

SECOND REGULAR SESSION

HOUSE BILL NO. 1302

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAGER (Sponsor), JETTON, DEMPSEY, PARKER, RICHARD, CROWELL, LIPKE, YATES, HANAWAY, SUTHERLAND, ERVIN, BYRD, DIXON, HUBBARD, HOSKINS, BEAN, DEEKEN, COOPER (155), GUEST, STEFANICK, EMERY, PHILLIPS, ANGST, COOPER (120), MAYER, STEVENSON, WASSON, PORTWOOD, MYERS, KINGERY, WILSON (130), RUESTMAN, HOBBS, BEARDEN, VIEBROCK, SANDER, QUINN, CUNNINGHAM (145), BEHNEN, SMITH (118), RECTOR, KELLY (144), RUPP, ICET, GOODMAN, BOUGH, LEMBKE, MUNZLINGER, MAY, ROARK, TOWNLEY, WILSON (119), NIEVES, SCHLOTTACH, PRATT, MORRIS, MOORE, BRUNS, PURGASON, WRIGHT, LUETKEMEYER, HUNTER, CRAWFORD, JACKSON, BLACK, CUNNINGHAM (86), SHOEMAKER, DAVIS (122), WILDBERGER, BLAND, SEIGFREID, BARNITZ, PAGE, MARSH, McKENNA, VILLA, WILLOUGHBY, SCHAAF, REINHART, ST. ONGE, TAYLOR, SCHNEIDER AND BIVINS (Co-sponsors).

Read 1st time January 28, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3492L.02I

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to the elder-care protection act of 2004, with an emergency clause.

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
2 known as section 208.225, to read as follows:

**208.225. 1. This section shall be known and may be cited as the "Elder-care
2 Protection Act of 2004".**

**3 2. To implement fully the provisions of section 208.152, the division of medical
4 services shall recalculate annually the Medicaid per diem reimbursement rates of each
5 nursing home participating in the Medicaid program as a provider of nursing home
6 services based on its costs reported in the Title XIX cost report filed with the division of
7 medical services for its fiscal year preceding the two facility fiscal years preceding the
8 effective date of the recalculated rates.**

**9 3. The recalculation of Medicaid rates to all Missouri facilities shall be performed
10 over three state fiscal years in three separate payments beginning July 1, 2004, as follows:**

11 (1) Effective July 1, 2004, the department of social services shall use the Medicaid

12 **cost report containing adjusted costs for the facility fiscal year ending in 2001 and**
13 **redetermine the allowable per patient day costs for each facility. The department shall add**
14 **to that redetermined cost an inflationary factor to update those costs to July 1, 2004. The**
15 **department shall recalculate the class ceilings in the patient care, one hundred twenty**
16 **percent of the median; ancillary, one hundred twenty percent of the median; and**
17 **administration, one hundred ten percent of the median cost centers. Each facility shall**
18 **receive one-third of the amount that it is underpaid based on the recalculated cost**
19 **determination;**

20 **(2) Effective July 1, 2005, the department shall perform the same calculations**
21 **described in subdivision (1) of this subsection, except that the calculations shall be**
22 **performed using the Medicaid cost report containing adjusted costs for the facility fiscal**
23 **year ending in 2002. The facility shall receive one-third of the amount that it is underpaid;**

24 **(3) Effective July 1, 2006, the department shall perform the same calculations**
25 **described in subdivision (1) of this subsection, except that the calculations shall be**
26 **performed using the Medicaid cost report containing adjusted costs for the facility fiscal**
27 **year ending in 2003. The facility shall receive one-third of the amount that it is underpaid;**

28 **(4) Effective July 1, 2007, each facility shall receive a full Medicaid recalculation**
29 **based upon its 2004 Medicaid cost report of adjusted costs.**

Section B. Because of the need to recalculate Medicaid rates for Missouri facilities,
2 section A of this act is deemed necessary for the immediate preservation of the public health,
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
4 the constitution, and section A of this act shall be in full force and effect upon its passage and
5 approval or July 1, 2004, whichever later occurs.