

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1479
91ST GENERAL ASSEMBLY

Reported from the Committee on Social Services, Medicaid and the Elderly, February 28, 2002, with recommendation that the House Committee Substitute for House Bill No. 1479 Do Pass.

TED WEDEL, Chief Clerk

3830L.03C

AN ACT

To repeal section 149.065, RSMo, and to enact in lieu thereof six new sections relating to the emergency preparedness resource act, with a referendum clause.

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

Section A. Section 149.065, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 149.017, 149.065, 190.600, 190.605, 190.610, and 190.615, to read as follows:

149.017. In addition to the taxes imposed pursuant to sections 149.015 and 149.082, there is hereby imposed a forty-one cent tax upon the sale of each twenty-count package of cigarettes to be credited to the emergency preparedness resource fund created in section 190.605, RSMo. The tax imposed by this section shall be collected in the same manner and at the same time as the tax imposed pursuant to section 149.015.

149.065. All taxes collected pursuant to this chapter, except for those portions required to be deposited in the fair share fund, **the emergency preparedness resource fund**, or the health initiatives fund, shall be deposited in the state treasury to the credit of the state school moneys fund.

190.600. Sections 190.600 to 190.615 and sections 149.017 and 149.065, RSMo, shall be known and may be cited as the "Emergency Preparedness Resource Act".

190.605. 1. There is hereby created in the state treasury the "Emergency Preparedness Resource Fund" to be administered by the department of social services and the department of health and senior services. Moneys generated pursuant to sections 190.600 to 190.615 and sections 149.017 and 149.065, RSMo, which are not otherwise allocated pursuant to article IV, section 30(b) of the Missouri Constitution shall be deposited in the fund. Moneys received from federal, state, or local funds appropriated,

7 private or public grants, and gifts shall be deposited to the credit of the fund.

8 **2. Moneys appropriated from the fund pursuant to section 190.610 shall constitute**
9 **additional amounts in excess of the moneys appropriated for such purposes from the**
10 **general revenue fund or other sources as of July 1, 2002. The state shall not reduce the**
11 **level of funding in effect on July 1, 2002, for such purposes due to the appropriation of**
12 **moneys for such purposes from the emergency preparedness resource fund.**

13 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
14 **funds are invested. Any interest and moneys earned on such investments shall be credited**
15 **to the fund.**

16 **4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys**
17 **in the emergency preparedness resource fund shall not revert to the credit of the general**
18 **revenue fund at the end of the biennium.**

190.610. 1. Moneys in the emergency preparedness resource fund shall be
2 **appropriated solely for the following programs or services, provided that fifteen percent**
3 **of such moneys shall be used for health programs related to women and minorities, and**
4 **shall be distributed in the following manner:**

5 **(1) The department of social services shall administer the following programs or**
6 **services using twenty cents of the tax imposed by section 149.017, RSMo:**

7 **(a) Providing supplemental Medicaid payments to hospitals for trauma treatment**
8 **services. Such payments shall be in addition to the hospital's Medicaid per diem**
9 **reimbursement rate. The reimbursement methodology shall include but is not limited to**
10 **the following criteria:**

11 **a. Scope and severity of the trauma on an established scale;**

12 **b. Services provided, including those provided by an emergency room to stabilize**
13 **a patient for transfer to a trauma center or a higher level trauma center;**

14 **c. Other funding reimbursement available in the trauma case, including but not**
15 **limited to automobile insurance, health insurance, and lawsuit settlements;**

16 **d. The disproportionate share of uncompensated and Medicaid trauma cases the**
17 **hospital handled in the past year;**

18 **e. The hospital's financial obligation to pay per diem payments to physicians that**
19 **provide care in trauma cases on an on-call basis; and**

20 **(b) Providing supplemental payments to hospitals for uncompensated trauma**
21 **treatment services not covered by Medicaid. The reimbursement methodology shall**
22 **include but is not limited to the following criteria:**

23 **a. Scope and severity of the trauma on an established scale;**

24 **b. Services provided, including those provided by an emergency room to stabilize**

- 25 a patient for transfer to a trauma center or a higher level trauma center;
- 26 c. Other funding reimbursement available in the trauma case, including but not
- 27 limited to automobile insurance, health insurance, and lawsuit settlements;
- 28 d. The disproportionate share of uncompensated and Medicaid trauma cases the
- 29 hospital handled in the past year;
- 30 e. The hospital's financial obligation to pay per diem payments to physicians that
- 31 provide care in trauma cases on an on-call basis; and
- 32 (c) Providing supplemental Medicaid payments to hospitals for uncompensated and
- 33 Medicaid emergency room treatment services;
- 34 (d) Providing supplemental Medicaid payments to physicians:
- 35 a. For trauma treatment services delivered by a physician in a hospital trauma
- 36 center. Such payments shall increase the Medicaid reimbursement rate for a particular
- 37 service to a level equal to three hundred percent of the Medicare reimbursement rate for
- 38 such service. For follow-up treatment services by trauma specialists and other physicians
- 39 for trauma injuries initially treated in a trauma center, the Medicaid reimbursement rate
- 40 for a particular service shall increase to a level equal to one hundred fifty percent of the
- 41 Medicare reimbursement rate for such service. Notwithstanding any other provision of
- 42 this section to the contrary, physicians who demand a per diem payment from the hospital
- 43 for being on call for trauma cases shall not receive any moneys from any portion of the
- 44 fund;
- 45 b. For physician services delivered in a hospital emergency department. Such
- 46 payments shall increase the Medicaid reimbursement rate for a particular service to a level
- 47 equal to one hundred percent of the Medicare reimbursement rate for such service;
- 48 c. For physician services authorized by the department of social services for
- 49 Medicaid recipients for pediatric and adult care. Such payments shall increase the
- 50 Medicaid reimbursement rate for a particular service to a level equal to one hundred
- 51 percent of the Medicare reimbursement rate for such service;
- 52 (e) Providing supplemental Medicaid payments to emergency medical services
- 53 providers, including but not limited to public or private ambulance services; and
- 54 (f) Providing supplemental Medicaid payments to dentists;
- 55 (g) Providing supplemental Medicaid payments to other noninstitutional Medicaid
- 56 providers; and
- 57 (2) The department of health and senior services shall administer the following
- 58 programs or services using five cents of the tax imposed by section 149.017, RSMo:
- 59 (a) A comprehensive evaluation of Missouri's emergency preparedness status by
- 60 a team assembled by the department that includes, but is not limited to, physicians,

61 hospital administrators, and other health care providers who specialize in emergency or
62 trauma care. Such team shall make recommendations for any improvements necessary to
63 Missouri's emergency preparedness. The only compensation for the evaluation team
64 members shall be reimbursement for travel and expenses. Funds shall be made available
65 to elevate Missouri emergency preparedness based on the team recommendations; and

66 (b) Emergency preparedness training programs;

67 (c) Disease surveillance and detection activities;

68 (d) A comprehensive study of the causes for Missouri's elevated death rate due to
69 traumatic injuries compared to other states. Funds shall be made available through grants
70 administered by the department to promote programs, including educational programs,
71 to reduce the incidence and severity of traumatic injuries as indicated in the study with the
72 goal of reducing Missouri's death rate due to traumatic injuries to below the national
73 average;

74 (e) A comprehensive trauma registry to improve the state's ability to analyze the
75 efficiency and effectiveness of the trauma care system; and

76 (f) Health sciences research related to the identification, prevention, and treatment
77 of illnesses or injuries caused by toxic nuclear, biological, or chemical substances with a
78 potential use in the crime of causing catastrophe, defined in section 569.070, RSMo, or the
79 crime of making a terrorist threat, defined in section 574.115, RSMo; and

80 (3) Fifteen cents of the tax imposed by section 149.017, RSMo, for use in
81 comprehensive tobacco cessation, education, and treatment programs as delineated by rule
82 of the department of health and senior services, in conjunction with the department of
83 social services and the department of mental health. The rules for such programs shall be
84 based on the Centers for Disease Control and Prevention's nine components of
85 comprehensive tobacco control programs; and

86 (4) One cent of the tax imposed by section 149.017, RSMo, for distribution to funds
87 established pursuant to chapter 149, RSMo, prior to the effective date of this act to cover
88 future reductions in revenues as a result of subdivision (3) of this subsection.

89 2. Hospitals and physicians who receive moneys pursuant to subsection 1 of this
90 section shall collaborate in the development of an emergency preparedness plan to enhance
91 access to treatment services in the event of an emergency, as defined in section 44.010,
92 RSMo.

190.615. The additional revenue provided by sections 190.600 to 190.615 and
2 sections 149.017 and 149.065, RSMo, shall not be part of total state revenues within the
3 meaning of article X, sections 17 and 18 of the Missouri Constitution. The expenditure of
4 such additional revenues shall not be an expense of the state pursuant to article X, section

5 **20 of the Missouri Constitution.**

Section B. Section A of this act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall be held and
3 conducted on the Tuesday immediately following the first Monday in November, 2002, or at a
4 special election to be called by the governor for that purpose, pursuant to the laws and
5 constitutional provisions of this state applicable to general elections and the submission of
6 referendum measures by initiative petition, and it shall become effective when approved by a
7 majority of the votes cast thereon at such election and not otherwise.