies, lollipops, cotton candy, or any  
7 product using the word "candy" or "candies" on the label; or

8 (2) Products in the shape of a human, animal, or fruit, including  
9 realistic, artistic, caricature, or cartoon renderings. However,  
10 geometric shapes, including, but not limited to, circles, squares,  
11 rectangles, and triangles, shall be permitted.

12 2. Any licensed or certified entity regulated by the department  
13 of health and senior services pursuant to article XIV of the Missouri  
14 Constitution found to have violated the provisions of this section shall  
15 be subject to department sanctions, including an administrative  
16 penalty, in accordance with the regulations promulgated by the  
17 department pursuant to article XIV of the Missouri Constitution.

18 3. Each individually wrapped edible marijuana-infused product  
19 containing any amount of tetrahydrocannabinols (THC) shall be  
20 stamped or the package or wrapping otherwise labeled with a diamond  
21 containing the letters "THC" and the number of milligrams of THC in  
22 that individually wrapped product.

23 4. The department shall promulgate rules and regulations  
24 regarding edible marijuana-infused products designed to appeal to  
25 persons under eighteen years of age, as well as promulgate rules and  
26 regulations to establish a process by which a licensed or certified  
27 entity may seek approval of an edible product design, package, or label  
28 prior to such product's manufacture or sale in order to determine  
29 compliance with the provisions of this section and any rules

30 promulgated pursuant to this section. Any rule or portion of a rule, as  
31 that term is defined in section 536.010 that is created under the  
32 authority delegated in this section shall become effective only if it  
33 complies with and is subject to all of the provisions of chapter 536 and,  
34 if applicable, section 536.028. This section and chapter 536 are  
35 nonseverable and if any of the powers vested with the general assembly  
36 pursuant to chapter 536 to review, to delay the effective date, or to  
37 disapprove and annul a rule are subsequently held unconstitutional,  
38 then the grant of rulemaking authority and any rule proposed or  
39 adopted after August 28, 2020, shall be invalid and void.

195.830. 1. The department of health and senior services shall  
2 require all officers, managers, contractors, employees, and other  
3 support staff of licensed or certified medical marijuana facilities, and  
4 all owners of such medical marijuana facilities who will have access to  
5 the facilities or to the facilities' medical marijuana, to submit  
6 fingerprints to the Missouri state highway patrol for the purpose of  
7 conducting a state and federal fingerprint-based criminal background  
8 check.

9 2. The department may require that such fingerprint submissions  
10 be made as part of a medical marijuana facility application for  
11 licensure or certification, a medical marijuana facility application for  
12 renewal of licensure or certification, and an individual's application for  
13 an identification card authorizing that individual to be an owner,  
14 officer, manager, contractor, employee, or other support staff of a  
15 medical marijuana facility.

16 3. Fingerprint cards and any required fees shall be sent to the  
17 Missouri state highway patrol's central repository. The fingerprints  
18 shall be used for searching the state criminal records repository and  
19 shall also be forwarded to the Federal Bureau of Investigation for a  
20 federal criminal records search under section 43.540. The Missouri  
21 state highway patrol shall notify the department of any criminal  
22 history record information or lack of criminal history record  
23 information discovered on the individual. Notwithstanding the  
24 provisions of section 610.120 to the contrary, all records related to any  
25 criminal history information discovered shall be accessible and  
26 available to the department.

27 4. For purposes of this section, a "medical marijuana facility"

28 shall include a medical marijuana cultivation facility, a medical  
29 marijuana dispensary facility, a medical marijuana-infused products  
30 manufacturing facility, and a medical marijuana testing facility, as  
31 such terms are defined in section 1 of article XIV of the Missouri  
32 Constitution, or any facility licensed or certified by the department  
33 under the authority of article XIV.

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

2 (1) "Administer", the direct application of an epinephrine auto-injector to  
3 the body of an individual;

4 (2) "Authorized entity", any entity or organization at or in connection with  
5 which allergens capable of causing anaphylaxis may be present including, but not  
6 limited to, **qualified first responders, as such term is defined in section**  
7 **321.621**, restaurants, recreation camps, youth sports leagues, amusement parks,  
8 and sports arenas. "Authorized entity" shall not include any public school or  
9 public charter school;

10 (3) "Epinephrine auto-injector", a single-use device used for the automatic  
11 injection of a premeasured dose of epinephrine into the human body;

12 (4) "Physician", a physician licensed in this state under chapter 334;

13 (5) "Provide", the supply of one or more epinephrine auto-injectors to an  
14 individual;

15 (6) "Self-administration", a person's discretionary use of an epinephrine  
16 auto-injector.

17 2. A physician may prescribe epinephrine auto-injectors in the name of an  
18 authorized entity for use in accordance with this section, and pharmacists,  
19 physicians, and other persons authorized to dispense prescription medications  
20 may dispense epinephrine auto-injectors under a prescription issued in the name  
21 of an authorized entity.

22 3. An authorized entity may acquire and stock a supply of epinephrine  
23 auto-injectors under a prescription issued in accordance with this section. Such  
24 epinephrine auto-injectors shall be stored in a location readily accessible in an  
25 emergency and in accordance with the epinephrine auto-injector's instructions for  
26 use and any additional requirements established by the department of health and  
27 senior services by rule. An authorized entity shall designate employees or agents  
28 who have completed the training required under this section to be responsible for  
29 the storage, maintenance, and general oversight of epinephrine auto-injectors  
30 acquired by the authorized entity.

31           4. An authorized entity that acquires a supply of epinephrine  
32 auto-injectors under a prescription issued in accordance with this section shall  
33 ensure that:

34           (1) Expected epinephrine auto-injector users receive training in  
35 recognizing symptoms of severe allergic reactions including anaphylaxis and the  
36 use of epinephrine auto-injectors from a nationally recognized organization  
37 experienced in training laypersons in emergency health treatment or another  
38 entity or person approved by the department of health and senior services;

39           (2) All epinephrine auto-injectors are maintained and stored according to  
40 the epinephrine auto-injector's instructions for use;

41           (3) Any person who provides or administers an epinephrine auto-injector  
42 to an individual who the person believes in good faith is experiencing anaphylaxis  
43 activates the emergency medical services system as soon as possible; and

44           (4) A proper review of all situations in which an epinephrine auto-injector  
45 is used to render emergency care is conducted.

46           5. Any authorized entity that acquires a supply of epinephrine  
47 auto-injectors under a prescription issued in accordance with this section shall  
48 notify the emergency communications district or the ambulance dispatch center  
49 of the primary provider of emergency medical services where the epinephrine  
50 auto-injectors are to be located within the entity's facility.

51           6. No person shall provide or administer an epinephrine auto-injector to  
52 any individual who is under eighteen years of age without the verbal consent of  
53 a parent or guardian who is present at the time when provision or administration  
54 of the epinephrine auto-injector is needed. Provided, however, that a person may  
55 provide or administer an epinephrine auto-injector to such an individual without  
56 the consent of a parent or guardian if the parent or guardian is not physically  
57 present and the person reasonably believes the individual shall be in imminent  
58 danger without the provision or administration of the epinephrine auto-injector.

59           7. The following persons and entities shall not be liable for any injuries  
60 or related damages that result from the administration or self-administration of  
61 an epinephrine auto-injector in accordance with this section that may constitute  
62 ordinary negligence:

63           (1) An authorized entity that possesses and makes available epinephrine  
64 auto-injectors and its employees, agents, and other trained persons;

65           (2) Any person who uses an epinephrine auto-injector made available  
66 under this section;



67 (3) A physician that prescribes epinephrine auto-injectors to an authorized  
68 entity; or

69 (4) Any person or entity that conducts the training described in this  
70 section.

71 Such immunity does not apply to acts or omissions constituting a reckless  
72 disregard for the safety of others or willful or wanton conduct. The  
73 administration of an epinephrine auto-injector in accordance with this section  
74 shall not be considered the practice of medicine. The immunity from liability  
75 provided under this subsection is in addition to and not in lieu of that provided  
76 under section 537.037. An authorized entity located in this state shall not be  
77 liable for any injuries or related damages that result from the provision or  
78 administration of an epinephrine auto-injector by its employees or agents outside  
79 of this state if the entity or its employee or agent is not liable for such injuries  
80 or related damages under the laws of the state in which such provision or  
81 administration occurred. No trained person who is in compliance with this  
82 section and who in good faith and exercising reasonable care fails to administer  
83 an epinephrine auto-injector shall be liable for such failure.

84 8. All basic life support ambulances and stretcher vans operated in the  
85 state shall be equipped with epinephrine auto-injectors and be staffed by at least  
86 one individual trained in the use of epinephrine auto-injectors.

87 9. The provisions of this section shall apply in all counties within the  
88 state and any city not within a county.

89 10. Nothing in this section shall be construed as superseding the  
90 provisions of section 167.630.

**321.621. 1. For the purposes of this section, "qualified first  
2 responder" shall mean any state and local law enforcement agency staff,  
3 fire department personnel, fire district personnel, or licensed  
4 emergency medical technician who is acting under the directives and  
5 established protocols of a medical director of a local licensed ground  
6 ambulance service licensed under section 190.109 who comes in contact  
7 with a person suffering from an anaphylactic reaction and who has  
8 received training in recognizing and responding to anaphylactic  
9 reactions and the administration of epinephrine auto-injector devices  
10 to a person suffering from an apparent anaphylactic  
11 reaction. "Qualified first responder agencies" shall mean any state or  
12 local law enforcement agency, fire department, or ambulance service**

13 that provides documented training to its staff related to the  
14 administration of epinephrine auto-injector devices in an apparent  
15 anaphylactic reaction.

16       2. The department of health and senior services shall issue  
17 epinephrine auto-injector devices for adult patients to fire protection  
18 districts in nonmetropolitan areas in Missouri as such areas are  
19 determined according to the United States Census Bureau's American  
20 Community Survey, based on the most recent of five-year period  
21 estimate data in which the final year of the estimate ends in either zero  
22 or five.

23       3. Possession and use of epinephrine auto-injector devices for  
24 adult patients shall be limited as follows:

25       (1) No person shall use an epinephrine auto-injector device  
26 unless such person has successfully completed a training course in the  
27 use of epinephrine auto-injector devices for adult patients approved by  
28 the director of the department of health and senior services. Nothing  
29 in this section shall prohibit the use of an epinephrine auto-injector  
30 device:

31       (a) By a health care professional licensed or certified by this  
32 state who is acting within the scope of his or her practice; or

33       (b) By a person acting pursuant to a lawful prescription;

34       (2) Every person, firm, organization and entity authorized to  
35 possess and use epinephrine auto-injector devices for adult patients  
36 pursuant to this section shall use, maintain and dispose of such devices  
37 for adult patients in accordance with the rules of the department;

38       (3) Every use of an epinephrine auto-injector device pursuant to  
39 this section shall immediately be reported to the emergency health care  
40 provider as defined in section 190.246.

41       4. (1) Use of an epinephrine auto-injector device pursuant to this  
42 section shall be considered first aid or emergency treatment for the  
43 purpose of any law relating to liability.

44       (2) Purchase, acquisition, possession or use of an epinephrine  
45 auto-injector device pursuant to this section shall not constitute the  
46 unlawful practice of medicine or the unlawful practice of a profession.

47       (3) Any person otherwise authorized to sell or provide an  
48 epinephrine auto-injector device may sell or provide it to a person  
49 authorized to possess it pursuant to this section.

50           **5. (1) There is hereby created in the state treasury the**  
51 **"Epinephrine Auto-injector Devices for Fire Personnel Fund", which**  
52 **shall consist of money collected under this section. The state treasurer**  
53 **shall be custodian of the fund. In accordance with sections 30.170 and**  
54 **30.180, the state treasurer may approve disbursements. The moneys in**  
55 **the fund as set forth in this section shall be subject to appropriation by**  
56 **the general assembly for the particular purpose for which**  
57 **collected. The fund shall be a dedicated fund and money in the fund**  
58 **shall be used solely by the department of health and senior services for**  
59 **the purposes of providing epinephrine auto-injector devices for adult**  
60 **patients to qualified first responder agencies as used in this section.**

61           **(2) Notwithstanding the provisions of section 33.080 to the**  
62 **contrary, any moneys remaining in the fund at the end of the biennium**  
63 **shall not revert to the credit of the general revenue fund.**

64           **(3) The state treasurer shall invest moneys in the fund in the**  
65 **same manner as other funds are invested. Any interest and moneys**  
66 **earned on such investments shall be credited to the fund.**

334.285. 1. For purposes of this section, the following terms shall mean:

2           (1) "Continuing medical education", continued postgraduate medical  
3 education intended to provide [medical professionals] **physicians** with  
4 knowledge of new developments in their field;

5           (2) "Maintenance of certification", any process requiring periodic  
6 recertification examinations, **or completion of proprietary activities,**  
7 **modules, or regular payment of fees,** to maintain specialty medical board  
8 certification;

9           (3) "Maintenance of licensure", the Federation of State Medical Boards'  
10 proprietary framework for physician license renewal including additional periodic  
11 testing other than continuing medical education;

12           (4) "Specialty medical board certification", certification by a board that  
13 specializes in one particular area of medicine and typically requires additional  
14 and more strenuous exams than state board of registration for the healing arts  
15 requirements to practice medicine.

16           2. The state shall not require any form of maintenance of licensure as a  
17 condition of physician licensure including requiring any form of maintenance of  
18 licensure tied to maintenance of certification. Current requirements including  
19 continuing medical education shall suffice to demonstrate professional

20 competency.

21           3. The state shall not require any form of specialty medical board  
22 certification or any maintenance of certification to practice medicine within the  
23 state. There shall be no discrimination by the state board of registration for the  
24 healing arts or any other state agency against physicians who do not maintain  
25 specialty medical board certification including recertification.

26           **4. No hospital, health care facility, or institution or program**  
27 **owned, operated, or licensed by the state shall condition employment**  
28 **or the granting of medical staff privileges on a physician's maintenance**  
29 **of certification or maintenance of licensure.**

30           **5. No health carrier, as defined in section 376.1350, shall**  
31 **condition physician reimbursement or participation in the carrier's**  
32 **health plans on a physician's maintenance of certification or**  
33 **maintenance of licensure.**

          376.1345. 1. As used in this section, unless the context clearly indicates  
2 otherwise, terms shall have the same meaning as ascribed to them in section  
3 376.1350.

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

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

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

18           (2) In such notice, provide clear instructions to the health care provider  
19 as to how to select an alternative payment method, and upon request such  
20 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.

376.1575. As used in sections 376.1575 to 376.1580, the following terms  
2 shall mean:

3 **(1) "Absent", when a practitioner is duly licensed and**  
4 **credentialed but, by choice or otherwise, is not present in person or**  
5 **through telehealth, as defined in section 376.1900, to deliver patient**  
6 **care services to the patient;**

7 **(2) "Completed application", a practitioner's application to a health**  
8 **carrier that seeks the health carrier's authorization for the practitioner to provide**  
9 **patient care services as a member of the health carrier's network and does not**  
10 **omit any information which is clearly required by the application form and the**  
11 **accompanying instructions;**

12 **(3) "Covered patient care services", any services provided by a**  
13 **practitioner which would be covered if provided by a credentialed**  
14 **practitioner;**

15 **[(2)] (4) "Credentialing", a health carrier's process of assessing and**  
16 **validating the qualifications of a practitioner to provide patient care services and**  
17 **act as a member of the health carrier's provider network;**

18 **(5) "Credentialing period", the time between the date a**  
19 **practitioner submits a completed application to the health carrier to be**  
20 **credentialed and the date the practitioner's credentialing is approved**  
21 **by the health carrier;**

22            [(3)] (6) "Health carrier", the same meaning as such term is defined in  
23 section 376.1350;

24            [(4)] (7) "Practitioner":

25            (a) A physician or physician assistant eligible to provide treatment  
26 services under chapter 334;

27            (b) A pharmacist eligible to provide services under chapter 338;

28            (c) A dentist eligible to provide services under chapter 332;

29            (d) A chiropractor eligible to provide services under chapter 331;

30            (e) An optometrist eligible to provide services under chapter 336;

31            (f) A podiatrist eligible to provide services under chapter 330;

32            (g) A psychologist or licensed clinical social worker eligible to provide  
33 services under chapter 337; or

34            (h) An advanced practice nurse eligible to provide services under chapter  
35 335.

          376.1578. 1. Within two working days after receipt of a [faxed or mailed  
2 completed] **credentialing** application, the health carrier shall send a notice of  
3 receipt to the practitioner. A health carrier shall provide access to a provider web  
4 portal that allows the practitioner to receive notice of the status of an  
5 electronically submitted application.

6            2. **If a health carrier determines the application is not a**  
7 **completed application, the health carrier shall have ten days from the**  
8 **date the notice of receipt was sent as required in subsection 1 of this**  
9 **section to request any additional information from the**  
10 **practitioner. The application shall be considered a completed**  
11 **application upon receipt of the requested additional information from**  
12 **the practitioner. Within two working days of receipt of the requested**  
13 **additional information, the health carrier shall send a notice to the**  
14 **practitioner informing him or her that he or she has submitted a**  
15 **completed application. If the health carrier does not request additional**  
16 **information, the application shall be deemed completed as of the date**  
17 **the notice of receipt was sent as required under subsection 1 of this**  
18 **section.**

19            3. A health carrier shall assess a health care practitioner's **completed**  
20 **credentialing [information] application** and make a decision as to whether to  
21 approve or deny the practitioner's credentialing application within sixty  
22 [business] days of the date of receipt of the completed application. The sixty-day

23 deadline established in this section shall not apply if the application or  
24 subsequent verification of information indicates that the practitioner has:

25 (1) A history of behavioral disorders or other impairments affecting the  
26 practitioner's ability to practice, including but not limited to substance abuse;

27 (2) Licensure disciplinary actions against the practitioner's license to  
28 practice imposed by any state or territory or foreign jurisdiction;

29 (3) Had the practitioner's hospital admitting or surgical privileges or other  
30 organizational credentials or authority to practice revoked, restricted, or  
31 suspended based on the practitioner's clinical performance; or

32 (4) A judgment or judicial award against the practitioner arising from a  
33 medical malpractice liability lawsuit.

34 **4. If a practitioner's application is approved, the health carrier**  
35 **shall provide payments for covered patient care services delivered by**  
36 **the practitioner during the credentialing period.**

37 **5. A health carrier shall not require a practitioner to be**  
38 **credentialed in order to receive payments for covered patient care**  
39 **services if the practitioner is providing patient care services on behalf**  
40 **of an absent credentialed practitioner during a temporary period of**  
41 **time not to exceed one hundred eighty days.**

42 **6. All claims eligible for payment under subsection 4 or 5 of this**  
43 **section shall be subject to section 376.383.**

44 [3.] **7.** The department of commerce and insurance shall establish a  
45 mechanism for reporting alleged violations of this section to the department.

Section B. Because immediate action is necessary to ensure that all  
2 owners, officers, managers, contractors, employees, and other support staff of  
3 medical marijuana facilities be subjected to state and federal fingerprint-based  
4 criminal background checks to insure the integrity of the Missouri medical  
5 marijuana industry, the enactment of section 195.830 of this act is deemed  
6 necessary for the immediate preservation of the public health, welfare, peace, and  
7 safety, and is hereby declared to be an emergency act within the meaning of the  
8 constitution, and the enactment of section 195.830 of this act shall be in full force  
9 and effect on July 1, 2020, or upon its passage and approval, whichever occurs  
10 later.

✓