

SECOND REGULAR SESSION

# SENATE BILL NO. 779

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR YECKEL.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3032S.011

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## AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to public hospital records and meetings.

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

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.150, to read as follows:

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

- (1) "Health carrier", the same as such term is defined in section 376.1350, RSMo;**
- (2) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;**
- (3) "Public hospital", a hospital organized pursuant to section 81.190 or 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo;**
- (4) "Public record", the same as such term is defined in subdivision (6) of section 610.010, RSMo;**
- (5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;**
- (6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the federal Employment Retirement Income Security Act of 1974, as amended.**

**2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may close portions of records and meetings of the entity that it manages or controls if such portions of records and meetings pertain to:**

**(1) The payment amounts and payment methodologies of its contract proposals to and contracts with a health carrier or a self-insured health plan. Information concerning the parties involved and the duration of such a contract shall be a public record;**

**(2) Discussion and analysis of:**

**(a) Developing a new health service or a new facility;**

**(b) Expanding or revising an existing health service or facility; or**

**(c) Entering into a shared service arrangement or other affiliate agreement;**

**(3) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to and contracts with a physician. While the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or related organization's overall financial statements and such statements shall be a public record;**

**(4) The records closed pursuant to this subsection shall be disclosed pursuant to lawful subpoena.**

**3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by chapter 610, RSMo. This section shall not be construed to prohibit a public hospital from claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section 610.021, RSMo.**

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