

FIRST REGULAR SESSION

# HOUSE BILL NO. 402

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FREDERICK.

0825H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 208, RSMo, by adding thereto four new sections relating to a Medicaid global waiver.

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

Section A. Chapter 208, RSMo, is amended by adding thereto four new sections, to be known as sections 208.1205, 208.1210, 208.1215, and 208.1220, to read as follows:

**208.1205. 1. The department of social services shall apply for and obtain a Medicaid global waiver and any other necessary waivers or state plan amendments from the Secretary of the United States Department of Health and Human Services including, but not limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. Section 1396, et seq. The application for and the provisions of such waivers or state plan amendments shall be implemented as follows:**

**(1) The federal waiver application process shall be reviewed by the joint committee on public assistance established under section 208.952. Prior to the submission of the waiver to the federal government, the department shall provide the joint committee with the proposed waiver application. The waiver shall not be submitted to the federal government until the provisions of this section have been followed;**

**(2) The joint committee shall review the waiver application and hold a public hearing within thirty days of receipt of the application. The director of the department, or the director of the division of MO HealthNet, shall testify on the proposed waiver application; and**

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.

16           (3) Within thirty days of the public hearing, the joint committee shall, if necessary,  
17 propose modifications to or other recommendations for the waiver application as submitted.

18           2. The waiver application shall include provisions, to the fullest extent possible, that  
19 maximize the flexibility of the state to design a patient-centered, sustainable, and cost-  
20 effective approach to a market-based health care system that emphasizes competitive and  
21 value-based purchasing. Such flexibility may include:

22           (1) Eligibility determinations which may include work requirements for certain  
23 able-bodied adults;

24           (2) Initiatives to promote healthy outcomes and reward personal responsibility,  
25 including the use of co-payments, premiums, and health savings accounts; and

26           (3) Accountability and transparency measures designed to promote  
27 interdepartmental cooperation and coordination while eliminating redundancies. Such  
28 measures shall also promote the efficient and cost-effective delivery of health care services  
29 in a patient-centered approach, including physical and mental health care services.

30           3. The waiver application may include provisions, to the fullest extent possible, that  
31 propose or accept a federally capped block grant, adjusted for inflation, state gross  
32 domestic product, state population growth, state Medicaid population growth, and other  
33 economic and demographic factors, for the duration of the waiver.

          208.1210. 1. Until statutory changes are enacted through the legislative process, all  
2 applicable laws relating to MO HealthNet shall remain in effect. It may be necessary to  
3 propose legislative changes in order to comply with the federal waiver submitted under  
4 section 208.1205 if approved by the federal government. In order to effectuate additional  
5 programmatic changes to the MO HealthNet program beyond those authorized by the  
6 ninety-ninth general assembly, first regular session, and as authorized by the waiver, the  
7 department of social services shall propose the additional statutory changes required.  
8 Such changes cannot be effectuated until the necessary statutes have been enacted.

9           2. The joint committee on public assistance shall hold public meetings on such  
10 proposed statutory changes to determine whether such proposals satisfy the goals  
11 enumerated in section 208.1205 and would result in substantial new opportunities for the  
12 MO HealthNet program on a cost-neutral basis.

13           3. Upon the enactment of legislation related to the waiver, the department shall  
14 adopt rules and regulations to implement the provisions of the waiver. Any rule or portion  
15 of a rule, as that term is defined in section 536.010, that is created under the authority  
16 delegated in this section shall become effective only if it complies with and is subject to all  
17 of the provisions of chapter 536, and, if applicable, section 536.028. This section and  
18 chapter 536 are nonseverable, and if any of the powers vested with the general assembly

19 pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul  
20 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
21 any rule proposed or adopted after August 28, 2017, shall be invalid and void.

208.1215. After the approval of the waiver submitted under section 208.1205 by the  
2 federal government, the joint committee on public assistance shall meet at least twice each  
3 year. The joint committee shall have the authority to:

- 4 (1) Provide oversight on the Medicaid global waiver;
- 5 (2) Communicate as necessary with the director of the department of social  
6 services, the director of the MO HealthNet division, and any other divisions or departments  
7 within the scope of the MO HealthNet program;
- 8 (3) Recommend the type of services for the MO HealthNet program offered by the  
9 state;
- 10 (4) Issue, in accordance with section 21.400, subpoenas, subpoenas duces tecum,  
11 and orders for the production of books, accounts, papers, records, and documents; and
- 12 (5) Recommend to the general assembly and the department any amendments to  
13 the waiver and any corrective clarifying legislation that may be necessary.

208.1220. In the event that the global waiver or related waivers or state plan  
2 amendments submitted under section 208.1205 are suspended or terminated for any  
3 reason, or in the event that the global waiver or related waivers or state plan amendments  
4 expire, the department of social services shall apply for an extension or renewal of the  
5 global waiver or any new waivers that, at a minimum, ensure the continuation of the  
6 waiver authorities in existence prior to the acceptance of the global waiver. The  
7 department shall ensure that any such actions are conducted in accordance with applicable  
8 federal statutes and regulations relating to Section 1115 demonstration waiver renewals,  
9 extensions, or terminations. The department shall, to the fullest extent possible, ensure  
10 that said waiver authorities are reinstated prior to any suspension, termination, or  
11 expiration of the global waiver.

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