

SENATE BILL NO. 779

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Pre-filed December 3, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4512S.01I

AN ACT

To repeal section 354.415, RSMo, and to enact in lieu thereof one new section relating to health maintenance organizations.

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

Section A. Section 354.415, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 354.415, to read as follows:

354.415. 1. The powers of a health maintenance organization include, but
2 are not limited to, the power to:

3 (1) Purchase, lease, construct, renovate, operate, and maintain hospitals,
4 medical facilities, or both, and their ancillary equipment, and such property as
5 may reasonably be required for the organization's principal office or for such
6 other purposes as may be necessary in the transaction of the business of the
7 organization;

8 (2) Make loans to a medical group under contract with it in furtherance
9 of its program, or to make loans to any corporation under its control for the
10 purpose of acquiring or constructing medical facilities and hospitals or in the
11 furtherance of a program providing health care services to enrollees;

12 (3) Furnish health care services through providers which are under
13 contract with, or employed by, the health maintenance organization;

14 (4) Contract with any person for the performance, on the organization's
15 behalf, of certain functions such as marketing, enrollment, and administration;

16 (5) Contract with an insurance company licensed in this state, or with a
17 health services corporation authorized to do business in this state, for the
18 provision of insurance, indemnity, or reimbursement against the cost of health
19 care services provided by the health maintenance organization;

20 (6) Offer, in addition to basic health care services:

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

21 (a) Additional health care services;
22 (b) Indemnity benefits covering out-of-area or emergency services; and
23 (c) Indemnity benefits, in addition to those relating to out-of-area and
24 emergency services, provided through insurers or health services corporations;

25 (7) Offer as an option one or more health benefit plans which contain
26 deductibles, coinsurance, coinsurance differentials, or variable co-payments. **Co-**
27 **payments may exceed fifty percent of the total cost of the service**
28 **except as specifically prohibited under this chapter or chapter**
29 **376.** Health benefit plans offered under this section that contain deductibles
30 shall be permitted only [when combined with any health savings account or
31 health reimbursement account as described in the Medicare Reform Act, P.L. No.
32 108-173, Title XII, Section 1201, provided that:

33 (a) The total out-of-pocket expenses paid for the receipt of basic health
34 services under the plan shall not exceed the annual contribution limits for health
35 savings accounts as determined by the Internal Revenue Service;

36 (b) The health savings account or health reimbursement account must be
37 funded at a level equal to or greater than the out-of-pocket maximum limits
38 defined for the high deductible health plan; and

39 (c) A distribution from the health savings account or health
40 reimbursement account to pay a health care provider for a qualified medical
41 expense is made within thirty days of the submission of a claim] **if such**
42 **deductible does not exceed the cost-sharing annual limits established**
43 **under 42 U.S.C. Section 18022(c).**

44 2. Prior to the exercise of any power granted in subdivision (1) or (2) of
45 subsection 1 of this section, involving an amount in excess of five hundred
46 thousand dollars, a health maintenance organization shall file notice, with
47 adequate supporting information, with the director. The director shall disapprove
48 such exercise of power if, in his opinion, it would substantially and adversely
49 affect the financial soundness of the health maintenance organization and
50 endanger its ability to meet its obligations. If the director does not disapprove
51 such exercise of power within sixty days of the filing, it shall be deemed
52 approved.

53 3. The director may exempt from the filing requirement of subsection 2
54 of this section those activities having minimal effect.