

HB 1848 -- DISCLOSURE OF HEALTH SERVICES

SPONSOR: Newman

This bill changes the law regarding entities that provide pregnancy-related services without the employment and supervision of a physician, nurse practitioner, physician assistant, registered nurse, or nurse midwife.

These provisions apply to an entity if the primary purpose of the entity is to provide pregnancy-related services and the entity advertises or solicits patrons with offers to provide prenatal sonography, pregnancy tests, or pregnancy options counseling. These provisions do not apply to an entity if, at all of the entity's sites that are open to the public, the entity employs one or more specified health professionals and has one or more of the specified practitioners onsite whenever medical services or treatment is provided.

An entity must provide written notice of whether the entity provides contraceptive drugs or devices that are approved by the United States Food and Drug Administration, an onsite consultation with a specified medical practitioner, adoption services or referral for adoption services, and abortion services or referral for abortion services. The notice must be conspicuously placed at all entrances to the premises at which the entity provides the services, in all areas where individuals wait to receive the services, on any website maintained by the entity that refers to the services, and in all advertisements promoting the services or promoting the entity providing the services. The notice must be written and provided in a manner that a reasonable person is likely to read and understand before accepting the services.

The bill prohibits an entity that collects health information from a patron of the entity from disclosing the patron's health information to any other person without the written authorization of the patron. Upon receipt of a written request from a patron of the entity to examine or obtain a copy of any health information of the patron, an entity must:

(1) Make the health information of the patron that is in the entity's possession or control available for examination by the patron during regular business hours and provide at no charge to the patron one copy of any health information of the patron that is in the entity's possession or control to the patron, if requested; or

(2) Inform the patron that the entity does not have any health information of the patron in the entity's possession or control.

If any person violates these provisions, the department must serve the person with a written notice informing the person of the violation and stating that the person may avoid an administrative penalty by curing the violation within 5 days of the service of the notice. If the person fails to cure the violation within 5 days of the date of service of the notice, the department must impose an administrative penalty of at least \$250 but not more than \$1,000. If the violation continues for more than 7 days after the expiration of the 5-day period, the department may impose an additional administrative penalty of up to \$5,000 for the continued violation. If the violation continues for more than 14 days after the expiration of the 5-day period, the department may impose an additional administrative penalty of up to \$10,000 for each week the violation continues.

A person is entitled to a contested case hearing to dispute any administrative penalty imposed under these provisions. Any administrative decision must be subject to judicial review in accordance with Chapter 536, RSMo. All administrative penalties recovered under these provisions must be deposited in the state general revenue fund and must be available for general governmental expenses. Nothing in these provisions must be construed to prohibit the department from maintaining an action in the name of the state for injunction or other process against any person to restrain or prevent a violation of a requirement or prohibition under these provisions.