

SENATE BILL NO. 177

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

1043S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 197.400 and 197.445, RSMo, and to enact in lieu thereof two new sections relating to home health.

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

Section A. Sections 197.400 and 197.445, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 197.400 and 197.445, to read as follows:

197.400. As used in sections 197.400 to 197.475,
2 unless the context otherwise requires, the following terms
3 mean:

4 (1) "Council", the home health services advisory
5 council created by sections 197.400 to 197.475;

6 (2) "Department", the department of health and senior
7 services;

8 (3) "Home health agency", a public agency or private
9 organization or a subdivision or subunit of an agency or
10 organization that provides two or more home health services
11 at the residence of a patient according to a [physician's]
12 written [and signed] plan of treatment **signed by a**
13 **physician, nurse practitioner, clinical nurse specialist, or**
14 **physician assistant;**

15 (4) "Home health services", any of the following items
16 and services provided at the residence of the patient on a
17 part-time or intermittent basis: nursing, physical therapy,

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

18 speech therapy, occupational therapy, home health aid, or
19 medical social service;

20 (5) **"Nurse Practitioner, Clinical Nurse Specialist", a**
21 **person licensed by the state board of nursing pursuant to**
22 **the provisions of chapter 335 to practice in this state as a**
23 **nurse practitioner or clinical nurse specialist;**

24 (6) "Part-time or intermittent basis", the providing
25 of home health services in an interrupted interval sequence
26 on the average of not to exceed three hours in any twenty-
27 four-hour period;

28 [(6)] (7) "Patient's residence", the actual place of
29 residence of the person receiving home health services,
30 including institutional residences as well as individual
31 dwelling units;

32 [(7)] (8) "Physician", a person licensed by the state
33 board of registration for the healing arts pursuant to the
34 provisions of chapter 334 to practice in this state as a
35 physician and surgeon;

36 (9) **"Physician Assistant", a person licensed by the**
37 **state board of registration for the healing arts pursuant to**
38 **the provisions of chapter 334 to practice in this state as a**
39 **physician assistant;**

40 [(8)] (10) "Plan of treatment", a plan reviewed and
41 signed as often as medically necessary by a physician [or],
42 podiatrist, **nurse practitioner, clinical nurse specialist,**
43 **or a physician assistant,** not to exceed sixty days in
44 duration, prescribing items and services for an individual
45 patient's condition;

46 [(9)] (11) "Podiatrist", a person licensed by the
47 state board of podiatry pursuant to the provisions of
48 chapter 330 to practice in this state as a podiatrist;

49 [(10)] (12) "Subunit" or "subdivision", any
50 organizational unit of a larger organization which can be
51 clearly defined as a separate entity within the larger
52 structure, which can meet all of the requirements of
53 sections 197.400 to 197.475 independent of the larger
54 organization, which can be held accountable for the care of
55 patients it is serving, and which provides to all patients
56 care and services meeting the standards and requirements of
57 sections 197.400 to 197.475.

 197.445. 1. The department may adopt reasonable rules
2 and standards necessary to carry out the provisions of
3 sections 197.400 to 197.477. The rules and standards
4 adopted shall not be less than the standards established by
5 the federal government for home health agencies under Title
6 XVIII of the Federal Social Security Act. The reasonable
7 rules and standards shall be initially promulgated within
8 one year of September 28, 1983.

 2. The rules and standards adopted by the department
10 pursuant to the provisions of sections 197.400 to 197.477
11 shall apply to all health services covered by sections
12 197.400 to 197.477 rendered to any patient being served by a
13 home health agency regardless of source of payment for the
14 service, patient's condition, or place of residence, at
15 which the home health services are ordered by the physician
16 [or], podiatrist, **nurse practitioner, clinical nurse**
17 **specialist, or physician assistant.** No rule or portion of a
18 rule promulgated pursuant to the authority of sections
19 197.400 to 197.477 shall become effective unless it has been
20 promulgated pursuant to the provisions of section 536.024.

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