

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 485**  
92ND GENERAL ASSEMBLY

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Reported from the Committee on Pensions and General Laws, April 17, 2003, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1285S.02C

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**AN ACT**

To amend chapter 197, RSMo, by adding thereto one new section relating to public hospitals.

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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 197.286, to read as follows:

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

- (1) "Health carrier", as 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, RSMo, or section 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", as defined in subdivision (6) of section 610.010, RSMo;**
- (5) "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, the governing body of a public hospital located in a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or located in a county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five**

thousand five hundred inhabitants, 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 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 developing a new health service or a new facility, expanding or revising an existing health service or facility, or entering into a shared service arrangement or other affiliate agreement;

(3) The amount of compensation paid to a physician under the public hospital's 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 overall financial statements and such statements shall be a public record;

(4) The records closed pursuant to this subsection shall be disclosed to the state auditor pursuant to section 29.230, RSMo, or pursuant to lawful subpoena or request by only departments of the state pursuant to an investigation.

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, pursuant to section 610.021, RSMo.

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