

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 1

AN ACT

To repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to health care, with an emergency clause.

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

Section A. Sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, to read as follows:

190.839. Sections 190.800 to 190.839 shall expire on September 30, ~~[2021]~~ 2026.

198.439. Sections 198.401 to 198.436 shall expire on September 30, ~~[2021]~~ 2026.

208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional

16 activities study (PAS) or the MO HealthNet children's
17 diagnosis length-of-stay schedule; and provided further that
18 the MO HealthNet division shall take into account through
19 its payment system for hospital services the situation of
20 hospitals which serve a disproportionate number of low-
21 income patients;

22 (2) All outpatient hospital services, payments
23 therefor to be in amounts which represent no more than
24 eighty percent of the lesser of reasonable costs or
25 customary charges for such services, determined in
26 accordance with the principles set forth in Title XVIII A
27 and B, Public Law 89-97, 1965 amendments to the federal
28 Social Security Act (42 U.S.C. Section 301, et seq.), but
29 the MO HealthNet division may evaluate outpatient hospital
30 services rendered under this section and deny payment for
31 services which are determined by the MO HealthNet division
32 not to be medically necessary, in accordance with federal
33 law and regulations;

34 (3) Laboratory and X-ray services;

35 (4) Nursing home services for participants, except to
36 persons with more than five hundred thousand dollars equity
37 in their home or except for persons in an institution for
38 mental diseases who are under the age of sixty-five years,
39 when residing in a hospital licensed by the department of
40 health and senior services or a nursing home licensed by the
41 department of health and senior services or appropriate
42 licensing authority of other states or government-owned and -
43 operated institutions which are determined to conform to
44 standards equivalent to licensing requirements in Title XIX
45 of the federal Social Security Act (42 U.S.C. Section 301,
46 et seq.), as amended, for nursing facilities. The MO
47 HealthNet division may recognize through its payment
48 methodology for nursing facilities those nursing facilities

49 which serve a high volume of MO HealthNet patients. The MO
50 HealthNet division when determining the amount of the
51 benefit payments to be made on behalf of persons under the
52 age of twenty-one in a nursing facility may consider nursing
53 facilities furnishing care to persons under the age of
54 twenty-one as a classification separate from other nursing
55 facilities;

56 (5) Nursing home costs for participants receiving
57 benefit payments under subdivision (4) of this subsection
58 for those days, which shall not exceed twelve per any period
59 of six consecutive months, during which the participant is
60 on a temporary leave of absence from the hospital or nursing
61 home, provided that no such participant shall be allowed a
62 temporary leave of absence unless it is specifically
63 provided for in his plan of care. As used in this
64 subdivision, the term "temporary leave of absence" shall
65 include all periods of time during which a participant is
66 away from the hospital or nursing home overnight because he
67 is visiting a friend or relative;

68 (6) Physicians' services, whether furnished in the
69 office, home, hospital, nursing home, or elsewhere;

70 (7) Subject to appropriation, up to twenty visits per
71 year for services limited to examinations, diagnoses,
72 adjustments, and manipulations and treatments of
73 malpositioned articulations and structures of the body
74 provided by licensed chiropractic physicians practicing
75 within their scope of practice. Nothing in this subdivision
76 shall be interpreted to otherwise expand MO HealthNet
77 services;

78 (8) Drugs and medicines when prescribed by a licensed
79 physician, dentist, podiatrist, or an advanced practice
80 registered nurse; except that no payment for drugs and
81 medicines prescribed on and after January 1, 2006, by a

82 licensed physician, dentist, podiatrist, or an advanced
83 practice registered nurse may be made on behalf of any
84 person who qualifies for prescription drug coverage under
85 the provisions of P.L. 108-173;

86 (9) Emergency ambulance services and, effective
87 January 1, 1990, medically necessary transportation to
88 scheduled, physician-prescribed nonelective treatments;

89 (10) Early and periodic screening and diagnosis of
90 individuals who are under the age of twenty-one to ascertain
91 their physical or mental defects, and health care,
92 treatment, and other measures to correct or ameliorate
93 defects and chronic conditions discovered thereby. Such
94 services shall be provided in accordance with the provisions
95 of Section 6403 of P.L. 101-239 and federal regulations
96 promulgated thereunder;

97 (11) Home health care services;

98 (12) Family planning as defined by federal rules and
99 regulations; provided, however, that such family planning
100 services shall not include abortions or any abortifacient
101 drug or device unless such abortions are certified in
102 writing by a physician to the MO HealthNet agency that, in
103 the physician's professional judgment, the life of the
104 mother would be endangered if the fetus were carried to
105 term. As used in this subdivision, "abortifacient drug or
106 device" includes: mifepristone in a regimen with or without
107 misoprostol; misoprostol alone when used to induce an
108 abortion; levonorgestrel (Plan B); ulipristal acetate
109 (ella); an intrauterine device (IUD) or a manual vacuum
110 aspirator (MVA) when used to induce an abortion; or any
111 other drug or device approved by the federal Food and Drug
112 Administration that is intended to cause the destruction of
113 an unborn child, as defined in section 188.015;

114 (13) Inpatient psychiatric hospital services for
115 individuals under age twenty-one as defined in Title XIX of
116 the federal Social Security Act (42 U.S.C. Section 1396d, et
117 seq.);

118 (14) Outpatient surgical procedures, including
119 presurgical diagnostic services performed in ambulatory
120 surgical facilities which are licensed by the department of
121 health and senior services of the state of Missouri; except,
122 that such outpatient surgical services shall not include
123 persons who are eligible for coverage under Part B of Title
124 XVIII, Public Law 89-97, 1965 amendments to the federal
125 Social Security Act, as amended, if exclusion of such
126 persons is permitted under Title XIX, Public Law 89-97, 1965
127 amendments to the federal Social Security Act, as amended;

128 (15) Personal care services which are medically
129 oriented tasks having to do with a person's physical
130 requirements, as opposed to housekeeping requirements, which
131 enable a person to be treated by his or her physician on an
132 outpatient rather than on an inpatient or residential basis
133 in a hospital, intermediate care facility, or skilled
134 nursing facility. Personal care services shall be rendered
135 by an individual not a member of the participant's family
136 who is qualified to provide such services where the services
137 are prescribed by a physician in accordance with a plan of
138 treatment and are supervised by a licensed nurse. Persons
139 eligible to receive personal care services shall be those
140 persons who would otherwise require placement in a hospital,
141 intermediate care facility, or skilled nursing facility.
142 Benefits payable for personal care services shall not exceed
143 for any one participant one hundred percent of the average
144 statewide charge for care and treatment in an intermediate
145 care facility for a comparable period of time. Such
146 services, when delivered in a residential care facility or

147 assisted living facility licensed under chapter 198 shall be
148 authorized on a tier level based on the services the
149 resident requires and the frequency of the services. A
150 resident of such facility who qualifies for assistance under
151 section 208.030 shall, at a minimum, if prescribed by a
152 physician, qualify for the tier level with the fewest
153 services. The rate paid to providers for each tier of
154 service shall be set subject to appropriations. Subject to
155 appropriations, each resident of such facility who qualifies
156 for assistance under section 208.030 and meets the level of
157 care required in this section shall, at a minimum, if
158 prescribed by a physician, be authorized up to one hour of
159 personal care services per day. Authorized units of
160 personal care services shall not be reduced or tier level
161 lowered unless an order approving such reduction or lowering
162 is obtained from the resident's personal physician. Such
163 authorized units of personal care services or tier level
164 shall be transferred with such resident if he or she
165 transfers to another such facility. Such provision shall
166 terminate upon receipt of relevant waivers from the federal
167 Department of Health and Human Services. If the Centers for
168 Medicare and Medicaid Services determines that such
169 provision does not comply with the state plan, this
170 provision shall be null and void. The MO HealthNet division
171 shall notify the revisor of statutes as to whether the
172 relevant waivers are approved or a determination of
173 noncompliance is made;

174 (16) Mental health services. The state plan for
175 providing medical assistance under Title XIX of the Social
176 Security Act, 42 U.S.C. Section 301, as amended, shall
177 include the following mental health services when such
178 services are provided by community mental health facilities
179 operated by the department of mental health or designated by

180 the department of mental health as a community mental health
181 facility or as an alcohol and drug abuse facility or as a
182 child-serving agency within the comprehensive children's
183 mental health service system established in section
184 630.097. The department of mental health shall establish by
185 administrative rule the definition and criteria for
186 designation as a community mental health facility and for
187 designation as an alcohol and drug abuse facility. Such
188 mental health services shall include:

189 (a) Outpatient mental health services including
190 preventive, diagnostic, therapeutic, rehabilitative, and
191 palliative interventions rendered to individuals in an
192 individual or group setting by a mental health professional
193 in accordance with a plan of treatment appropriately
194 established, implemented, monitored, and revised under the
195 auspices of a therapeutic team as a part of client services
196 management;

197 (b) Clinic mental health services including
198 preventive, diagnostic, therapeutic, rehabilitative, and
199 palliative interventions rendered to individuals in an
200 individual or group setting by a mental health professional
201 in accordance with a plan of treatment appropriately
202 established, implemented, monitored, and revised under the
203 auspices of a therapeutic team as a part of client services
204 management;

205 (c) Rehabilitative mental health and alcohol and drug
206 abuse services including home and community-based
207 preventive, diagnostic, therapeutic, rehabilitative, and
208 palliative interventions rendered to individuals in an
209 individual or group setting by a mental health or alcohol
210 and drug abuse professional in accordance with a plan of
211 treatment appropriately established, implemented, monitored,
212 and revised under the auspices of a therapeutic team as a

213 part of client services management. As used in this
214 section, mental health professional and alcohol and drug
215 abuse professional shall be defined by the department of
216 mental health pursuant to duly promulgated rules. With
217 respect to services established by this subdivision, the
218 department of social services, MO HealthNet division, shall
219 enter into an agreement with the department of mental
220 health. Matching funds for outpatient mental health
221 services, clinic mental health services, and rehabilitation
222 services for mental health and alcohol and drug abuse shall
223 be certified by the department of mental health to the MO
224 HealthNet division. The agreement shall establish a
225 mechanism for the joint implementation of the provisions of
226 this subdivision. In addition, the agreement shall
227 establish a mechanism by which rates for services may be
228 jointly developed;

229 (17) Such additional services as defined by the MO
230 HealthNet division to be furnished under waivers of federal
231 statutory requirements as provided for and authorized by the
232 federal Social Security Act (42 U.S.C. Section 301, et seq.)
233 subject to appropriation by the general assembly;

234 (18) The services of an advanced practice registered
235 nurse with a collaborative practice agreement to the extent
236 that such services are provided in accordance with chapters
237 334 and 335, and regulations promulgated thereunder;

238 (19) Nursing home costs for participants receiving
239 benefit payments under subdivision (4) of this subsection to
240 reserve a bed for the participant in the nursing home during
241 the time that the participant is absent due to admission to
242 a hospital for services which cannot be performed on an
243 outpatient basis, subject to the provisions of this
244 subdivision:

245 (a) The provisions of this subdivision shall apply
246 only if:

247 a. The occupancy rate of the nursing home is at or
248 above ninety-seven percent of MO HealthNet certified
249 licensed beds, according to the most recent quarterly census
250 provided to the department of health and senior services
251 which was taken prior to when the participant is admitted to
252 the hospital; and

253 b. The patient is admitted to a hospital for a medical
254 condition with an anticipated stay of three days or less;

255 (b) The payment to be made under this subdivision
256 shall be provided for a maximum of three days per hospital
257 stay;

258 (c) For each day that nursing home costs are paid on
259 behalf of a participant under this subdivision during any
260 period of six consecutive months such participant shall,
261 during the same period of six consecutive months, be
262 ineligible for payment of nursing home costs of two
263 otherwise available temporary leave of absence days provided
264 under subdivision (5) of this subsection; and

265 (d) The provisions of this subdivision shall not apply
266 unless the nursing home receives notice from the participant
267 or the participant's responsible party that the participant
268 intends to return to the nursing home following the hospital
269 stay. If the nursing home receives such notification and
270 all other provisions of this subsection have been satisfied,
271 the nursing home shall provide notice to the participant or
272 the participant's responsible party prior to release of the
273 reserved bed;

274 (20) Prescribed medically necessary durable medical
275 equipment. An electronic web-based prior authorization
276 system using best medical evidence and care and treatment

277 guidelines consistent with national standards shall be used
278 to verify medical need;

279 (21) Hospice care. As used in this subdivision, the
280 term "hospice care" means a coordinated program of active
281 professional medical attention within a home, outpatient and
282 inpatient care which treats the terminally ill patient and
283 family as a unit, employing a medically directed
284 interdisciplinary team. The program provides relief of
285 severe pain or other physical symptoms and supportive care
286 to meet the special needs arising out of physical,
287 psychological, spiritual, social, and economic stresses
288 which are experienced during the final stages of illness,
289 and during dying and bereavement and meets the Medicare
290 requirements for participation as a hospice as are provided
291 in 42 CFR Part 418. The rate of reimbursement paid by the
292 MO HealthNet division to the hospice provider for room and
293 board furnished by a nursing home to an eligible hospice
294 patient shall not be less than ninety-five percent of the
295 rate of reimbursement which would have been paid for
296 facility services in that nursing home facility for that
297 patient, in accordance with subsection (c) of Section 6408
298 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

299 (22) Prescribed medically necessary dental services.
300 Such services shall be subject to appropriations. An
301 electronic web-based prior authorization system using best
302 medical evidence and care and treatment guidelines
303 consistent with national standards shall be used to verify
304 medical need;

305 (23) Prescribed medically necessary optometric
306 services. Such services shall be subject to
307 appropriations. An electronic web-based prior authorization
308 system using best medical evidence and care and treatment

309 guidelines consistent with national standards shall be used
310 to verify medical need;

311 (24) Blood clotting products-related services. For
312 persons diagnosed with a bleeding disorder, as defined in
313 section 338.400, reliant on blood clotting products, as
314 defined in section 338.400, such services include:

315 (a) Home delivery of blood clotting products and
316 ancillary infusion equipment and supplies, including the
317 emergency deliveries of the product when medically necessary;

318 (b) Medically necessary ancillary infusion equipment
319 and supplies required to administer the blood clotting
320 products; and

321 (c) Assessments conducted in the participant's home by
322 a pharmacist, nurse, or local home health care agency
323 trained in bleeding disorders when deemed necessary by the
324 participant's treating physician;

325 (25) The MO HealthNet division shall, by January 1,
326 2008, and annually thereafter, report the status of MO
327 HealthNet provider reimbursement rates as compared to one
328 hundred percent of the Medicare reimbursement rates and
329 compared to the average dental reimbursement rates paid by
330 third-party payors licensed by the state. The MO HealthNet
331 division shall, by July 1, 2008, provide to the general
332 assembly a four-year plan to achieve parity with Medicare
333 reimbursement rates and for third-party payor average dental
334 reimbursement rates. Such plan shall be subject to
335 appropriation and the division shall include in its annual
336 budget request to the governor the necessary funding needed
337 to complete the four-year plan developed under this
338 subdivision.

339 2. Additional benefit payments for medical assistance
340 shall be made on behalf of those eligible needy children,
341 pregnant women and blind persons with any payments to be

342 made on the basis of the reasonable cost of the care or
343 reasonable charge for the services as defined and determined
344 by the MO HealthNet division, unless otherwise hereinafter
345 provided, for the following:

346 (1) Dental services;

347 (2) Services of podiatrists as defined in section
348 330.010;

349 (3) Optometric services as described in section
350 336.010;

351 (4) Orthopedic devices or other prosthetics, including
352 eye glasses, dentures, hearing aids, and wheelchairs;

353 (5) Hospice care. As used in this subdivision, the
354 term "hospice care" means a coordinated program of active
355 professional medical attention within a home, outpatient and
356 inpatient care which treats the terminally ill patient and
357 family as a unit, employing a medically directed
358 interdisciplinary team. The program provides relief of
359 severe pain or other physical symptoms and supportive care
360 to meet the special needs arising out of physical,
361 psychological, spiritual, social, and economic stresses
362 which are experienced during the final stages of illness,
363 and during dying and bereavement and meets the Medicare
364 requirements for participation as a hospice as are provided
365 in 42 CFR Part 418. The rate of reimbursement paid by the
366 MO HealthNet division to the hospice provider for room and
367 board furnished by a nursing home to an eligible hospice
368 patient shall not be less than ninety-five percent of the
369 rate of reimbursement which would have been paid for
370 facility services in that nursing home facility for that
371 patient, in accordance with subsection (c) of Section 6408
372 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

373 (6) Comprehensive day rehabilitation services
374 beginning early posttrauma as part of a coordinated system

375 of care for individuals with disabling impairments.
376 Rehabilitation services must be based on an individualized,
377 goal-oriented, comprehensive and coordinated treatment plan
378 developed, implemented, and monitored through an
379 interdisciplinary assessment designed to restore an
380 individual to optimal level of physical, cognitive, and
381 behavioral function. The MO HealthNet division shall
382 establish by administrative rule the definition and criteria
383 for designation of a comprehensive day rehabilitation
384 service facility, benefit limitations and payment
385 mechanism. Any rule or portion of a rule, as that term is
386 defined in section 536.010, that is created under the
387 authority delegated in this subdivision shall become
388 effective only if it complies with and is subject to all of
389 the provisions of chapter 536 and, if applicable, section
390 536.028. This section and chapter 536 are nonseverable and
391 if any of the powers vested with the general assembly
392 pursuant to chapter 536 to review, to delay the effective
393 date, or to disapprove and annul a rule are subsequently
394 held unconstitutional, then the grant of rulemaking
395 authority and any rule proposed or adopted after August 28,
396 2005, shall be invalid and void.

397 3. The MO HealthNet division may require any
398 participant receiving MO HealthNet benefits to pay part of
399 the charge or cost until July 1, 2008, and an additional
400 payment after July 1, 2008, as defined by rule duly
401 promulgated by the MO HealthNet division, for all covered
402 services except for those services covered under
403 subdivisions (15) and (16) of subsection 1 of this section
404 and sections 208.631 to 208.657 to the extent and in the
405 manner authorized by Title XIX of the federal Social
406 Security Act (42 U.S.C. Section 1396, et seq.) and
407 regulations thereunder. When substitution of a generic drug

408 is permitted by the prescriber according to section 338.056,
409 and a generic drug is substituted for a name-brand drug, the
410 MO HealthNet division may not lower or delete the
411 requirement to make a co-payment pursuant to regulations of
412 Title XIX of the federal Social Security Act. A provider of
413 goods or services described under this section must collect
414 from all participants the additional payment that may be
415 required by the MO HealthNet division under authority
416 granted herein, if the division exercises that authority, to
417 remain eligible as a provider. Any payments made by
418 participants under this section shall be in addition to and
419 not in lieu of payments made by the state for goods or
420 services described herein except the participant portion of
421 the pharmacy professional dispensing fee shall be in
422 addition to and not in lieu of payments to pharmacists. A
423 provider may collect the co-payment at the time a service is
424 provided or at a later date. A provider shall not refuse to
425 provide a service if a participant is unable to pay a
426 required payment. If it is the routine business practice of
427 a provider to terminate future services to an individual
428 with an unclaimed debt, the provider may include uncollected
429 co-payments under this practice. Providers who elect not to
430 undertake the provision of services based on a history of
431 bad debt shall give participants advance notice and a
432 reasonable opportunity for payment. A provider,
433 representative, employee, independent contractor, or agent
434 of a pharmaceutical manufacturer shall not make co-payment
435 for a participant. This subsection shall not apply to other
436 qualified children, pregnant women, or blind persons. If
437 the Centers for Medicare and Medicaid Services does not
438 approve the MO HealthNet state plan amendment submitted by
439 the department of social services that would allow a
440 provider to deny future services to an individual with

441 uncollected co-payments, the denial of services shall not be
442 allowed. The department of social services shall inform
443 providers regarding the acceptability of denying services as
444 the result of unpaid co-payments.

445 4. The MO HealthNet division shall have the right to
446 collect medication samples from participants in order to
447 maintain program integrity.

448 5. Reimbursement for obstetrical and pediatric
449 services under subdivision (6) of subsection 1 of this
450 section shall be timely and sufficient to enlist enough
451 health care providers so that care and services are
452 available under the state plan for MO HealthNet benefits at
453 least to the extent that such care and services are
454 available to the general population in the geographic area,
455 as required under subparagraph (a)(30)(A) of 42 U.S.C.
456 Section 1396a and federal regulations promulgated thereunder.

457 6. Beginning July 1, 1990, reimbursement for services
458 rendered in federally funded health centers shall be in
459 accordance with the provisions of subsection 6402(c) and
460 Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation
461 Act of 1989) and federal regulations promulgated thereunder.

462 7. Beginning July 1, 1990, the department of social
463 services shall provide notification and referral of children
464 below age five, and pregnant, breast-feeding, or postpartum
465 women who are determined to be eligible for MO HealthNet
466 benefits under section 208.151 to the special supplemental
467 food programs for women, infants and children administered
468 by the department of health and senior services. Such
469 notification and referral shall conform to the requirements
470 of Section 6406 of P.L. 101-239 and regulations promulgated
471 thereunder.

472 8. Providers of long-term care services shall be
473 reimbursed for their costs in accordance with the provisions

474 of Section 1902 (a) (13) (A) of the Social Security Act, 42
475 U.S.C. Section 1396a, as amended, and regulations
476 promulgated thereunder.

477 9. Reimbursement rates to long-term care providers
478 with respect to a total change in ownership, at arm's
479 length, for any facility previously licensed and certified
480 for participation in the MO HealthNet program shall not
481 increase payments in excess of the increase that would
482 result from the application of Section 1902 (a) (13) (C) of
483 the Social Security Act, 42 U.S.C. Section 1396a (a) (13) (C).

484 10. The MO HealthNet division may enroll qualified
485 residential care facilities and assisted living facilities,
486 as defined in chapter 198, as MO HealthNet personal care
487 providers.

488 11. Any income earned by individuals eligible for
489 certified extended employment at a sheltered workshop under
490 chapter 178 shall not be considered as income for purposes
491 of determining eligibility under this section.

492 12. If the Missouri Medicaid audit and compliance unit
493 changes any interpretation or application of the
494 requirements for reimbursement for MO HealthNet services
495 from the interpretation or application that has been applied
496 previously by the state in any audit of a MO HealthNet
497 provider, the Missouri Medicaid audit and compliance unit
498 shall notify all affected MO HealthNet providers five
499 business days before such change shall take effect. Failure
500 of the Missouri Medicaid audit and compliance unit to notify
501 a provider of such change shall entitle the provider to
502 continue to receive and retain reimbursement until such
503 notification is provided and shall waive any liability of
504 such provider for recoupment or other loss of any payments
505 previously made prior to the five business days after such
506 notice has been sent. Each provider shall provide the

507 Missouri Medicaid audit and compliance unit a valid email
508 address and shall agree to receive communications
509 electronically. The notification required under this
510 section shall be delivered in writing by the United States
511 Postal Service or electronic mail to each provider.

512 13. Nothing in this section shall be construed to
513 abrogate or limit the department's statutory requirement to
514 promulgate rules under chapter 536.

515 14. Beginning July 1, 2016, and subject to
516 appropriations, providers of behavioral, social, and
517 psychophysiological services for the prevention, treatment,
518 or management of physical health problems shall be
519 reimbursed utilizing the behavior assessment and
520 intervention reimbursement codes 96150 to 96154 or their
521 successor codes under the Current Procedural Terminology
522 (CPT) coding system. Providers eligible for such
523 reimbursement shall include psychologists.

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

12 2. Except as otherwise provided in this section, if
13 any reimbursement allowance imposed under the provisions of
14 sections 208.431 to 208.437 is unpaid and delinquent, the
15 department of social services may compel the payment of such
16 reimbursement allowance in the circuit court having

17 jurisdiction in the county where the main offices of the
18 Medicaid managed care organization are located. In
19 addition, the director of the department of social services
20 or the director's designee may cancel or refuse to issue,
21 extend or reinstate a Medicaid contract agreement to any
22 Medicaid managed care organization which fails to pay such
23 delinquent reimbursement allowance required by sections
24 208.431 to 208.437 unless under appeal.

25 3. Except as otherwise provided in this section,
26 failure to pay a delinquent reimbursement allowance imposed
27 under sections 208.431 to 208.437 shall be grounds for
28 denial, suspension or revocation of a license granted by the
29 department of commerce and insurance. The director of the
30 department of commerce and insurance may deny, suspend or
31 revoke the license of a Medicaid managed care organization
32 with a contract under 42 U.S.C. Section 1396b(m) which fails
33 to pay a managed care organization's delinquent
34 reimbursement allowance unless under appeal.

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

40 5. Sections 208.431 to 208.437 shall expire on
41 September 30, ~~[2021]~~ 2026.

208.480. Notwithstanding the provisions of section
2 208.471 to the contrary, sections 208.453 to 208.480 shall
3 expire on September 30, ~~[2021]~~ 2026.

208.659. 1. The MO HealthNet division shall revise
2 the eligibility requirements for the uninsured women's
3 health program, as established in 13 CSR Section 70- 4.090,
4 to include women who are at least eighteen years of age and
5 with a net family income of at or below one hundred eighty-

6 five percent of the federal poverty level. In order to be
7 eligible for such program, the applicant shall not have
8 assets in excess of two hundred and fifty thousand dollars,
9 nor shall the applicant have access to employer-sponsored
10 health insurance. Such change in eligibility requirements
11 shall not result in any change in services provided under
12 the program.

13 2. A provider shall not be eligible for reimbursement
14 under the uninsured women's health program if such provider
15 is an abortion facility, as defined in section 188.015, or
16 any affiliate or associate thereof.

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

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

8 (2) The formula used to calculate the reimbursement as
9 appropriated by the general assembly for products dispensed
10 by pharmacies is changed resulting in lower reimbursement to
11 the pharmacist in the aggregate than provided in fiscal year
12 2003; or

13 (3) September 30, [2021] 2026.

14 The director of the department of social services shall
15 notify the revisor of statutes of the expiration date as
16 provided in this subsection. The provisions of sections
17 338.500 to 338.550 shall not apply to pharmacies domiciled
18 or headquartered outside this state which are engaged in
19 prescription drug sales that are delivered directly to
20 patients within this state via common carrier, mail or a
21 carrier service.

22 2. Sections 338.500 to 338.550 shall expire on
23 September 30, [2021] 2026.

 633.401. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Engaging in the business of providing health
4 benefit services", accepting payment for health benefit
5 services;

6 (2) "Intermediate care facility for the intellectually
7 disabled", a private or department of mental health facility
8 which admits persons who are intellectually disabled or
9 developmentally disabled for residential habilitation and
10 other services pursuant to chapter 630. Such term shall
11 include habilitation centers and private or public
12 intermediate care facilities for the intellectually disabled
13 that have been certified to meet the conditions of
14 participation under 42 CFR, Section 483, Subpart I;

15 (3) "Net operating revenues from providing services of
16 intermediate care facilities for the intellectually
17 disabled" shall include, without limitation, all moneys
18 received on account of such services pursuant to rates of
19 reimbursement established and paid by the department of
20 social services, but shall not include charitable
21 contributions, grants, donations, bequests and income from
22 nonservice related fund-raising activities and government
23 deficit financing, contractual allowance, discounts or bad
24 debt;

25 (4) "Services of intermediate care facilities for the
26 intellectually disabled" has the same meaning as the term
27 services of intermediate care facilities for the mentally
28 retarded, as used in Title 42 United States Code, Section
29 1396b(w) (7) (A) (iv), as amended, and as such qualifies as a
30 class of health care services recognized in federal Public

31 Law 102-234, the Medicaid Voluntary Contribution and
32 Provider-Specific Tax Amendments of 1991.

33 2. Beginning July 1, 2008, each provider of services
34 of intermediate care facilities for the intellectually
35 disabled shall, in addition to all other fees and taxes now
36 required or paid, pay assessments on their net operating
37 revenues for the privilege of engaging in the business of
38 providing services of the intermediate care facilities for
39 the intellectually disabled or developmentally disabled in
40 this state.

41 3. Each facility's assessment shall be based on a
42 formula set forth in rules and regulations promulgated by
43 the department of mental health.

44 4. For purposes of determining rates of payment under
45 the medical assistance program for providers of services of
46 intermediate care facilities for the intellectually
47 disabled, the assessment imposed pursuant to this section on
48 net operating revenues shall be a reimbursable cost to be
49 reflected as timely as practicable in rates of payment
50 applicable within the assessment period, contingent, for
51 payments by governmental agencies, on all federal approvals
52 necessary by federal law and regulation for federal
53 financial participation in payments made for beneficiaries
54 eligible for medical assistance under Title XIX of the
55 federal Social Security Act, 42 U.S.C. Section 1396, et
56 seq., as amended.

57 5. Assessments shall be submitted by or on behalf of
58 each provider of services of intermediate care facilities
59 for the intellectually disabled on a monthly basis to the
60 director of the department of mental health or his or her
61 designee and shall be made payable to the director of the
62 department of revenue.

63 6. In the alternative, a provider may direct that the
64 director of the department of social services offset, from
65 the amount of any payment to be made by the state to the
66 provider, the amount of the assessment payment owed for any
67 month.

68 7. Assessment payments shall be deposited in the state
69 treasury to the credit of the "Intermediate Care Facility
70 Intellectually Disabled Reimbursement Allowance Fund", which
71 is hereby created in the state treasury. All investment
72 earnings of this fund shall be credited to the fund.
73 Notwithstanding the provisions of section 33.080 to the
74 contrary, any unexpended balance in the intermediate care
75 facility intellectually disabled reimbursement allowance
76 fund at the end of the biennium shall not revert to the
77 general revenue fund but shall accumulate from year to
78 year. The state treasurer shall maintain records that show
79 the amount of money in the fund at any time and the amount
80 of any investment earnings on that amount.

81 8. Each provider of services of intermediate care
82 facilities for the intellectually disabled shall keep such
83 records as may be necessary to determine the amount of the
84 assessment for which it is liable under this section. On or
85 before the forty-fifth day after the end of each month
86 commencing July 1, 2008, each provider of services of
87 intermediate care facilities for the intellectually disabled
88 shall submit to the department of social services a report
89 on a cash basis that reflects such information as is
90 necessary to determine the amount of the assessment payable
91 for that month.

92 9. Every provider of services of intermediate care
93 facilities for the intellectually disabled shall submit a
94 certified annual report of net operating revenues from the
95 furnishing of services of intermediate care facilities for

96 the intellectually disabled. The reports shall be in such
97 form as may be prescribed by rule by the director of the
98 department of mental health. Final payments of the
99 assessment for each year shall be due for all providers of
100 services of intermediate care facilities for the
101 intellectually disabled upon the due date for submission of
102 the certified annual report.

103 10. The director of the department of mental health
104 shall prescribe by rule the form and content of any document
105 required to be filed pursuant to the provisions of this
106 section.

107 11. Upon receipt of notification from the director of
108 the department of mental health of a provider's delinquency
109 in paying assessments required under this section, the
110 director of the department of social services shall
111 withhold, and shall remit to the director of the department
112 of revenue, an assessment amount estimated by the director
113 of the department of mental health from any payment to be
114 made by the state to the provider.

115 12. In the event a provider objects to the estimate
116 described in subsection 11 of this section, or any other
117 decision of the department of mental health related to this
118 section, the provider of services may request a hearing. If
119 a hearing is requested, the director of the department of
120 mental health shall provide the provider of services an
121 opportunity to be heard and to present evidence bearing on
122 the amount due for an assessment or other issue related to
123 this section within thirty days after collection of an
124 amount due or receipt of a request for a hearing, whichever
125 is later. The director shall issue a final decision within
126 forty-five days of the completion of the hearing. After
127 reconsideration of the assessment determination and a final
128 decision by the director of the department of mental health,

129 an intermediate care facility for the intellectually
130 disabled provider's appeal of the director's final decision
131 shall be to the administrative hearing commission in
132 accordance with sections 208.156 and 621.055.

133 13. Notwithstanding any other provision of law to the
134 contrary, appeals regarding this assessment shall be to the
135 circuit court of Cole County or the circuit court in the
136 county in which the facility is located. The circuit court
137 shall hear the matter as the court of original jurisdiction.

138 14. Nothing in this section shall be deemed to affect
139 or in any way limit the tax-exempt or nonprofit status of
140 any intermediate care facility for the intellectually
141 disabled granted by state law.

142 15. The director of the department of mental health
143 shall promulgate rules and regulations to implement this
144 section. Any rule or portion of a rule, as that term is
145 defined in section 536.010, that is created under the
146 authority delegated in this section shall become effective
147 only if it complies with and is subject to all of the
148 provisions of chapter 536 and, if applicable, section
149 536.028. This section and chapter 536 are nonseverable and
150 if any of the powers vested with the general assembly
151 pursuant to chapter 536 to review, to delay the effective
152 date, or to disapprove and annul a rule are subsequently
153 held unconstitutional, then the grant of rulemaking
154 authority and any rule proposed or adopted after August 28,
155 2008, shall be invalid and void.

156 16. The provisions of this section shall expire on
157 September 30, [2021] 2026.

Section B. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the

4 application of such provisions to others or other
5 circumstances shall not be affected thereby.

Section C. Because of the importance and immediate
2 need to preserve access to health care services for Missouri
3 residents, section A of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace,
5 and safety, and is hereby declared to be an emergency act
6 within the meaning of the constitution, and section A of
7 this act shall be in full force and effect upon its passage
8 and approval.