

SECOND REGULAR SESSION

SENATE BILL NO. 1023

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 3, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6043S.011

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to predetermination of health care benefits, with an effective date.

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

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1475, to read as follows:

376.1475. 1. This section shall be known as and may be cited as the "Predetermination of Health Care Benefits Act".

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

(1) "Administrative simplification provision", transaction and code standards promulgated pursuant to the Health Insurance Portability Act of 1996 (HIPAA), Public Law 104-191, and 45 CFR 160 and 162;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Health benefit plan" and "health care provider", shall have the same meanings as those terms are defined in section 376.1350;

(4) "Payment", only a deductible or coinsurance payment and shall not include a co-payment; and

(5) "Standard electronic transactions", electronic claim and remittance advice transactions created by the accredited standards committee X12 in the format of ASC X12 837I, ASC X12 837P, or ASC X12 835, or any of their respective successors.

3. Health benefit plans that receive an electronic health care predetermination request from a health care provider consistent with the requirements set forth in subsection 6 of this section shall provide

22 the requesting health care provider information on the amounts of
23 expected benefits coverage on the procedures specified in the request
24 that is accurate at the time of the health benefit plan's response.

25 4. Any predetermination response provided by a health benefit
26 plan under this section in good faith shall be deemed to be an estimate
27 only and shall not be binding upon the health benefit plan with regard
28 to the final amount of benefits actually provided by the health benefit
29 plan.

30 5. The amounts for the referenced services in subsection 3 of this
31 section shall include:

32 (1) The amount the patient will be expected to pay, clearly
33 identifying any deductible amount, coinsurance, and co-payment;

34 (2) The amount the healthcare provider will be paid;

35 (3) The amount the institution will be paid; and

36 (4) Whether any payments will be reduced, but not to zero
37 dollars, or increased from the agreed fee schedule amounts, and if so,
38 the health care policy that identifies why the payments will be reduced
39 or increased.

40 6. The health care predetermination request and
41 predetermination response shall be conducted in accordance with
42 administrative simplification provisions using the currently applicable
43 standard electronic transactions, without regard to whether this
44 transaction is mandated by HIPAA. It shall also comply with any rules
45 promulgated by the director, without regard to whether these rules are
46 mandated by HIPAA.

47 7. The health benefit plan's predetermination response to the
48 health care predetermination request shall be returned using the same
49 transmission method as that of the submission. This includes a real
50 time response for a real time request.

51 8. This act precludes the collection of any payment prior to or as
52 a condition of receiving the health benefit services that are the subject
53 of a predetermination request, unless this practice is not prohibited by
54 the provider agreement with the health benefit plan.

55 9. The director shall adopt rules and regulations necessary to
56 carry out the provisions of this section.

57 10. Any rule or portion of a rule, as that term is defined in
58 section 536.010 that is created under the authority delegated in this

59 section shall become effective only if it complies with and is subject to
60 all of the provisions of chapter 536, and, if applicable, section
61 536.028. This section and chapter 536 are nonseverable and if any of
62 the powers vested with the general assembly pursuant to chapter 536,
63 to review, to delay the effective date, or to disapprove and annul a rule
64 are subsequently held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28, 2016, shall
66 be invalid and void.

Section B. This act shall become effective July 1, 2017.

Unofficial ✓

Bill

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