

SECOND REGULAR SESSION

# SENATE BILL NO. 713

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JACOB.

Read 1st time January 13, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2872.011

## AN ACT

To repeal section 630.405, RSMo Supp. 1997, relating to mental health services, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 630.405, RSMo Supp. 1997, is repealed and one new section enacted in lieu thereof, to be known as section 630.405, to read as follows:

630.405. 1. The department may purchase services for patients, residents or clients from private and public vendors in this state with funds appropriated for this purpose.

2. Services that may be purchased may include prevention, diagnosis, evaluation, treatment, habilitation, rehabilitation, transportation and other special services for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse.

**3. For each state fiscal year a negotiated trend factor shall be applied to each facility's per diem and unit of service reimbursement rate. A single trend factor shall be determined through negotiations between the department and the affected providers and is intended to hold the providers harmless against increases in cost. In no circumstance shall the negotiated trend factor to be applied to state funds exceed the consumer price index for medical care developed by the U.S. Bureau of Labor Statistics for that year. The provisions of this subsection shall apply to fiscal year 2000 and thereafter.**

[3.] 4. The commissioner of administration, in consultation with the director, shall promulgate rules establishing procedures consistent with the usual state purchasing procedures

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

under chapter 34, RSMo, for the purchase of services under this section. The commissioner may authorize the department to purchase any technical service which, in his judgment, can best be purchased direct under chapter 34, RSMo. The commissioner shall cooperate with the department to purchase timely services appropriate to the needs of the patients, residents or clients of the department.

[4. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

**5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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 the effective date of this section shall be invalid and void.**

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