

SENATE BILL NO. 1236

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5649S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to disclosure to patients of certain physician benefits.

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 191.885, to read as
3 follows:

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

3 (1) "Drug or device company", a manufacturer,
4 developer, or distributor of pharmaceutical drugs or any
5 device used in the context of the physician's practice;

6 (2) "Open Payments database", the database created to
7 allow the public to search for data provided pursuant to 42
8 U.S.C. Section 1320a-7h and that is maintained by the
9 federal Centers for Medicare and Medicaid Services.

10 2. (1) A physician shall provide to each patient at
11 the patient's office visit a written and verbal notice of
12 the Open Payments database, as well as notice of any
13 benefits the physician has recorded in the database as
14 receiving relating to any pharmaceutical item, drug, or
15 vaccine that the physician is recommending, including any
16 benefits received from the manufacturer of such item, drug,
17 or vaccine.

18 (2) The written notice shall include a signature from
19 the patient or the patient's representative and the date of

20 the signature and shall include information on how to locate
21 and access the Open Payments database.

22 (3) The physician shall include in the records for the
23 patient a record of the written notice required under this
24 section and shall give the patient or patient's
25 representative a copy of the signed and dated notice.

26 3. (1) A physician, or the physician's employer,
27 shall post in each location where the physician practices,
28 in an area that is likely to be seen by all persons who
29 enter the office, an Open Payments database notice, which
30 shall include, in easily readable font, an internet website
31 address for the Open Payments database and the following
32 statement: "For informational purposes only, a link to the
33 federal Centers for Medicare and Medicaid Services Open
34 Payments web page is provided here. The federal Physician
35 Payments Sunshine Act requires detailed information about
36 payment and other payments of value worth over ten dollars
37 (\$10) from manufacturers of drugs, medical devices, and
38 biologics to physicians and teaching hospitals be made
39 available to the public.".

40 (2) Beginning January 1, 2027, if an internet website
41 is used for a physician's practice, the physician, or the
42 physician's employer, shall conspicuously post the Open
43 Payments database notice described in subdivision (1) of
44 this subsection on that website.

45 4. A physician who fails to comply with the provisions
46 of this section shall be subject to discipline by the state
47 board of registration for the healing arts.

48 5. The provisions of this section shall not apply to
49 physicians while working in a hospital emergency department.

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