

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 181, Page 1, In the title, Line 3, by
2 deleting the words, "medical records of deceased patients" and insert in lieu thereof the words,
3 "health care"; and
4

5 Further amend said bill, Page 3, Section 191.227, Line 73, by inserting after all of said line the
6 following:
7

8 "197.750. 1. This section shall be known and may be cited as the "Hospital Observation
9 Status Consumer Notification Act".

10 2. As used in this section, "hospital emergency room" means an entity within a hospital
11 which is organizationally distinct from other outpatient facilities and whose primary function is to
12 provide emergency accident and emergency medical and surgical care.

13 3. (1) A hospital shall provide oral and written notice to a patient of the patient's outpatient
14 status, the billing implications of the outpatient status, and the impact of the outpatient status on the
15 patient's insurance coverage for the current hospital services, including medications and other
16 pharmaceutical supplies and coverage for a subsequent discharge to a skilled nursing facility or
17 home- and community-based care. A hospital shall provide notice to a patient or a patient's designee
18 of the patient's outpatient status, and information that provides a general description of outpatient
19 observation status, if all of the following apply:

20 (a) The patient receives on-site services from the hospital for more than twenty-three
21 consecutive hours;

22 (b) The on-site services received by the patient include a hospital bed and meals that have
23 been provided in an area of the hospital other than the hospital emergency room; and

24 (c) The patient has not been formally admitted as an inpatient to the hospital.

25 (2) The notice under subdivision (1) of this subsection shall include disclosure of the cost
26 and ramification of the patient's status under subdivision (1) of this subsection and the patient's right
27 of appeal in regard to outpatient status.

28 (3) The written notice shall be signed and dated by the patient or the patient's legal
29 representative to acknowledge receipt, and shall also be signed and dated by the staff person who
30 communicates the patient's status.

31 4. (1) A hospital shall provide training to each staff person that communicates outpatient
32 status, billing implication of the outpatient status, and the impact of outpatient status on the patient's
33 eligibility for Medicare so that a staff person is able to adequately respond to inquiries regarding the
34 communication made by a patient and the patient's family.

35 (2) A patient notice required under subdivision (1) of this subsection shall include the
36 following:

Action Taken _____ Date _____

1 "OUTPATIENTOBSERVATIONSTATUSMAYIMPACTCOVERAGE
2 DETERMINATIONSMADEBYTHEFEDERALMEDICAREPROGRAMORTHEPATIENT'S
3 INSURANCECOMPANYFORHOSPITALORPOSTHOSPITALPAYMENTS.

4 FINALDECISIONSRELATEDTOOUTPATIENTOBSERVATIONSTATUSMAYBE
5 MADEAFTERAPATIENTISNOLONGERAPATIENTATTHEHOSPITALANDAFTERA
6 PATIENTHASRECEIVEDHOSPITALSERVICESOROTHERSERVICES.

7 APATIENTSHOULDCONTACTMEDICARE,MOHEALTHNET,ORANYOTHER
8 INSURANCEPROVIDERIFTHEPATIENTHASSPECIFICQUESTIONSABOUTTHE
9 COVERAGE."

10 (3) A hospital shall provide information to a patient concerning observation status as
11 follows:

12 (a) By written notice; and

13 (b) By oral notice, which shall include a summary of the notice provided under paragraph (a)
14 of this subdivision or, at the request of the patient, the actual notice provided under paragraph (a) of
15 this subdivision.

16 5. If, during or after a patient receives a hospital service, a patient's inpatient stay is later
17 recategorized, a hospital shall not be responsible for a coverage implication or notice requirement
18 under this section.

19 6. (1) If the federal government amends 42 CFR 409.30(a)(1), relating to basic
20 requirements, to eliminate or modify the Medicare three-day qualifying hospital stay requirement in
21 a manner that makes the notification required under subsection 3 of this section unnecessary, the
22 department of social services shall submit notice of the amendment for publication in the Missouri
23 Register.

24 (2) This section shall expire upon publication of the notice under subdivision (1) of this
25 subsection.

26 Section B. Because immediate action is necessary to ensure the health and safety of the
27 citizens of this state, section 197.750 of section A of this act is deemed necessary for the immediate
28 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
29 emergency act within the meaning of the constitution, and section 197.750 of section A of this act
30 shall be in full force and effect upon its passage and approval."; and

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32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.
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