

FIRST REGULAR SESSION

SENATE BILL NO. 28

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0519S.01I

AN ACT

To amend chapter 208, RSMo, by adding thereto four new sections relating to the Medicaid global waiver.

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

Section A. Chapter 208, RSMo, is amended by adding thereto four new sections, to be known as sections 208.1205, 208.1210, 208.1215, and 208.1220, to read as follows:

208.1205. 1. The department of social services shall apply for and obtain a Medicaid global waiver and any other necessary waivers or state plan amendments from the Secretary of the United States Department of Health and Human Services, including, but not limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. Section 1396 et. seq. The application for and the provisions of such waivers or state plan amendments shall be implemented as follows:

(1) The federal waiver application process shall be reviewed by the joint committee on public assistance, established under section 208.952. Prior to the submission of the waiver to the federal government, the department shall provide the joint committee with the proposed waiver application. The waiver shall not be submitted to the federal government until the provisions of this section have been followed;

(2) The joint committee shall review the waiver application and hold a public hearing within thirty days of receipt of the application. The director of the department, or the director of the division of MO HealthNet, shall testify on the proposed waiver application; and

(3) Within thirty days of the public hearing, the joint committee

21 shall, if necessary, propose modifications to or other recommendations
22 for the waiver for application as submitted.

23 2. The waiver application shall include provisions, to the fullest
24 extent possible, that maximize the flexibility of the state to design a
25 patient-centered, sustainable, and cost-effective approach to a market-
26 based health care system that emphasizes competitive and value-based
27 purchasing. Such flexibility may include:

28 (1) Eligibility determinations which may include work
29 requirements for certain able-bodied adults;

30 (2) Initiatives to promote healthy outcomes and reward personal
31 responsibility, including the use of co-payments, premiums, and health
32 savings accounts; and

33 (3) Accountability and transparency measures designed to
34 promote interdepartmental cooperation and coordination while
35 eliminating redundancies. Such measures shall also promote the
36 efficient and cost-effective delivery of health care services in a patient-
37 centered approach, including physical and mental health care services.

38 3. The waiver application may include provisions, to the fullest
39 extent possible, that propose or accept a federally-capped block grant,
40 adjusted for inflation, state gross domestic product, state population
41 growth, state Medicaid population growth, and other economic and
42 demographic factors, for the duration of the waiver.

208.1210. 1. Until statutory changes are enacted through the
2 legislative process, all applicable laws relating to MO HealthNet shall
3 remain in effect. It may be necessary to propose legislative changes in
4 order to comply with the federal waiver submitted under section
5 208.1205, if approved by the federal government. In order to effectuate
6 additional programmatic changes to the MO HealthNet program beyond
7 those authorized by the ninety-ninth general assembly, first regular
8 session, and as authorized by the waiver, the department of social
9 services shall propose the additional statutory changes required. Such
10 changes cannot be effectuated until the necessary statutes have been
11 enacted.

12 2. The joint committee on public assistance shall hold public
13 meetings on such proposed statutory changes to determine whether or
14 not such proposals satisfy the goals enumerated in section 208.1205 and
15 would result in substantial new opportunities for the MO HealthNet

16 program on a cost-neutral basis.

17 3. Upon the enactment of legislation related to the waiver, the
18 department shall adopt rules and regulations to implement the
19 provisions of the waiver. Any rule or portion of a rule, as that term is
20 defined in section 536.010 that is created under the authority delegated
21 in this section shall become effective only if it complies with and is
22 subject to all of the provisions of chapter 536, and, if applicable, section
23 536.028. This section and chapter 536 are nonseverable and if any of
24 the powers vested with the general assembly pursuant to chapter 536,
25 to review, to delay the effective date, or to disapprove and annul a rule
26 are subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2017, shall
28 be invalid and void.

 208.1215. After the approval of the waiver submitted under
2 section 208.1205 by the federal government, the joint committee on
3 public assistance shall meet at least twice a year. The joint committee
4 shall have the authority to:

- 5 (1) Provide oversight on the Medicaid global waiver;
- 6 (2) Communicate as necessary with the director of the
7 department of social services, the director of the MO HealthNet
8 division, and any other divisions or departments within the scope of
9 the MO HealthNet program;
- 10 (3) Recommend the type of services for the MO HealthNet
11 program offered by the state;
- 12 (4) Issue, in accordance with section 21.400, subpoenas,
13 subpoenas duces tecum, and orders for the production of books,
14 accounts, papers, records, and documents; and
- 15 (5) Recommend to the general assembly and the department any
16 amendments to the waiver and any corrective clarifying legislation that
17 may be necessary.

 208.1220. In the event that the global waiver or related waivers
2 or state plan amendments submitted under section 208.1205 are
3 suspended or terminated for any reason, or in the event that the global
4 waiver or related waivers or state plan amendments expire, the
5 department of social services shall apply for an extension or renewal
6 of the global waiver or any new waivers that, at a minimum, ensure the
7 continuation of the waiver authorities in existence prior to the

8 acceptance of the global waiver. The department shall ensure that any
9 such actions are conducted in accordance with applicable federal
10 statutes and regulations relating to Section 1115 demonstration waiver
11 renewals, extensions, or terminations. The department shall, to the
12 fullest extent possible, ensure that said waiver authorities are
13 reinstated prior to any suspension, termination, or expiration of the
14 global waiver.

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