

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 89

97TH GENERAL ASSEMBLY

2013

0113H.04T

AN ACT

To repeal sections 191.237, 198.310 and 198.345, RSMo, and section 191.237 as truly agreed to and finally passed by senate committee substitute for house committee substitute for house bill no. 986, ninety-seventh general assembly, first regular session, and to enact in lieu thereof three new sections relating to health care.

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

Section A. Sections 191.237, 198.310 and 198.345, RSMo, and section
2 191.237 as truly agreed to and finally passed by senate committee substitute for house
3 committee substitute for house bill no. 986, ninety-seventh general assembly, first
4 regular session, are repealed and three new sections enacted in lieu thereof, to be
5 known as sections 191.237, 198.310, and 198.345, to read as follows:

191.237. 1. No law or rule promulgated by an agency of the state of Missouri
2 may impose a fine or penalty against a health care provider, hospital, or health care
3 system for failing to participate in any particular health information organization.

4 2. **A health information organization shall not restrict the exchange**
5 **of state agency data or standards-based clinical summaries for patients for**
6 **federal Health Insurance Portability and Accountability Act (HIPAA)**
7 **allowable uses. Charges for such service shall not exceed the cost of the**
8 **actual technology connection or recurring maintenance thereof.**

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

10 (1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage
11 withholding, or surcharge established by law or by rule promulgated by a state agency
12 pursuant to chapter 536;

13 (2) "Health care system", any public or private entity whose function or
14 purpose is the management of, processing of, or enrollment of individuals for or

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

15 payment for, in full or in part, health care services or health care data or health care
16 information for its participants;

17 (3) "Health information organization", an organization that oversees and
18 governs the exchange of health-related information among organizations according to
19 nationally recognized standards.

198.310. 1. For the purpose of purchasing nursing home district sites,
2 erecting nursing homes and related facilities and furnishing the same, building
3 additions to and repairing old buildings, the board of directors may borrow money
4 and issue bonds for the payment thereof in the manner provided herein. The
5 question of the loan shall be submitted by an order of the board of directors of the
6 district. Notice of the submission of the question, the amount and the purpose
7 of the loan shall be given as provided in section 198.250.

8 2. The question shall be submitted in substantially the following form:

9 Shall the Nursing Home District borrow money in the amount of
10 dollars for the purpose of and issue bonds in payment thereof?

11 3. If [two-thirds] **the constitutionally required percentage** of the
12 votes cast are for the loan, the board shall, subject to the restrictions of
13 subsection 4, be vested with the power to borrow money in the name of the
14 district, to the amount and for the purposes specified on the ballot, and issue the
15 bonds of the district for the payment thereof.

16 4. The loans authorized by this section shall not be contracted for a period
17 longer than twenty years, and the entire amount of the loan shall at no time
18 exceed, including the existing indebtedness of the district, in the aggregate, ten
19 percent of the value of taxable tangible property therein, as shown by the last
20 completed assessment for state and county purposes, the rate of interest to be
21 agreed upon by the parties, but in no case to exceed the highest legal rate allowed
22 by contract; when effected, it shall be the duty of the directors to provide for the
23 collection of an annual tax sufficient to pay the interest on the indebtedness as
24 it falls due, and also to constitute a sinking fund for the payment of the principal
25 thereof within the time the principal becomes due.

198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing
2 home district from establishing and maintaining apartments for seniors that
3 provide at a minimum housing[,] **and** food services[,] and emergency call buttons
4 to the apartment residents] in any county of the third **or fourth** classification
5 [without a township form of government and with more than twenty-eight
6 thousand two hundred but fewer than twenty-eight thousand three hundred
7 inhabitants or any county of the third classification without a township form of

8 government and with more than nine thousand five hundred fifty but fewer than
9 nine thousand six hundred fifty inhabitants] **within its corporate limits.** Such
10 nursing home districts shall not lease such apartments for less than fair market
11 rent as reported by the United States Department of Housing and Urban
12 Development.

[191.237. 1. No law or rule promulgated by an agency of the state of Missouri
2 may impose a fine or penalty against a health care provider, hospital, or health care
3 system for failing to participate in any particular health information organization.

4 **2. No health information organization may impose connection fees**
5 **or recurring connection fees on another health information organization**
6 **for the purpose of exchanging standards-based clinical summaries for**
7 **patients or for sharing information of an agency of the state of Missouri.**

8 **3.** As used in this section, the following terms shall mean:

9 (1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage
10 withholding, or surcharge established by law or by rule promulgated by a state agency
11 pursuant to chapter 536;

12 (2) "Health care system", any public or private entity whose function or
13 purpose is the management of, processing of, or enrollment of individuals for or
14 payment for, in full or in part, health care services or health care data or health care
15 information for its participants;

16 (3) "Health information organization", an organization that oversees and
17 governs the exchange of health-related information among organizations according to
18 nationally recognized standards.]

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