

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 652

## 91ST GENERAL ASSEMBLY

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Reported from the Committee on Public Health and Welfare, May 3, 2002, with recommendation that the Senate Committee Substitute do pass.

2944S.03C

TERRY L. SPIELER, Secretary.

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### AN ACT

To repeal section 205.300, RSMo, relating to privileges of health care workers in hospitals, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 205.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 205.300, to read as follows:

205.300. 1. In the management of such public hospital no discrimination shall be made against practitioners of any school of medicine recognized by the laws of Missouri, and all such legal practitioners shall have equal privileges in treating patients in said hospital.

**2. Any hospital providing services to Medicaid or Medicare patients in this state shall be prohibited from limiting its medical staff so as to exclude any physician licensed pursuant to chapter 334, RSMo, and in good standing if such physician conforms to the reasonable rules of the hospital. Such physician shall not be deprived of the right to practice medicine by rules or actions of the public hospital which are arbitrary, capricious, discriminatory, or unreasonable.**

3. The patient shall have the absolute right to employ at his or her own expense his or her own physician, and when acting for any patient in such hospital the physician employed by such patient shall have exclusive charge of the care and treatment of such patient, and nurses therein shall as to such patient be subject to the directions of such physician; subject always to such general rules and regulations as shall be established by the board of trustees under the provisions of sections 205.160 to 205.340.

**4. No hospital that provides services to Medicaid or Medicare patients in this state may deny, restrict, or terminate medical staff membership or clinical privileges based upon economic criteria unrelated to the practitioner's clinical qualifications,**

**quality of care, or professional competencies. The process for considering applications for medical staff membership shall afford each applicant procedural and substantive due process.**

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