

# Issue Brief

STATE ISSUE BRIEF • MAY 25, 2022

## LEGEND

HB = House Bill

SB = Senate Bill

HJR = House Joint Resolution

Links to enacted bills will be to the “Truly Agreed and Finally Passed” version. There may be a short delay in posting final versions.

## Summary of the 2022 Session of the Missouri General Assembly — Health Care Legislation

The 101st General Assembly concluded its work Friday, May 13, passing 66 bills (including resolutions and appropriations bills). While the session was overshadowed by weeks of debate over congressional redistricting, a number of health care-related bills passed in the final days of the session, including several MHA priorities. This issue brief summarizes enacted legislation affecting hospitals and the health care industry. The governor likely will take action on appropriations bills before the Friday, July 1, start of the state fiscal year. He must sign or veto substantive legislation by Thursday, July 14 (if he takes no action on a particular piece of legislation by the date, it automatically becomes law). Unless another date is provided for in the legislation, all bills become effective Sunday, Aug. 28, following the legislative session.

### LEGISLATION PASSED BY THE 101ST GENERAL ASSEMBLY

#### Budget And Appropriations

- Provides a \$3 million increase for grants to higher education for nurse training. ([HB 3007](#))
- Provides \$360.7 million to the Missouri Department of Health and Senior Services, Division of Community and Public Health for testing, mitigation and surveillance of infectious disease. ([HB 3010](#))
- Provides \$578 million to the Missouri Department of Mental Health, Division of Developmental Disabilities for provider rate equalization and technology. ([HB 3010](#))
- Provides \$127 million to DMH for services for persons in crisis and in placement transition, including children in Children’s Division custody. ([HB 3010](#))
- Provides \$2 million for payments to hospitals for clients of DMH Developmental Disabilities Division who are boarded. ([HB 3010](#))
- Provides funding for the Medicaid program, including \$2.495 billion for Medicaid expansion. ([HB 3011](#))
- Provides \$1.5 million to pilot the ACE Kids Health Homes program. ([HB 3011](#))
- Provides \$85.9 million for Medicaid Management Information System enhancements and MO HealthNet Division technology needs. ([HB 3011](#))
- Provides \$16.4 million in additional funding to process Medicaid applications. ([HB 3011](#))
- Provides \$500,000 of General Revenue funding for the Poison Control Center. ([HB 3011](#))
- Provides \$8 million for MHD grants to rural Medicaid providers for telehealth technology. ([HB 3020](#))
- Provides \$39 million for two autism centers — Thompson Center for Autism & Neurodevelopmental Disorders (UMC) and Missouri State University (West Plains). ([HB 3020](#))

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## LEGISLATION PASSED BY THE 101ST GENERAL ASSEMBLY

### Budget And Appropriations

- Provides \$78.6 million for a Multiagency One Health Laboratory Campus. ([HB 3020](#))
- Provides \$21 million for a Missouri Department of Commerce and Insurance e-licensing System. ([HB 3020](#))
- Provides \$175 million for community development and industrial revitalization grants. ([HB 3020](#))
- Provides \$40 million for workforce development initiatives. ([HB 3020](#))
- Provides \$10 million for EMS provider grants. ([HB 3020](#))
- Provides \$148.7 million for Federally Qualified Health Center and Community Mental Health Center provider grants. ([HB 3020](#))
- Provides \$411 million for lead water line replacement. ([HB 3020](#))
- Provides \$126 million for state IT infrastructure. ([HB 3020](#))

### Access to Health Care

- Authorizes dental pilot programs. ([HB 2149](#))
- Allows dentists and chiropractors to enter into concierge medicine agreements. ([HB 2168](#))
- Extends the Missouri Rx program. ([HB 2400, SB 710](#))
- Modifies medical student loan programs. ([HB 2331, SB 710](#))
- Repeals reporting requirements associated with women with high-risk pregnancies. ([HB 2331, SB 710](#))
- Establishes medical preceptorship tax credit. ([HB 2331, SB 718](#))
- Expands uses of the Organ Donor Program Fund. ([HB 2331, SB 710](#))

### Emergency Services

- Changes requirements associated with the Time Critical Diagnosis program. ([HB 2331](#))
- Changes the calculation of ground ambulance federal reimbursement allowance. ([SB 725](#))

### Licensure

- Alters the timing of hospital, hospice, long-term care and home health licensure inspections. ([HB 2331, SB 710](#))
- Allows individuals to meet application standards for licensure as a physical therapist or physical therapist assistant with proof of eligibility to graduate from an approved program within 90 days. ([HB 2149](#))
- Expedites the licensure process for members of the Armed Forces. ([HB 2149](#))
- Prohibits the Missouri Board of Registration for the Healing Arts from taking administrative action against a licensee for dispensing, distributing or selling ivermectin for use in accordance with prescriber directions. ([HB 2149](#))
- Requires audiologists and speech-language pathologists to complete a clinical fellowship, changes the standards for reciprocal licensure and establishes the Audiology and Speech-Language Pathology Interstate Compact. ([HB 2149](#))

### Mental Health

- Removes the notarization requirement from affidavits supporting involuntary commitment. ([SB 775, 751 & 640](#))

### Pharmacy

- Prohibits a pharmacist from contacting a prescribing physician or the patient to dispute the efficacy of ivermectin or hydroxychloroquine absent inquiry from the physician or patient. ([HB 2149](#))

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## LEGISLATION PASSED BY THE 101ST GENERAL ASSEMBLY

### Sexual Assault

- Modifies the sexual assault survivors’ bill of rights. ([SB 775](#))

### Substance Use Disorder

- Authorizes the director of DHSS or his/her designee to issue a standing order for naltrexone hydrochloride and permits a licensed pharmacist to sell and dispense the same pursuant to such order. ([HB 2162](#), [HB 2331](#))

### Vaccines

- Prohibits political subdivisions from imposing COVID-19 vaccine mandates on public employees (exempts public hospitals). ([HB 1606](#))
- Prohibits the state from requiring COVID-19 vaccination as a condition of employment, except for those that work for certain state health care facilities. ([HB 2090](#))
- Prohibits consideration of COVID-19 vaccination status in organ procurement decisions, except for lung transplants. ([HB 2331](#))

### Visitation

- Imposes visitation requirements for hospitals and long-term care facilities. ([SB 710](#), [HB 2116](#), [2097](#), [1690](#) & [2221](#))

### Workforce

- Allows nurse practitioners, clinical nurse specialists or physician assistants to write home health orders. ([HB 2149](#), [HB 2331](#), [SB 710](#))
- Establishes regulation of staffing agencies. ([SB 710](#))
- Expands the Fast Track Workforce Incentive Grant Program. ([SB 672](#))

### Health Care Designations

- Designates Black Maternal Health Week. ([HB 1738](#), [SB 710](#))
- Establishes Biliary Atresia Awareness Day. ([HB 1738](#), [SB 710](#))
- Establishes Celiac Awareness Day. ([HB 1738](#))
- Designates Sickle Cell Awareness Week. ([HB 1738](#), [HB 2627](#), [SB 710](#))
- Designates Myasthenia Gravis Awareness Month. ([HB 1738](#))
- Establishes Hypoplastic Left Heart Syndrome Awareness Day. ([HB 1738](#), [HB 2627](#))
- Designates Tardive Dyskinesia Awareness Week. ([HB 1738](#), [HB 2627](#))
- Designates Victims of Coronavirus Memorial Week. ([HB 1738](#))
- Establishes Polycystic Ovary Syndrome Awareness Day. ([HB 1738](#))
- Designates Uterine Fibroid Awareness Month. ([HB 1738](#))
- Designates Substance Abuse Awareness and Prevention Month. ([HB 1738](#))
- Establishes Caregiver Appreciation Day. ([HB 1738](#))
- Establishes Missouri Donate Life Day. ([HB 1738](#))
- Establishes Lupus Awareness Month and Lupus Awareness Day. ([HB 1738](#))
- Designates Triple Negative Breast Cancer Awareness Month. ([HB 1738](#))
- Establishes Sexual Assault Prevention and Awareness Day. ([HB 1738](#))
- Designates Minority Health Month. ([HB 1738](#))
- Designates Hydrocephalus Awareness Month. ([HB 1738](#), [HB 2627](#))
- Designates Scoliosis Awareness Month. ([HB 1738](#))
- Establishes Epilepsy Awareness Day. ([HB 1738](#))

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## UNSUCCESSFUL LEGISLATION

Some of the bills that did not pass include MHA priorities, such as 340B reforms, prohibitions on white bagging, hospital boarding and staffing agency profiteering. Those items likely will reappear on MHA’s legislative agenda for 2023. Staff successfully advocated against a number of detrimental policies, including approximately 25 bills relating to immunizations and vaccine mandates, an attempt to return the issue of Medicaid expansion to the voters, and repeal of certificate of need requirements.

### Emergency Services

- Authorizes out-of-hospital do-not-resuscitate orders for individuals under the age of 18. (HB 2741)

### Gender Reassignment Procedures

- Extends the statute of limitations for malpractice actions associated with gender reassignment procedures and establishes standards for informed consent. (HB 2399, SB 843)

### Health Care Access

- Requires the Missouri Departments of Social Services and Mental Health to address boarding of adolescent psychiatric patients in hospitals. (HB 2691, SB 1168)
- Requires bleeding control kits in all public school and charter school classrooms. (HB 1722)

### Hospital Operations

- Repeals certificate of need requirements. (HB 1616, SB 727/SB 890)
- Prohibits conditioning employment, granting of privileges or reimbursement on maintenance of board certification. (SB 802)
- Restricts covenants not to compete. (SB 803)
- Authorizes individuals to carry concealed weapons in hospitals. (SB 752)
- Regulates surgical smoke. (HB 1711, SB 1000)
- Requires hospitals to provide human trafficking awareness training. (HB 2406)
- Imposes requirements for gathering forensic evidence. (HB 1866)
- Mandates reports of stab wounds. (HB 1866)
- Prohibits prostate, anal or pelvic examination on an anesthetized or unconscious patient without informed consent. (HB 1742, SB 746)

### Insurance

- Requires insurance coverage for insulin. (HB 2303)
- Requires insurance coverage for breast cancer. (HB 2427, SB 1166)
- Requires insurance coverage for step therapy. (SB 959)
- Requires insurance coverage for cost sharing. (SB 1031)
- Regulates practices associated with prior authorization. (SB 947)

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## UNSUCCESSFUL LEGISLATION

### Licensure

- Establishes the Physicians Interstate Compact. (HB 2004)
- Authorizes certified registered nurse anesthetists to issue orders for and administer controlled substances. (HB 1602)
- Expands scope of practice/removes restrictions on advanced practice registered nurses (HB 1482, HB 1578, HB 2383, HB 2434, SB 917)
- Establishes the Counseling Interstate Compact. (HB 2749)
- Requires certification of radiographers, nuclear medicine technologists, radiation therapists and limited X-ray machine operators. (HB 2166, SB 991)
- Imposes requirements on assistant physicians. (HB 2296)

### Medicaid

- Revises the Medicaid program, including provisions jeopardizing funding, imposing work requirements for the expansion population and eliminating out-of-state payments. (HJR 92, HJR 117, SB 938)
- Extends postpartum coverage. (HB 2604, SB 639, SB 698)
- Implements the ACE Kids program for medically complex children. (HB 2368)
- Requires DSS to apply for a waiver to provide coverage for mental health services. (HB 1978)

### Pharmacy

- Prohibits certain insurance practices against 340B providers. (HB 1677, HB 2305, SB 921, SB 1129)
- Prohibits white bagging and regulates coverage of biosimilars. (HB 2305, SB 1129)
- Authorizes pharmacists to provide medication therapy services pursuant to a statewide standing order and to administer certain vaccines. (HB 2452)

### Substance Use Disorder

- Establishes a fentanyl testing strip pilot program. (HB 2570, HB 2797)

### Telehealth

- Allows the use of adaptive questionnaire digital technology to establish a physician-patient relationship. (HB 2165, SB 829)

### Tort Reform

- Reduces the statute of limitations in personal injury actions. (HB 2206, SB 631)
- Modifies the rule for determining the admissibility of evidence of collateral source payments in civil actions. (HB 1715, SB 975)
- Allows apportionment of fault in civil actions regardless of whether the defendant is a party to the action or was previously released from liability. (SB 669)

### Workforce

- Defines the employment relationship between health care staffing platforms and traveling health care workers. (HB 1718, SB 909)
- Prohibits staffing agencies from artificial profiteering during declared emergencies. (HB 2710, SB 1011)
- Imposes nurse staffing ratios. (HB 2227)