

SECOND REGULAR SESSION

SENATE BILL NO. 922

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 14, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5903S.011

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to structured family caregiving for MO HealthNet home- and community-based care.

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

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.896, to read as follows:

208.896. 1. To ensure the availability of comprehensive and cost-effective choices for MO HealthNet participants to live at home in the communities of their choice and to receive support from caregivers of their choice, structured family caregiving shall be added as a covered home- and community-based waiver service in the Missouri aged and disabled adult waiver and the independent living waiver, subject to federal approval of the waiver amendments which are necessary to implement the provisions of this section.

2. The addition of structured family caregiving as a covered home- and community-based waiver service in the Missouri aged and disabled adult waiver and the independent living waiver shall include:

(1) A choice for participants of qualified and credentialed caregivers, including family caregivers;

(2) A choice for participants of community settings in which they receive structured family caregiving. A caregiver may provide structured family caregiving services in the caregiver's home or the participant's home;

(3) A requirement that all organizations serving as structured family caregiving agencies are considered home- and community-based care providers and are accountable for quality, including qualification

21 and requalification of caregivers and homes, professional staff support
22 for eligible seniors, and deployment of electronic daily notes; and

23 (4) A daily payment rate for services that is adequate to pay
24 stipends to caregivers and pay provider agencies for the cost of
25 providing professional staff support as required under this section.

26 3. (1) Within thirty days of the effective date of this section, the
27 MO HealthNet division shall, if necessary to implement the provisions
28 of this section, apply to the United States Secretary of Health and
29 Human Services for an amendment to the aged and disabled adult
30 waiver and the independent living waiver for the purpose of including
31 structured family caregiving as a covered service for eligible home- and
32 community-based care participants. The division shall request an
33 effective date of not later than July 1, 2017, and shall, by such date,
34 take all administrative actions necessary to ensure timely and
35 equitable availability of structured family caregiving services for home-
36 and community-based care participants.

37 (2) Upon receipt of an approved amended waiver under
38 subdivision (1) of this subsection, the division shall promulgate rules
39 to implement the provisions of this section. Any rule or portion of a
40 rule, as that term is defined in section 536.010, that is created under
41 the authority delegated in this section shall become effective only if it
42 complies with and is subject to all of the provisions of chapter 536 and,
43 if applicable, section 536.028. This section and chapter 536 are
44 nonseverable, and if any of the powers vested with the general
45 assembly pursuant to chapter 536 to review, to delay the effective date,
46 or to disapprove and annul a rule are subsequently held
47 unconstitutional, then the grant of rulemaking authority and any rule
48 proposed or adopted after August 28, 2016, shall be invalid and void.

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