

# HOUSE BILL NO. 2165

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HADEN.

4817H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 197.200 and 197.215, RSMo, and to enact in lieu thereof two new sections relating to birthing centers.

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

Section A. Sections 197.200 and 197.215, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 197.200 and 197.215, to read as follows:

197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) "Abortion facility", as such term is defined in section 188.015;

(2) "Ambulatory surgical center"~~[-]~~:

**(a) Any birthing center; or**

**(b) Any public or private establishment that is operated primarily for the purpose of performing surgical procedures ~~[or primarily for the purpose of performing childbirths,]~~ and ~~[which]~~ that does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332;**

**(3) "Birthing center", any public or private establishment that is operated primarily for the purpose of performing childbirths and that does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment;**

**(4) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18           ~~[(4)]~~ (5) "Department", the department of health and senior services;
- 19           ~~[(5)]~~ (6) "Governmental unit", any city, county or other political subdivision of this  
20 state, or any department, division, board or other agency of any political subdivision of this  
21 state;
- 22           ~~[(6)]~~ (7) "Person", any individual, firm, partnership, corporation, company, or  
23 association and the legal successors thereof;
- 24           ~~[(7)]~~ (8) "Physician", any person currently licensed to practice medicine pursuant to  
25 chapter 334;
- 26           ~~[(8)]~~ (9) "Podiatrist", any person currently licensed to practice podiatry pursuant to  
27 chapter 330.

197.215. 1. Upon receipt of an application for a license, the department of health and  
2 senior services shall issue a license if the applicant and ambulatory surgical center facilities or  
3 abortion facilities meet the requirements established under sections 197.200 to 197.240, and  
4 have provided affirmative evidence that:

5           (1) Each member of the surgical staff is a physician, dentist or podiatrist currently  
6 licensed to practice in Missouri, and each person authorized to perform or induce abortions is  
7 a physician currently licensed to practice in Missouri;

8           (2) Surgical procedures in ambulatory surgical centers shall be performed only by  
9 physicians, dentists or podiatrists, who at the time are privileged to perform surgical  
10 procedures in at least one licensed hospital in the community in which the ambulatory  
11 surgical center is located, thus providing assurance to the public that patients treated in the  
12 center shall receive continuity of care should the services of a hospital be required;  
13 alternatively, **the applicant shall submit a copy of a current working agreement with at least**  
14 **one licensed hospital in the community in which the ambulatory surgical center is located,**  
15 **guaranteeing the transfer and admittance of patients for emergency treatment whenever**  
16 **necessary. **The provisions of this subdivision shall not apply to birthing centers;****

17           (3) Continuous physician services or registered professional nursing services are  
18 provided whenever a patient is in the facility;

19           (4) Adequate medical records for each patient are to be maintained.

20           2. Upon receipt of an application for a license, or the renewal thereof, the department  
21 shall issue or renew the license if the applicant and program meet the requirements  
22 established under sections 197.200 to 197.240. Each license shall be issued only for the  
23 persons and premises named in the application. A license, unless sooner suspended or  
24 revoked, shall be issued for a period of one year.

25           3. Each license shall be issued only for the premises and persons or governmental  
26 units named in the application, and shall not be transferable or assignable except with the

27 written consent of the department. Licenses shall be posted in a conspicuous place on the  
28 licensed premises.

29 4. If, during the period in which an ambulatory surgical center license or an abortion  
30 facility license is in effect, the license holder or operator legally transfers operational  
31 responsibilities by any process to another person as defined in section 197.200, an application  
32 shall be made for the issuance of a new license to become effective on the transfer date.

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