

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1270

95TH GENERAL ASSEMBLY

3255L.01T

2010

AN ACT

To repeal sections 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, and 201.090, RSMo, and to enact in lieu thereof eight new sections relating to children's special health care needs.

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

Section A. Sections 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 2 and 201.090, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known 3 as sections 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, and 201.090, to 4 read as follows:

201.010. As used in this chapter, the following terms mean:

- 2 (1) "Administrator", the department of health and senior services;
- 3 (2) "Child", any persons under twenty-one years of age;
- 4 (3) "Service", the [crippled] children's **special health care needs** service;
- 5 (4) "Services", medical, surgical, corrective, diagnostic, hospitalization, and related
- 6 services, including after care, and all things reasonably incident and necessary to make the
- 7 service available to the child.

201.020. There is created as an agency of state government, the "[Crippled] Children's 2 **Special Health Care Needs** Service".

201.030. The [crippled] children's **special health care needs** service is designated as the 2 agency of this state to administer a program of service to children who [are crippled or who are 3 suffering from conditions that lead to crippling] **have a physical disability or special health 4 care need** and to supervise the administration of the services that are included in this program. 5 The purpose of this service is to develop, extend, and improve services for locating such

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 children, especially in rural areas, and for providing medical, surgical, corrective and other
7 services and care and facilities for diagnosis, hospitalization, and aftercare.

201.040. Any child residing in the state of Missouri who [is crippled or is suffering from
2 conditions which lead to crippling] **has a physical disability or special health care need**, who
3 is in need of services because of his **or her** condition, who has been certified by a physician of
4 his **or her** choice as a person who can probably benefit from such services, who is financially
5 unable to pay for such services and whose parents, guardian, or person legally chargeable with
6 his **or her** support is unable to pay therefor, shall be entitled to such services without charge, but
7 if any person, firm, corporation, or public or private agency is liable, either pursuant to contract
8 or otherwise, to the parents or a recipient of services on account of personal injury to or disability
9 or disease of the recipient of services, the service is subrogated to the right of the parent or
10 recipient to recover from that part of the award or settlement an amount equal to the amount
11 expended by the service for services which are not otherwise recoverable from the parent or
12 recipient. The acceptance of services from the service constitutes acknowledgment of
13 subrogation rights by the service, and the service may take any and all action necessary to enforce
14 the subrogation rights. Any such child who, or whose parents, guardian, or other person legally
15 chargeable with the support of the child, is able to pay a portion but not all of the expenses for
16 the required services for the child, shall be entitled to the services if the child, parents, guardian
17 or other person legally charged with the support of the child shall pay such amounts thereof to
18 the hospital and physician as the child, parents, guardian, or other persons legally charged with
19 the support of the child are reasonably able to pay.

201.050. 1. The department of health and senior services is designated as the
2 administrator of the [crippled] children's **special health care needs** service.

3 2. The administrator:

4 (1) Shall formulate and administer a detailed plan or plans for the purpose of
5 administering the service and to make and enforce such rules and regulations as are necessary
6 or desirable for the administration of these plans and the provisions of this chapter;

7 (2) Shall receive and expend, in accordance with such plans, all funds made available
8 to the service by the federal government, by the state or its political subdivisions, or from any
9 other sources for such purposes, and it shall cooperate with the federal government in
10 developing, improving, and extending the services and in the administration of the plans;

11 (3) Shall cooperate with other state departments and agencies of this state and with
12 medical, health, nursing, and welfare groups and organizations, private or public, and endeavor
13 to coordinate the efforts of all persons and agencies interested in the discovery, care, and
14 rehabilitation of [crippled] children **with special health care needs**, and it is entitled to receive

15 aid and assistance from other departments and agencies of this state in carrying out the plans
16 adopted by the administrator;

17 (4) Shall receive title to property, real or personal, in all cases of gifts, devises, or
18 bequests to the service and may act as trustee and as such receive title to property, real or
19 personal, where given in trust for the benefit of the service.

201.070. Any plan, rule, or regulation adopted by the administrator shall conform with
2 regulations of the federal government to the extent necessary to qualify for the receipt of federal
3 funds that may become available to the state for the treatment and care of [crippled] children
4 **with special health care needs.**

201.080. All funds allocated by the federal government to this state for the treatment and
2 care of [crippled] children **with special health care needs** shall be transmitted to the service.

201.090. All [moneys] **revenues, refunds, legal settlements, reimbursements,**
2 **donations, gifts, grants, or bequests** coming to the service from any source whatsoever shall
3 be kept by the administrator in a special fund to be designated as the "[Crippled] Children's
4 **Special Health Care Needs Service Fund**", **which is hereby created in the state treasury,** and
5 all expenses of the service shall be paid by the administrator from this fund. State appropriations
6 to the [crippled] children's **special health care needs** service shall be paid to the administrator
7 upon proper requisition therefor. Any surplus moneys in the fund not currently needed for
8 operation expenses may be invested by the administrator in obligations of the state of Missouri
9 or of the United States of America or obligations guaranteed by the United States of America.
10 Any trust funds in the hands of the administrator may be invested in such manner as may be
11 provided by law, except that any trust funds coming to the administrator with special instructions
12 with reference to the investment thereof shall not be invested contrary to such specific
13 instructions.

✓