

SECOND REGULAR SESSION

# HOUSE BILL NO. 1456

91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH.

Read 1<sup>st</sup> time January 15, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3734L.011

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## AN ACT

To amend chapter 197, RSMo, by adding thereto two new sections relating to open records for public hospitals.

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

Section A. Chapter 197, RSMo, is amended by adding thereto two new sections, to be known as sections 197.150 and 197.160, to read as follows:

**197.150. 1. As used in this section, the following terms mean:**

(1) "Health carrier", the same as such term is defined in section 376.1350, RSMo;

(2) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;

(3) "Public hospital", a hospital organized pursuant to section 81.190 or 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo;

(4) "Public record", the same as such term is defined in subdivision (6) of section 610.010, RSMo;

(5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;

(6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the federal Employment Retirement Income Security Act of 1974, as amended.

2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may

19 close portions of records and meetings of the entity that it manages or controls if such  
20 portions of records and meetings pertain to:

21 (1) The payment amounts and payment methodologies of its contract proposals to  
22 and contracts with a health carrier or a self-insured health plan. Information concerning  
23 the parties involved and the duration of such a contract shall be a public record;

24 (2) Discussion and analysis of:

25 (a) Developing a new health service or a new facility;

26 (b) Expanding or revising an existing health service or facility; or

27 (c) Entering into a shared service arrangement or other affiliate agreement;

28 (3) The amount of compensation that will be or is being paid to a physician under  
29 the public hospital's or a related organization's contract proposals to and contracts with  
30 a physician. While the compensation amounts of such a contract proposal or contract may  
31 be closed, such compensation amounts shall be included in the public hospital's or related  
32 organization's overall financial statements and such statements shall be a public record;

33 (4) The records closed pursuant to this subsection shall be disclosed to the state  
34 auditor pursuant to section 29.230, RSMo, or pursuant to lawful subpoena or request by  
35 only departments of the state of Missouri pursuant to an investigation.

36 3. The disclosure of records and meetings of a public hospital, other than those  
37 records and meetings which may be closed pursuant to this section, shall be governed by  
38 chapter 610, RSMo. This section shall not be construed to prohibit a public hospital from  
39 claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section  
40 610.021, RSMo.

197.160. The meetings and records of a public hospital as defined in subdivision (3)  
2 of subsection 1 of section 197.150 shall not be construed to be a public record or a public  
3 meeting as defined in subdivisions (5) and (6) of section 610.010, RSMo, if:

4 (1) The public hospital does not receive money from a tax levy imposed by the city,  
5 county, or hospital district that established the hospital; and

6 (2) The public hospital waives its right to claim sovereign or governmental tort  
7 immunity protection available pursuant to sections 537.600 to 537.615, RSMo.