

# SENATE BILL NO. 986

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

4269S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to payment for health care services, with penalty provisions.

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

Section A. Chapter 191, RSMo, is amended by adding thereto  
2 one new section, to be known as section 191.2300, to read as  
3 follows:

191.2300. 1. This section shall be known and may be  
2 cited as the "Honest Billing Act".

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

4 (1) "Campus", the same meaning as in 24 CFR 413.65(a),  
5 as may be amended from time to time;

6 (2) "Director", the director of the department of  
7 commerce and insurance;

8 (3) "Enrollee", the same meaning as is ascribed to  
9 such term in section 376.1350;

10 (4) "Facility", the same meaning as is ascribed to  
11 such term in section 376.1350;

12 (5) "Health benefit plan", the same meaning as is  
13 ascribed to such term in section 376.1350;

14 (6) "Health care service", the same meaning as is  
15 ascribed to such term in section 376.1350;

16 (7) "Health carrier" or "carrier", the same meaning as  
17 is ascribed to such term in section 376.1350;

18           (8) "National provider identifier" or "NPI", the  
19 standard, unique health identifier for health care providers  
20 that is issued by the National Plan and Provider Enumeration  
21 System in accordance with 45 CFR Part 162;

22           (9) "Off-campus outpatient department of a facility",  
23 a location:

24           (a) Whose operations are directly or indirectly owned  
25 or controlled by, in whole or in part, or affiliated with a  
26 hospital, regardless of whether the operations are under the  
27 same governing body as the hospital;

28           (b) That is located more than two hundred fifty yards  
29 from the hospital's main campus;

30           (c) That provides services that are organizationally  
31 and functionally integrated with the hospital; and

32           (d) That is an outpatient facility providing  
33 preventive, diagnostic, treatment, or emergency services.

34           3. Except as otherwise specified in this section, this  
35 section shall apply to all facilities licensed and operating  
36 in this state, and to all health carriers doing business in  
37 this state. This act shall apply to claims submitted on or  
38 after January 1, 2025.

39           4. Irrespective of 42 CFR 162.410(a)(1), each off-  
40 campus outpatient department of a facility shall apply for,  
41 obtain, and use, on all claims filed after the date  
42 specified in subsection 3 of this section, for reimbursement  
43 or payment for health care services provided in that  
44 department, a unique NPI that is distinct from the NPI used  
45 by the main campus of the facility and any other off-campus  
46 location of the facility.

47           5. (1) No facility, or entity on behalf of a  
48 facility, shall, with respect to health care services  
49 furnished to a covered person at an off-campus outpatient

50 department of a facility, submit a claim for such health  
51 care services to a health carrier, or hold the enrollee  
52 liable for such health care services, unless those health  
53 care services are billed using the separate unique NPI  
54 established for the off-campus outpatient department, and on  
55 a CMS 1500 form or a HIPAA X12 837P electronic claims  
56 transaction or a successor form or transaction.

57 (2) No health carrier shall be responsible to  
58 reimburse claims for health care services furnished to an  
59 enrollee at an off-campus outpatient department of a  
60 facility if such claims are not billed in accordance with  
61 this subsection.

62 6. A facility, or entity on behalf of a facility, that  
63 does not bill for health care services rendered to an  
64 enrollee at an off-campus outpatient department of a  
65 facility in accordance with this section shall not hold the  
66 enrollee liable to pay for the health care services.  
67 Violation of this subsection shall constitute a violation of  
68 the Missouri merchandising practices act, sections 407.010  
69 to 407.130, subject to enforcement by the attorney general.

70 7. A facility applying for a license or license  
71 renewal by the state shall demonstrate that it has obtained  
72 one or more NPIs as required under this section as a  
73 condition of receiving licensure, and shall use its unique  
74 NPI on every claim for payment in the manner required under  
75 this section.

76 8. The department of health and senior services may,  
77 in accordance with chapter 536, impose any or all of the  
78 following penalties, separately or in combination, on any  
79 licensee violating any of the provisions of this section:

80 (1) An administrative fine of one thousand dollars for  
81 each violation of this section;

82           (2) Recover reasonable investigative fees and costs  
83 incurred as a consequence of the violation or violations;

84           (3) Suspend, revoke, or deny the issuance or renewal  
85 of a license;

86           (4) Place conditions on a license;

87           (5) Place a licensee on probation;

88           (6) Refer to the attorney general for investigation;

89 and

90           (7) Require the provider to post information about  
91 these penalties on the main page of its website.

92           9. The director of the department of commerce and  
93 insurance shall have authority to refer any violation of  
94 this section to the department of health and senior  
95 services. The attorney general shall have authority to  
96 enforce the provisions of this section.

97           10. The director of the department of commerce and  
98 insurance may promulgate rules as necessary for the  
99 implementation of this section. Any rule or portion of a  
100 rule, as that term is defined in section 536.010, that is  
101 created under the authority delegated in this section shall  
102 become effective only if it complies with and is subject to  
103 all of the provisions of chapter 536 and, if applicable,  
104 section 536.028. This section and chapter 536 are  
105 nonseverable and if any of the powers vested with the  
106 general assembly pursuant to chapter 536 to review, to delay  
107 the effective date, or to disapprove and annul a rule are  
108 subsequently held unconstitutional, then the grant of  
109 rulemaking authority and any rule proposed or adopted after  
110 August 28, 2024, shall be invalid and void.

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