FIRST REGULAR SESSION

SENATE BILL NO. 263

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time January 16, 2019, and ordered printed.

1203S.03I

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to postpartum depression screening.

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

Section A. Section 208.151, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 191.940 and 208.151, to read as follows:

191.940. 1. As used in this section, the following terms shall mean:

(1) "Ambulatory surgical center", the same meaning as defined in section 197.200;

(2) "Health care provider", a physician licensed under chapter 334, an assistant physician or physician assistant licensed under chapter 334 and in a collaborative practice arrangement or supervision agreement with a collaborating or supervising physician, and an advanced practice registered nurse licensed under chapter 335 and in a collaborative practice arrangement with a collaborating physician;

(3) "Hospital", the same meaning as defined in section 197.020;

(4) "Postnatal care", an office visit to a licensed health care provider occurring after birth, with reference to the infant or mother;

(5) "Questionnaire", an assessment tool designed to detect the symptoms of postpartum depression or related mental health disorders, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated assessment methods.

2. All hospitals and ambulatory surgical centers that provide labor and delivery services shall provide new mothers, prior to

...
discharge following childbirth, and if possible, shall provide fathers
and other family members with complete information about postpartum
depression, including its symptoms, methods of treatment, and
available resources. The department of health and senior services, in
cooperation with the department of mental health, shall provide
written information that hospitals and ambulatory surgical centers may
use and shall include such information on its website.

3. Health care providers providing postnatal care to new mothers
until six months following the birth shall invite the mother to complete
a questionnaire and shall review the completed questionnaire in
accordance with the formal opinions and recommendations of the
American College of Obstetricians and Gynecologists.

4. Health care providers providing pediatric care to an infant
shall invite the infant's mother to complete a questionnaire at any well-
baby checkup at which the mother is present, beginning at the infant's
one-month checkup until the infant is six months old, and shall review
the completed questionnaire in accordance with the formal opinions
and recommendations of the American College of Obstetricians and
Gynecologists, in order to ensure that the health and well-being of the
infant are not compromised by undiagnosed postpartum depression or
related mental health disorders in the mother. With the mother's
consent, the health care provider shall share the results of the
questionnaire with the mother's primary health care provider or
mental health care provider of her choice. If the health care provider
determines that the mother presents an acute danger to herself, the
infant, or someone else, the mother's consent shall not be required
prior to sharing the results.

208.151. 1. Medical assistance on behalf of needy persons shall be known
as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to
comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social
Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy
persons shall be eligible to receive MO HealthNet benefits to the extent and in
the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged,
blind and disabled;

(2) All participants receiving aid to families with dependent children
benefits, including all persons under nineteen years of age who would be
classified as dependent children except for the requirements of subdivision (1) of
subsection 1 of section 208.040. Participants eligible under this subdivision who
are participating in treatment court, as defined in section 478.001, shall have
their eligibility automatically extended sixty days from the time their dependent
child is removed from the custody of the participant, subject to approval of the
Centers for Medicare and Medicaid Services;
(3) All participants receiving blind pension benefits;
(4) All persons who would be determined to be eligible for old age
assistance benefits, permanent and total disability benefits, or aid to the blind
benefits under the eligibility standards in effect December 31, 1973, or less
restrictive standards as established by rule of the family support division, who
are sixty-five years of age or over and are patients in state institutions for mental
diseases or tuberculosis;
(5) All persons under the age of twenty-one years who would be eligible
for aid to families with dependent children except for the requirements of
subdivision (2) of subsection 1 of section 208.040, and who are residing in an
intermediate care facility, or receiving active treatment as inpatients in
psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as
amended;
(6) All persons under the age of twenty-one years who would be eligible
for aid to families with dependent children benefits except for the requirement of
deprivation of parental support as provided for in subdivision (2) of subsection 1
of section 208.040;
(7) All persons eligible to receive nursing care benefits;
(8) All participants receiving family foster home or nonprofit private
child-care institution care, subsidized adoption benefits and parental school care
wherein state funds are used as partial or full payment for such care;
(9) All persons who were participants receiving old age assistance
benefits, aid to the permanently and totally disabled, or aid to the blind benefits
on December 31, 1973, and who continue to meet the eligibility requirements,
except income, for these assistance categories, but who are no longer receiving
such benefits because of the implementation of Title XVI of the federal Social
Security Act, as amended;
(10) Pregnant women who meet the requirements for aid to families with
dependent children, except for the existence of a dependent child in the home;
(11) Pregnant women who meet the requirements for aid to families with
dependent children, except for the existence of a dependent child who is deprived
of parental support as provided for in subdivision (2) of subsection 1 of section
208.040;

(12) Pregnant women or infants under one year of age, or both, whose
family income does not exceed an income eligibility standard equal to one
hundred eighty-five percent of the federal poverty level as established and
amended by the federal Department of Health and Human Services, or its
successor agency;

(13) Children who have attained one year of age but have not attained six
years of age who are eligible for medical assistance under 6401 of P.L. 101-239
(Omnibus Budget Reconciliation Act of 1989). The family support division shall
use an income eligibility standard equal to one hundred thirty-three percent of
the federal poverty level established by the Department of Health and Human
Services, or its successor agency;

(14) Children who have attained six years of age but have not attained
nineteen years of age. For children who have attained six years of age but have
not attained nineteen years of age, the family support division shall use an
income assessment methodology which provides for eligibility when family income
is equal to or less than equal to one hundred percent of the federal poverty level
established by the Department of Health and Human Services, or its successor
agency. As necessary to provide MO HealthNet coverage under this subdivision,
the department of social services may revise the state MO HealthNet plan to
extend coverage under 42 U.S.C. Section 1396a (a)(10)(A)(i)(III) to children who
have attained six years of age but have not attained nineteen years of age as
permitted by paragraph (2) of subsection (m) of 42 U.S.C. Section 1396d using a
more liberal income assessment methodology as authorized by paragraph (2) of
subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility
standard in assessing eligibility for persons under subdivision (12), (13) or (14)
of this subsection. The MO HealthNet division shall define the amount and scope
of benefits which are available to individuals eligible under each of the
subdivisions (12), (13), and (14) of this subsection, in accordance with the
requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary,
ambulatory prenatal care shall be made available to pregnant women during a
period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as
(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but...
not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving mental health treatment for postpartum depression or related mental health conditions within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for mental health services for the treatment of postpartum depression and related mental health conditions for up to twelve additional months. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees.
To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the
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MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Effective August 28, 2013, persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:

(a) Are under twenty-six years of age;

(b) Are not eligible for coverage under another mandatory coverage group;

and

(c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such
family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not
sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).