SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 178

AN ACT

To repeal sections 191.648, 192.769, and 210.030, RSMo, and to enact in lieu thereof four new sections relating to health care.

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

Section A. Sections 191.648, 192.769, and 210.030, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 191.648, 192.2521, 210.030, and 376.1240, to read as follows:

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

(1) "Designated sexually transmitted infection", chlamydia, gonorrhea, trichomoniasis, or any other sexually transmitted infection designated as appropriate for expedited partner therapy by the department of health and senior services or for which expedited partner therapy was recommended in the most recent Centers for Disease Control and Prevention guidelines for the prevention or treatment of sexually transmitted infections;

(2) "Expedited partner therapy" **[**means**]**, the practice of treating the sex partners of persons with **[**chlamydia or gonorrhea**]** designated sexually transmitted infections without an intervening medical evaluation or professional prevention counseling;

(3) "Health care professional", a member of any profession regulated by chapter 334 or 335 authorized to prescribe medications.

2. Any licensed physician or health care professional may, but shall not be required to, utilize expedited partner

therapy for the management of the partners of persons with [chlamydia or gonorrhea] designated sexually transmitted infections. Notwithstanding the requirements of 20 CSR 2150- 5.020 (5) or any other law to the contrary, a licensed physician or health care professional utilizing expedited partner therapy may prescribe and dispense medications for the treatment of [chlamydia or gonorrhea] a designated sexually transmitted infection for an individual who is the partner of a person with [chlamydia or gonorrhea] a designated sexually transmitted infection and who does not have an established physician/patient relationship with such physician or an established health care professional/patient relationship with such health care professional. [Any antibiotic medications prescribed and dispensed for the treatment of chlamydia or gonorrhea under this section shall be in pill form].

3. Any licensed physician or health care professional utilizing expedited partner therapy for the management of the partners with [chlamydia or gonorrhea] designated sexually transmitted infections shall provide explanation and guidance to [a] each patient [diagnosed with chlamydia or gonorrhea] of the preventative measures that can be taken by the patient to stop the [spread] transmission of such [diagnosis] infection.

4. Any licensed physician or health care professional utilizing expedited partner therapy for the management of partners of persons with [chlamydia or gonorrhea] designated sexually transmitted infections under this section shall have immunity from any civil liability that may otherwise result by reason of such actions, unless such physician or health care professional acts negligently, recklessly, in bad faith, or with malicious purpose.

5. The department of health and senior services and the division of professional registration within the department of commerce and insurance shall by rule develop guidelines for the implementation of subsection 2 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

192.2521. A specialty hospital is exempt from the provisions of sections 192.2520 and 197.135 if such hospital has a policy for transfer of a victim of a sexual assault to an appropriate hospital with an emergency department. As used in this section, "specialty hospital" means a hospital that has been designated by the department of health and senior services as something other than a general acute care hospital.

210.030. 1. Every licensed physician, midwife, registered nurse and all persons who may undertake, in a professional way, the obstetrical and gynecological care of a pregnant woman in the state of Missouri shall, if the woman consents, take or cause to be taken a sample of venous blood of such woman at the time of the first prenatal examination, or not later than twenty days after the first prenatal examination, another sample at twenty-eight weeks of pregnancy, and another sample immediately after birth and

subject such [sample] samples to an approved and standard serological test for syphilis[, an] and approved serological [test] tests for hepatitis B, hepatitis C, human immunodeficiency virus (HIV), and such other treatable diseases and metabolic disorders as are prescribed by the department of health and senior services. [In any area of the state designated as a syphilis outbreak area by the department of health and senior services, if the mother consents, a sample of her venous blood shall be taken later in the course of pregnancy and at delivery for additional testing for syphilis as may be prescribed by the department] If a mother tests positive for syphilis, hepatitis B, hepatitis C, or HIV, or any combination of such diseases, the physician or person providing care shall administer treatment in accordance with the most recent accepted medical practice. If a mother tests positive for hepatitis B, the physician or person who professionally undertakes the pediatric care of a newborn shall also administer the appropriate doses of hepatitis B vaccine and hepatitis B immune globulin (HBIG) in accordance with the current recommendations of the Advisory Committee on Immunization Practices (ACIP). If the mother's hepatitis B status is unknown, the appropriate dose of hepatitis B vaccine shall be administered to the newborn in accordance with the current ACIP recommendations. If the mother consents, a sample of her venous blood shall be taken. If she tests positive for hepatitis B, hepatitis B immune globulin (HBIG) shall be administered to the newborn in accordance with the current ACIP recommendations.

2. The department of health and senior services shall[, in consultation with the Missouri genetic disease advisory committee,] make such rules pertaining to such tests as shall be dictated by accepted medical practice, and

tests shall be of the types approved or accepted by the [department of health and senior services. An approved and standard test for syphilis, hepatitis B, and other treatable diseases and metabolic disorders shall mean a test made in a laboratory approved by the department of health and senior services] United States Food and Drug Administration. No individual shall be denied testing by the department of health and senior services because of inability to pay.

3. All persons providing care under this section shall do so pursuant to the provisions of section 431.061.

376.1240. 1. For purposes of this section, terms shall have the same meanings as ascribed to them in section 376.1350, and the term "self-administered hormonal contraceptive" shall mean a drug that is composed of one or more hormones and that is approved by the Food and Drug Administration to prevent pregnancy, excluding emergency contraception. Nothing in this section shall be construed to apply to medications approved by the Food and Drug Administration to terminate an existing pregnancy.

2. Any health benefit plan delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2026, that provides coverage for self-administered hormonal contraceptives shall provide coverage to reimburse a health care provider or dispensing entity for the dispensing of a supply of self-administered hormonal contraceptives intended to last up to one year.

3. The coverage required under this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

[192.769. 1. On completion of a mammogram, a mammography facility certified by the United States Food and Drug Administration (FDA) or by a certification agency approved by

the FDA shall provide to the patient the following notice:

"If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician. Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue. A report of your mammography results will be sent to you and your physician. You should contact your physician if you have any questions or concerns regarding this report.".

2. Nothing in this section shall be construed to create a duty of care beyond the duty to provide notice as set forth in this section.

3. The information required by this section or evidence that a person violated this section is not admissible in a civil, judicial, or administrative proceeding.

4. A mammography facility is not required to comply with the requirements of this section until January 1, 2015.**]**