

FIRST REGULAR SESSION

SENATE BILL NO. 171

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAXWELL.

Pre-filed December 15, 1998, and 1,000 copies ordered printed.

S0660.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 431, RSMo, and chapter 610, RSMo, by adding thereto two new sections relating to the disclosure of certain health care information.

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

Section A. Chapter 431, RSMo, and chapter 610, RSMo, are amended by adding thereto two new sections, to be known as 431.200 and 610.037, to read as follows:

431.200. Any individual, partnership, firm, corporation, organization or political subdivision that contracts for the provision of health care with a person licensed pursuant to chapter 330, 331, 332, 334, 335, 336 or 338, RSMo, shall not prohibit any such licensed person from disclosing information to any public governmental body as defined in chapter 610, RSMo. Any entity that contracts for the provision of health care with a person licensed pursuant to chapter 330, 331, 332, 334, 335, 336 or 338, RSMo, shall not discipline, discriminate against, or refuse to renew a contract with such licensed person because of disclosure of information to any public governmental body which the licensed person reasonably believes evidences:

- (1) A violation of any statute, rule or regulation; or**
- (2) Mismanagement, a gross waste of funds, abuse of authority, or a substantial and specific danger to the health of a person who is receiving or has received health care services.**

2. In any proceeding to enforce the provisions of subsection 1 of this section brought by a person licensed pursuant to chapter 330, 331, 332, 334, 335, 336 or 338, RSMo, it shall be a rebuttable presumption that the defendant was in violation of subsection 1 of this section.

3. The court shall award a prevailing plaintiff an amount at least equal to actual damages plus reasonable attorney fees but not more than twice the amount of actual

damages plus reasonable attorney fees.

610.037. A licensed health provider, as defined in section 431.200, RSMo, shall not be subject to discipline or other penalty, including refusal to renew a contract, by an entity with whom the provider has a contract in retaliation for disclosing information to a public governmental body relative to the care provided to any person.

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