

SECOND REGULAR SESSION

HOUSE BILL NO. 1753

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

4664H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to structured family caregiving for MO HealthNet home- and community-based care.

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 208.896, to read as follows:

**208.896. 1. To ensure the availability of comprehensive and cost-effective choices
2 for MO HealthNet participants to live at home in the communities of their choice and to
3 receive support from caregivers of their choice, structured family caregiving shall be added
4 as a covered home- and community-based waiver service in the Missouri aged and disabled
5 adult waiver and the independent living waiver, subject to federal approval of the waiver
6 amendments which are necessary to implement the provisions of this section.**

**7 2. The addition of structured family caregiving as a covered home- and community-
8 based waiver service in the Missouri aged and disabled adult waiver and the independent
9 living waiver shall include:**

**10 (1) A choice for participants of qualified and credentialed caregivers, including
11 family caregivers;**

**12 (2) A choice for participants of community settings in which they receive structured
13 family caregiving. A caregiver may provide structured family caregiving services in the
14 caregiver's home or the participant's home;**

**15 (3) A requirement that all organizations serving as structured family caregiving
16 agencies are considered home- and community-based care providers and are accountable**

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.

17 for quality, including qualification and requalification of caregivers and homes,
18 professional staff support for eligible seniors, and deployment of electronic daily notes; and

19 (4) A daily payment rate for services that is adequate to pay stipends to caregivers
20 and pay provider agencies for the cost of providing professional staff support as required
21 under this section.

22 4. (1) Within thirty days of the effective date of this section, the MO HealthNet
23 division shall, if necessary to implement the provisions of this section, apply to the United
24 States Secretary of Health and Human Services for an amendment to the aged and disabled
25 adult waiver and the independent living waiver for the purpose of including structured
26 family caregiving as a covered service for eligible home- and community-based care
27 participants. The division shall request an effective date of not later than July 1, 2017, and
28 shall, by such date, take all administrative actions necessary to ensure timely and equitable
29 availability of structured family caregiving services for home- and community-based care
30 participants.

31 (2) Upon receipt of an approved amended waiver under subdivision (1) of this
32 subsection, the division shall promulgate rules to implement the provisions of this section.
33 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
34 under the authority delegated in this section shall become effective only if it complies with
35 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
36 This section and chapter 536 are nonseverable, and if any of the powers vested with the
37 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
38 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
39 rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be
40 invalid and void.

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