

FIRST REGULAR SESSION

# SENATE BILL NO. 4

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GROSS.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause and an expiration date for certain sections.

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

Section A. Sections 198.439, 208.437, 208.480, and 338.550, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 198.439, 208.437, 208.480, and 338.550, to read as follows:

198.439. Sections 198.401 to 198.436 shall expire on September 30, [2007]  
2 **2008.**

208.437. 1. A Medicaid managed care organization reimbursement  
2 allowance period as provided in sections 208.431 to 208.437 shall be from the first  
3 day of July to the thirtieth day of June. The department shall notify each  
4 Medicaid managed care organization with a balance due on the thirtieth day of  
5 June of each year the amount of such balance due. If any managed care  
6 organization fails to pay its managed care organization reimbursement allowance  
7 within thirty days of such notice, the reimbursement allowance shall be  
8 delinquent. The reimbursement allowance may remain unpaid during an appeal.

9 2. Except as otherwise provided in this section, if any reimbursement  
10 allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid  
11 and delinquent, the department of social services may compel the payment of  
12 such reimbursement allowance in the circuit court having jurisdiction in the  
13 county where the main offices of the Medicaid managed care organization are  
14 located. In addition, the director of the department of social services or the  
15 director's designee may cancel or refuse to issue, extend or reinstate a Medicaid

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 contract agreement to any Medicaid managed care organization which fails to pay  
17 such delinquent reimbursement allowance required by sections 208.431 to 208.437  
18 unless under appeal.

19 3. Except as otherwise provided in this section, failure to pay a delinquent  
20 reimbursement allowance imposed under sections 208.431 to 208.437 shall be  
21 grounds for denial, suspension or revocation of a license granted by the  
22 department of insurance. The director of the department of insurance may deny,  
23 suspend or revoke the license of a Medicaid managed care organization with a  
24 contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care  
25 organization's delinquent reimbursement allowance unless under appeal.

26 4. Nothing in sections 208.431 to 208.437 shall be deemed to affect or in  
27 any way limit the tax-exempt or nonprofit status of any Medicaid managed care  
28 organization with a contract under 42 U.S.C. Section 1396b(m) granted by state  
29 law.

30 5. Sections 208.431 to 208.437 shall expire on June 30, [2007] **2008**.

208.480. Notwithstanding the provisions of section 208.471 to the  
2 contrary, sections 208.453 to 208.480 shall expire on September 30, [2007] **2008**.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550  
2 shall expire ninety days after any one or more of the following conditions are met:

3 (1) The aggregate dispensing fee as appropriated by the general assembly  
4 paid to pharmacists per prescription is less than the fiscal year 2003 dispensing  
5 fees reimbursement amount; or

6 (2) The formula used to calculate the reimbursement as appropriated by  
7 the general assembly for products dispensed by pharmacies is changed resulting  
8 in lower reimbursement to the pharmacist in the aggregate than provided in  
9 fiscal year 2003; or

10 (3) June 30, [2007] **2008**.

11 The director of the department of social services shall notify the revisor of  
12 statutes of the expiration date as provided in this subsection. The provisions of  
13 sections 338.500 to 338.550 shall not apply to pharmacies domiciled or  
14 headquartered outside this state which are engaged in prescription drug sales  
15 that are delivered directly to patients within this state via common carrier, mail  
16 or a carrier service.

17 2. Sections 338.500 to 338.550 shall expire on June 30, [2007] **2008**.

Section B. Because of the need to preserve state revenue, section A of this  
2 act is deemed necessary for the immediate preservation of the public health,

3 welfare, peace and safety, and is hereby declared to be an emergency act within  
4 the meaning of the constitution, and section A of this act shall be in full force and  
5 effect upon its passage and approval.

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Unofficial

Bill

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