

# SENATE BILL NO. 610

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

2381S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to payment for health care services, with penalty provisions.

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

Section A. Chapter 191, RSMo, is amended by adding thereto  
2 one new section, to be known as section 191.2300, to read as  
3 follows:

191.2300. 1. This section shall be known and may be  
2 cited as the "Honest Billing Act".

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

5 (1) "Campus", the same meaning as in 24 CFR 413.65(a),  
6 as may be amended from time to time;

7 (2) "Director", the director of the department of  
8 commerce and insurance;

9 (3) "Enrollee", the same meaning as is ascribed to  
10 such term in section 376.1350;

11 (4) "Facility", the same meaning as is ascribed to  
12 such term in section 376.1350;

13 (5) "Health benefit plan", the same meaning as is  
14 ascribed to such term in section 376.1350;

15 (6) "Health care service", the same meaning as is  
16 ascribed to such term in section 376.1350;

17 (7) "Health carrier" or "carrier", the same meaning as  
18 is ascribed to such term in section 376.1350;

19           (8) "National provider identifier" or "NPI", the  
20 standard, unique health identifier for health care providers  
21 that is issued by the National Plan and Provider Enumeration  
22 System in accordance with 45 CFR Part 162;

23           (9) "Off-campus outpatient department of a facility",  
24 a location:

25           (a) Whose operations are directly or indirectly owned  
26 or controlled by, in whole or in part, or affiliated with a  
27 hospital, regardless of whether the operations are under the  
28 same governing body as the hospital;

29           (b) That is located more than two hundred fifty yards  
30 from the hospital's main campus;

31           (c) That provides services that are organizationally  
32 and functionally integrated with the hospital; and

33           (d) That is an outpatient facility providing  
34 preventive, diagnostic, treatment, or emergency services.

35           3. Except as otherwise specified in this section, this  
36 section shall apply to all facilities licensed and operating  
37 in this state, and to all health carriers doing business in  
38 this state. This act shall apply to claims submitted on or  
39 after January 1, 2024.

40           4. Irrespective of 42 CFR 162.410(a)(1), each off-  
41 campus outpatient department of a facility shall apply for,  
42 obtain, and use, on all claims filed after the date  
43 specified in subsection 3 of this section, for reimbursement  
44 or payment for health care services provided in that  
45 department, a unique NPI that is distinct from the NPI used  
46 by the main campus of the facility and any other off-campus  
47 location of the facility.

48           5. (1) No facility, or entity on behalf of a  
49 facility, shall, with respect to health care services  
50 furnished to a covered person at an off-campus outpatient

51 department of a facility, submit a claim for such health  
52 care services to a health carrier, or hold the enrollee  
53 liable for such health care services, unless those health  
54 care services are billed using the separate unique NPI  
55 established for the off-campus outpatient department, and on  
56 a CMS 1500 form or a HIPAA X12 837P electronic claims  
57 transaction or a successor form or transaction.

58 (2) No health carrier shall be responsible to  
59 reimburse claims for health care services furnished to an  
60 enrollee at an off-campus outpatient department of a  
61 facility if such claims are not billed in accordance with  
62 this subsection.

63 6. A facility, or entity on behalf of a facility, that  
64 does not bill for health care services rendered to an  
65 enrollee at an off-campus outpatient department of a  
66 facility in accordance with this section shall not hold the  
67 enrollee liable to pay for the health care services.  
68 Violation of this subsection shall constitute a violation of  
69 the Missouri merchandising practices act, sections 407.010  
70 to 407.130, subject to enforcement by the attorney general.

71 7. A facility applying for a license or license  
72 renewal by the state shall demonstrate that it has obtained  
73 one or more NPIs as required under this section as a  
74 condition of receiving licensure, and shall use its unique  
75 NPI on every claim for payment in the manner required under  
76 this section.

77 8. The department of health and senior services may,  
78 in accordance with chapter 536, impose any or all of the  
79 following penalties, separately or in combination, on any  
80 licensee violating any of the provisions of this section:

81 (1) An administrative fine of one thousand dollars for  
82 each violation of this section;

83           (2) Recover reasonable investigative fees and costs  
84 incurred as a consequence of the violation or violations;

85           (3) Suspend, revoke, or deny the issuance or renewal  
86 of a license;

87           (4) Place conditions on a license;

88           (5) Place a licensee on probation;

89           (6) Refer to the attorney general for investigation;

90 and

91           (7) Require the provider to post information about  
92 these penalties on the main page of its website.

93           9. The director of the department of commerce and  
94 insurance shall have authority to refer any violation of  
95 this section to the department of health and senior  
96 services. The attorney general shall have authority to  
97 enforce the provisions of this section.

98           10. The director of the department of commerce and  
99 insurance may promulgate rules as necessary for the  
100 implementation of this section. Any rule or portion of a  
101 rule, as that term is defined in section 536.010, that is  
102 created under the authority delegated in this section shall  
103 become effective only if it complies with and is subject to  
104 all of the provisions of chapter 536 and, if applicable,  
105 section 536.028. This section and chapter 536 are  
106 nonseverable and if any of the powers vested with the  
107 general assembly pursuant to chapter 536 to review, to delay  
108 the effective date, or to disapprove and annul a rule are  
109 subsequently held unconstitutional, then the grant of  
110 rulemaking authority and any rule proposed or adopted after  
111 August 28, 2023, shall be invalid and void.

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