

SECOND REGULAR SESSION

SENATE BILL NO. 1083

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6789S.01I

AN ACT

To repeal section 208.217, RSMo, and to enact in lieu thereof one new section relating to department of mental health contracts, with existing penalty provisions.

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

Section A. Section 208.217, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 208.217, to read as follows:

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

2 (1) "Data match", a method of comparing the department's information
3 with that of another entity and identifying those records which appear in both
4 files. This process is accomplished by a computerized comparison by which both
5 the department and the entity utilize a computer readable electronic media
6 format;

7 (2) "Department", the Missouri department of social services;

8 (3) "Entity":

9 (a) Any insurance company as defined in chapter 375 or any public
10 organization or agency transacting or doing the business of insurance; or

11 (b) Any health service corporation or health maintenance organization as
12 defined in chapter 354 or any other provider of health services as defined in
13 chapter 354;

14 (c) Any self-insured organization or business providing health services as
15 defined in chapter 354; or

16 (d) Any third-party administrator (TPA), administrative services
17 organization (ASO), or pharmacy benefit manager (PBM) transacting or doing
18 business in Missouri or administering or processing claims or benefits, or both,
19 for residents of Missouri;

20 (4) "Individual", any applicant or present or former participant receiving

21 public assistance benefits under sections 208.151 to 208.159, **or any person**
22 **receiving department of mental health services for the purposes of**
23 **subsection 9 of this section;**

24 (5) "Insurance", any agreement, contract, policy plan or writing entered
25 into voluntarily or by court or administrative order providing for the payment of
26 medical services or for the provision of medical care to or on behalf of an
27 individual;

28 (6) "Request", any inquiry by the MO HealthNet division for the purpose
29 of determining the existence of insurance where the department may have
30 expended MO HealthNet benefits.

31 2. The department may enter into a contract with any entity, and the
32 entity shall, upon request of the department of social services, inform the
33 department of any records or information pertaining to the insurance of any
34 individual.

35 3. The information which is required to be provided by the entity
36 regarding an individual is limited to those insurance benefits that could have
37 been claimed and paid by an insurance policy agreement or plan with respect to
38 medical services or items which are otherwise covered under the MO HealthNet
39 program.

40 4. A request for a data match made by the department pursuant to this
41 section shall include sufficient information to identify each person named in the
42 request in a form that is compatible with the record-keeping methods of the
43 entity. Requests for information shall pertain to any individual or the person
44 legally responsible for such individual and may be requested at a minimum of
45 twice a year.

46 5. The department shall reimburse the entity which is requested to supply
47 information as provided by this section for actual direct costs, based upon
48 industry standards, incurred in furnishing the requested information and as set
49 out in the contract. The department shall specify the time and manner in which
50 information is to be delivered by the entity to the department. No reimbursement
51 will be provided for information requested by the department other than by
52 means of a data match.

53 6. Any entity which has received a request from the department pursuant
54 to this section shall provide the requested information in compliance with
55 HIPAA required transactions within sixty days of receipt of the request. Willful
56 failure of an entity to provide the requested information within such period shall

57 result in liability to the state for civil penalties of up to ten dollars for each day
58 thereafter. The attorney general shall, upon request of the department, bring an
59 action in a circuit court of competent jurisdiction to recover the civil penalty. The
60 court shall determine the amount of the civil penalty to be assessed. A health
61 insurance carrier, including instances where it acts in the capacity of an
62 administrator of an ASO account, and a TPA acting in the capacity of an
63 administrator for a fully insured or self-funded employer, is required to accept
64 and respond to the HIPPA ANSI standard transaction for the purpose of
65 validating eligibility.

66 7. The director of the department shall establish guidelines to assure that
67 the information furnished to any entity or obtained from any entity does not
68 violate the laws pertaining to the confidentiality and privacy of an applicant or
69 participant receiving MO HealthNet benefits. Any person disclosing confidential
70 information for purposes other than set forth in this section shall be guilty of a
71 class A misdemeanor.

72 8. The application for or the receipt of benefits under sections 208.151 to
73 208.159 shall be deemed consent by the individual to allow the department to
74 request information from any entity regarding insurance coverage of said person.

75 **9. The provisions of this section that apply to the department of**
76 **social services shall also apply to the department of mental health**
77 **when contracting with any entity to supply information as provided for**
78 **in this section regarding an individual receiving department of mental**
79 **health services.**

✓

Copy