

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858 & 868
93RD GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, February 2, 2006, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bills Nos. 858 & 868, adopted February 8, 2006.

Taken up for Perfection February 8, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4455S.02P

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the healthcare technology fund, with an emergency clause.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new
2 section, to be known as section 191.990, to read as follows:

191.990. 1. There is hereby created in the state treasury the
2 "Healthcare Technology Fund" which shall consist of all gifts, donations,
3 transfers, moneys appropriated by the general assembly, and bequests
4 to the fund. The state treasurer shall be custodian of the fund and shall
5 approve disbursements from the fund in accordance with sections
6 30.170 and 30.180, RSMo. The fund shall be administered by the
7 department of social services. The fund shall be created no later than
8 July 1, 2006, provided however, that if the effective date of this act is
9 after July 1, 2006, then the fund shall be created no later than such
10 effective date.

11 2. Upon appropriation, moneys in the fund shall be used to
12 promote technological advances to improve patient care, decrease
13 administrative burdens, and increase patient and healthcare provider
14 satisfaction. Such programs or improvements on technology shall
15 include encouragement and implementation of technologies intended

16 to improve the safety, quality, and costs of healthcare services in the
17 state including, but not limited to, the following:

- 18 (1) Electronic medical records;
- 19 (2) Community health records;
- 20 (3) Personal health records;
- 21 (4) E-prescribing;
- 22 (5) Telemedicine; and
- 23 (6) Telemonitoring.

24 3. It is hereby declared to be the policy of the state of Missouri
25 that funds from the Healthcare Technology Fund shall not be expended
26 for political purposes and shall not be expended to the financial benefit
27 of any elected public official or any state employee who has direct
28 decision-making or administrative authority over disbursements from
29 the fund. No moneys in the Healthcare Technology Fund shall be
30 appropriated or expended for products or services provided by any
31 business or corporation:

32 (1) At least one-half of one percent of which is beneficially owned
33 by any elected public official or any state employee who has direct
34 decision-making or administrative authority over disbursements from
35 the fund;

36 (2) Which has a director who is an elected public official or any
37 state employee who has direct decision-making or administrative
38 authority over disbursements from the fund; or

39 (3) Which has an executive officer or executive manager who is
40 an elected public official or any state employee who has direct
41 decision-making or administrative authority over disbursements from
42 the fund.

43 4. For purposes of this section, the following terms shall have the
44 following meanings:

45 (1) "Elected public official or any state employee", means a
46 person who holds an elected public office in a municipality, a county
47 government, a state government, or the federal government, or any
48 state employee, and the spouse of either such person, and any relative
49 within one degree of consanguinity or affinity of either such person;

50 (2) "Executive officer or executive manager", means any person
51 who is a chairman, vice chairman, chief executive officer, chief
52 financial officer, other chief officer, president, any level of vice

53 president, or any other officer or manager who has executive level
54 management duties and reports directly to the directors or to any
55 chairman, chief officer or president of the business or corporation.

56 5. Any amounts appropriated or expended from the Healthcare
57 Technology Fund in violation of this section shall be remitted by the
58 payee to the fund with interest paid at the rate of one percent per
59 month. The attorney general is authorized to take all necessary action
60 to enforce the provisions of this section, including, but not limited to,
61 obtaining an order for injunction from a court of competent
62 jurisdiction to stop payments from being made from the fund in
63 violation of this section.

64 6. At least twenty-five percent of the funds annually disbursed
65 shall be dedicated to technological upgrades and promotion of
66 technological advances in accordance with subsection 2 of this section
67 in medically under-served communities and populations.

68 7. Any moneys remaining in the fund at the end of the biennium
69 shall revert to the credit of the general revenue fund, except for
70 moneys that were gifts, donations, or bequests.

71 8. The state treasurer shall invest moneys in the fund in the
72 same manner as other funds are invested. Any interest and moneys
73 earned on such investments shall be credited to the fund.

74 9. The department of social services shall promulgate rules
75 setting forth the procedures and methods of implementing the
76 provisions of this section. Any rule or portion of a rule, as that term is
77 defined in section 536.010, RSMo, that is created under the authority
78 delegated in this section shall become effective only if it complies with
79 and is subject to all of the provisions of chapter 536, RSMo, and, if
80 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
81 are nonseverable and if any of the powers vested with the general
82 assembly pursuant to chapter 536, RSMo, to review, to delay the
83 effective date, or to disapprove and annul a rule are subsequently held
84 unconstitutional, then the grant of rulemaking authority and any rule
85 proposed or adopted after August 28, 2006, shall be invalid and void.

Section B. Because of the need to address the pending funding crisis of
2 the state's public assistance healthcare delivery system, section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare,
4 peace and safety, and is hereby declared to be an emergency act within the

5 meaning of the constitution, and section A of this act shall be in full force and
6 effect upon its passage and approval.

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Unofficial

Bill

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