

SECOND REGULAR SESSION

HOUSE BILL NO. 1658

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

4844H.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Section A. Sections 201.030 and 201.040, RSMo, are repealed and three new sections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 **or developmental**
3 disability, **as defined in section 630.005**, 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.

201.040. Any child residing in the state of Missouri who has a physical **or**
2 **developmental** disability, **as defined in section 630.005**, or special health care need, who is in
3 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 or a recipient of services on account of personal injury to or disability

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 or disease of the recipient of services, the service is subrogated to the right of the parent or
11 recipient to recover from that part of the award or settlement an amount equal to the amount
12 expended by the service for services which are not otherwise recoverable from the parent or
13 recipient. The acceptance of services from the service constitutes acknowledgment of
14 subrogation rights by the service, and the service may take any and all action necessary to enforce
15 the subrogation rights. Any such child who, or whose parents, guardian, or other person legally
16 chargeable with the support of the child, is able to pay a portion but not all of the expenses for
17 the required services for the child, shall be entitled to the services if the child, parents, guardian
18 or other person legally charged with the support of the child shall pay such amounts thereof to
19 the hospital and physician as the child, parents, guardian, or other persons legally charged with
20 the support of the child 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 or developmental disabilities, as defined in section 630.005, if, as determined by
5 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.**

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