

House Concurrent Resolution No. 28

95TH GENERAL ASSEMBLY

1943L.011

2 **Whereas**, good government is the result of laws carefully passed with harmonious
3 effects that save taxpayer dollars; and

4 **Whereas**, when laws have conflicting effects that result in the waste of tax dollars,
5 elected officials have a duty to find a remedy, working between branches and levels of
6 government as necessary; and
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8 **Whereas**, the State of Missouri is suffering from economic strain, as is its
9 Department of Mental Health, which operates an acute care mental health hospital in Columbia,
10 and which mental health hospital treats patients covered by the federal Medicaid program, but
11 because of federal law 42 CFR, Part 435.1008, Missouri is unable to receive any matching
12 federal dollars to help provide care for such patients; and
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14 **Whereas**, should the state of Missouri close its mental health hospital in Columbia
15 and transfer patients to the University of Missouri hospital, which would be allowed to receive
16 federal matching reimbursement, albeit at a higher rate, because that hospital is not a mental
17 hospital as defined in federal law 42 CFR, Part 435.1009, the State of Missouri would spend less
18 from its general fund, the patients would receive more care, but the total cost to taxpayers would
19 approximately triple; and
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21 **Whereas**, Congress could rescind 42 CFR, Part 435.1008 to allow Missouri to
22 draw down federal financial participation dollars for the care of the mentally ill patients in its
23 Columbia mental health hospital, which would remove the incentive for Missouri to close the
24 hospital and move the patients, all at greater expense to the taxpayers of the United States:
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26 **Now, therefore, be it resolved** by the members of the House of
27 Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate
28 concurring therein, that:
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30 (1) Federal law 42 CFR, Part 435.1008, which prohibits the State of Missouri from
31 drawing down federal financial participation (matching) funds for the care of Medicaid patients

32 suffering from mental illness in its Columbia hospital, has caused the State of Missouri to
33 consider closing the Columbia hospital in order to save money by transferring the patients to the
34 University of Missouri hospital, which is allowed under the federal law to draw down such
35 federal financial participation funds, albeit at a higher rate, and thus at a higher cost to the
36 taxpayers of the United States, because the University of Missouri hospital is not an institution
37 of mental diseases as defined in 42 CFR, Part 435.1009; and

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39 (2) Congress ought to rescind federal law 42 CFR, Part 435.1008; and

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41 **Be it further resolved** that the Chief Clerk of the Missouri House of
42 Representatives be instructed to prepare properly inscribed copies of this resolution for Barack
43 Obama, President of the United States; the President of the United States Senate; the Speaker
44 of the United States House of Representatives; and each member of the Missouri Congressional
45 delegation.

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