

FIRST REGULAR SESSION

HOUSE BILL NO. 1011

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

2062H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 201.030 and 201.040, RSMo, and to enact in lieu thereof three new sections relating to health care for persons with disabilities.

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

Section A. Sections 201.030 and 201.040, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 201.030, 201.040, and 376.1223, to read as
3 follows:

201.030. The children's special health care needs service is designated as the agency of
2 this state to administer a program of service to children who have a physical, **cognitive,**
3 **emotional, mental, or developmental** disability or special health care need and to supervise the
4 administration of the services that are included in this program. The purpose of this service is
5 to develop, extend, and improve services for locating such children, especially in rural areas, and
6 for providing medical, surgical, corrective, **habilitative, rehabilitative,** and other services and
7 care and facilities for diagnosis, hospitalization, and ~~aftercare~~ **lifespan care.**

201.040. Any ~~child~~ **individual** residing in the state of Missouri who has a physical,
2 **cognitive, emotional, mental, or developmental** disability or special health care need, who is
3 in need of services because of his or her condition, **or because of behaviors that are a**
4 **manifestation of his or her condition,** who has been certified by a physician of his or her choice
5 as a person who can probably benefit from such services, who is financially unable to pay for
6 such services and whose parents, guardian, or **any other** person legally chargeable with his or
7 her support is unable to pay therefor shall be entitled to such services without charge, but if any
8 person, firm, corporation, or public or private agency is liable, either pursuant to contract or
9 otherwise, to the ~~parents~~ **legally chargeable person** or a recipient of services on account of

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.

10 personal injury to or disability or disease of the recipient of services, the service is subrogated
11 to the right of the ~~[parent]~~ **legally chargeable person** or recipient to recover from that part of
12 the award or settlement an amount equal to the amount expended by the service for services
13 which are not otherwise recoverable from the ~~[parent]~~ **legally chargeable person** or recipient.
14 The acceptance of services from the service constitutes acknowledgment of subrogation rights
15 by the service, and the service may take any and all action necessary to enforce the subrogation
16 rights. Any such ~~[child]~~ **individual** who, or whose parents, guardian, or other person legally
17 chargeable with the support of the ~~[child]~~ **individual**, is able to pay a portion but not all of the
18 expenses for the required services for the ~~[child]~~ **individual**, shall be entitled to the services if
19 the ~~[child]~~ **individual**, parents, guardian or other person legally charged with the support of the
20 ~~[child]~~ **individual** shall pay such amounts thereof to the hospital and physician as the ~~[child]~~
21 **individual**, parents, guardian, or other persons legally charged with the support of the ~~[child]~~
22 **individual** are reasonably able to pay.

376.1223. 1. No third-party payer for health care services including, but not limited
2 **to, health carriers, as such terms are defined in section 376.1350, shall limit coverage or**
3 **deny reimbursement for treatment of symptoms and behaviors for individuals with**
4 **physical, cognitive, emotional, mental, or developmental disability where, as determined**
5 **by a licensed physician, the symptoms or behaviors caused by the identified disability:**

6 **(1) Require the individual to receive care or assistance at any level or age from**
7 **another person; and**

8 **(2) Directly interfere with or prevent independent participation in the everyday**
9 **purposeful and functional activities typically practiced by a person of the same**
10 **chronological age as the disabled individual.**

11 **2. Such coverage shall include, but not be limited to, therapeutic care, habilitative**
12 **or rehabilitative care, and applied behavior analysis, as such terms are defined in section**
13 **376.1224.**

✓