

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 553

97TH GENERAL ASSEMBLY

Reported from the Committee on Veterans' Affairs and Health, March 13, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4572S.02C

AN ACT

To repeal sections 208.909 and 660.023, RSMo, and to enact in lieu thereof two new sections relating to the requirement for an electronic system for certain home and community-based providers.

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

Section A. Sections 208.909 and 660.023, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 208.909 and 660.023, to read as follows:

208.909. 1. Consumers receiving personal care assistance services shall be responsible for:

- (1) Supervising their personal care attendant;
- (2) Verifying wages to be paid to the personal care attendant;
- (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;
- (4) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer's place of residence;
- (5) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; and

- (6) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number.

2. Participating vendors shall be responsible for:

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

18 (1) Collecting time sheets or reviewing reports of delivered services and
19 certifying the accuracy thereof;

20 (2) The Medicaid reimbursement process, including the filing of claims
21 and reporting data to the department as required by rule;

22 (3) Transmitting the individual payment directly to the personal care
23 attendant on behalf of the consumer;

24 (4) Monitoring the performance of the personal care assistance services
25 plan.

26 3. No state or federal financial assistance shall be authorized or expended
27 to pay for services provided to a consumer under sections 208.900 to 208.927, if
28 the primary benefit of the services is to the household unit, or is a household task
29 that the members of the consumer's household may reasonably be expected to
30 share or do for one another when they live in the same household, unless such
31 service is above and beyond typical activities household members may reasonably
32 provide for another household member without a disability.

33 4. No state or federal financial assistance shall be authorized or expended
34 to pay for personal care assistance services provided by a personal care attendant
35 who is listed on any of the background check lists in the family care safety
36 registry under sections 210.900 to 210.937, unless a good cause waiver is first
37 obtained from the department in accordance with section 660.317.

38 5. (1) All vendors [shall] **may**, by July 1, 2015, have, maintain, and use
39 [a telephone tracking] **an electronic** system for the purpose of reporting and
40 verifying the delivery of consumer-directed services as authorized by the
41 department of health and senior services or its designee. Use of such a system
42 prior to July 1, 2015, shall be voluntary. The [telephone tracking] **electronic**
43 system shall be used to process payroll for employees and for submitting claims
44 for reimbursement to the MO HealthNet division. At a minimum, the [telephone
45 tracking] **electronic** system shall:

46 (a) Record the exact date services are delivered;

47 (b) Record the exact time the services begin and exact time the services
48 end;

49 (c) Verify [the telephone number from which the services are] **that the**
50 **services are being delivered at the location where** registered;

51 (d) [Verify that the number from which the call is placed is a telephone
52 number unique to the client;

53 (e)] Require a personal identification number unique to each personal care

54 attendant;

55 [(f)] (e) Be capable of producing reports of services delivered, tasks
56 performed, client identity, beginning and ending times of service and date of
57 service in summary fashion that constitute adequate documentation of service;
58 and

59 [(g)] (f) Be capable of producing reimbursement requests for consumer
60 approval that assures accuracy and compliance with program expectations for
61 both the consumer and vendor.

62 (2) The department of health and senior services, in collaboration with
63 other appropriate agencies, including centers for independent living, shall
64 establish telephone tracking system pilot projects, implemented in two regions of
65 the state, with one in an urban area and one in a rural area. Each pilot project
66 shall meet the requirements of this section and section 208.918. The department
67 of health and senior services shall, by December 31, 2013, submit a report to the
68 governor and general assembly detailing the outcomes of these pilot projects. The
69 report shall take into consideration the impact of a telephone tracking system on
70 the quality of the services delivered to the consumer and the principles of
71 self-directed care.

72 (3) As new technology becomes available, the department [may] **shall**
73 allow use of a more advanced [tracking] **electronic** system, provided that such
74 system is at least as capable of meeting the requirements of this subsection.

75 (4) The department of health and senior services shall promulgate by rule
76 the minimum necessary criteria of the [telephone tracking] **electronic**
77 system. Any rule or portion of a rule, as that term is defined in section 536.010,
78 that is created under the authority delegated in this section shall become effective
79 only if it complies with and is subject to all of the provisions of chapter 536 and,
80 if applicable, section 536.028. This section and chapter 536 are nonseverable and
81 if any of the powers vested with the general assembly pursuant to chapter 536 to
82 review, to delay the effective date, or to disapprove and annul a rule are
83 subsequently held unconstitutional, then the grant of rulemaking authority and
84 any rule proposed or adopted after August 28, 2010, shall be invalid and void.

85 6. In the event that a consensus between centers for independent living
86 and representatives from the executive branch cannot be reached, the telephony
87 report issued to the general assembly and governor shall include a minority
88 report which shall detail those elements of substantial dissent from the main
89 report.

90 7. No interested party, including a center for independent living, shall be
91 required to contract with any particular vendor or provider of telephony services
92 nor bear the full cost of the pilot program.

660.023. 1. All in-home services provider agencies [shall] **may**, by July
2 1, 2015, have, maintain, and use [a telephone tracking] **an electronic** system
3 for the purpose of reporting and verifying the delivery of home- and
4 community-based services as authorized by the department of health and senior
5 services or its designee. Use of such system prior to July 1, 2015, shall be
6 voluntary. At a minimum, the [telephone tracking] **electronic** system shall:

- 7 (1) Record the exact date services are delivered;
- 8 (2) Record the exact time the services begin and exact time the services
9 end;
- 10 (3) Verify [the telephone number from which the services were] **that**
11 **services are being delivered at the location where** registered;
- 12 (4) [Verify that the number from which the call is placed is a telephone
13 number unique to the client;
- 14 (5)] Require a personal identification number unique to each personal care
15 attendant; and
- 16 [(6)] **(5)** Be capable of producing reports of services delivered, tasks
17 performed, client identity, beginning and ending times of service and date of
18 service in summary fashion that constitute adequate documentation of service.

19 2. The [telephone tracking] **electronic** system shall be used to process
20 payroll for employees and for submitting claims for reimbursement to the MO
21 HealthNet division.

22 3. The department of health and senior services shall promulgate by rule
23 the minimum necessary criteria of the [telephone tracking] **electronic**
24 system. Any rule or portion of a rule, as that term is defined in section 536.010,
25 that is created under the authority delegated in this section shall become effective
26 only if it complies with and is subject to all of the provisions of chapter 536 and,
27 if applicable, section 536.028. This section and chapter 536 are nonseverable and
28 if any of the powers vested with the general assembly pursuant to chapter 536 to
29 review, to delay the effective date, or to disapprove and annul a rule are
30 subsequently held unconstitutional, then the grant of rulemaking authority and
31 any rule proposed or adopted after August 28, 2010, shall be invalid and void.

32 4. As new technology becomes available, the department [may] **shall**
33 allow use of a more advanced tracking system, provided that such system is at

34 least as capable of meeting the requirements listed in subsection 1 of this section.

35 5. The department of health and senior services, in collaboration with
36 other appropriate agencies, including in-home services providers, shall establish
37 telephone tracking system pilot projects, implemented in two regions of the state,
38 with one in an urban area and one in a rural area. Each pilot project shall meet
39 the requirements of this section. The department of health and senior services
40 shall, by December 31, 2013, submit a report to the governor and general
41 assembly detailing the outcomes of these pilot projects. The report shall take into
42 consideration the impact of a telephone tracking system on the quality of the
43 services delivered to the consumer and the principles of self-directed care.

44 6. In the event that a consensus between in-home service providers and
45 representatives from the executive branch cannot be reached, the telephony
46 report issued to the general assembly and governor shall include a minority
47 report which will detail those elements of substantial dissent from the main
48 report.

49 7. No interested party, including in-home service providers, shall be
50 required to contract with any particular vendor or provider of telephony services
51 nor bear the full cost of the pilot program.

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