

FIRST REGULAR SESSION

HOUSE BILL NO. 21

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (163).

0021H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Elementary and Secondary Education, Department of Mental Health, Department of Health and Senior Services, Department of Social Services, and the Office of the State Public Defender and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in
2 Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each
3 department, division, agency, fund transfer, and program described herein for the item or items
4 stated, and for no other purpose whatsoever, chargeable to the fund designated for the period
5 beginning July 1, 2021, and ending June 30, 2022 as follows:

PART 1

Section 21.000. Each appropriation in this act shall consist of the item or
2 items in each section of Part 1 of this act, for the amount and
3 purpose and from the fund designated in each section of Part 1, as
4 well as all additional clarifications of purpose in Part 2 of this act
5 that make reference by section to said item or items in Part 1. Any
6 clarification of purpose in Part 2 shall state the section or sections
7 in Part 1 to which it attaches and shall, together with the language
8 of said section(s) in Part 1, form the complete statement of purpose
9 of the appropriation. As such, the provisions of Part 2 of this act
10 shall not be severed from Part 1, and if any clarification of purpose
11 in Part 2 is for any reason held to be invalid, such decision shall

12 invalidate all of the appropriations in this act of which said
 13 clarification of purpose is a part. Part 3 of this act shall consist of
 14 guidance to the Department of Social Services in implementing the
 15 appropriations found in Part 1 and Part 2 of this act and contains
 16 an appendix of appropriations consisting of one-time new decision
 17 items for the fiscal year beginning July 1, 2021 and ending June
 18 30, 2022. The amount(s) in the appendix will not be considered
 19 an addition to any ongoing core appropriation(s) in future fiscal
 20 periods beyond June 30, 2022. The amount(s) in the appendix
 21 may, however, be requested in any future fiscal period as a new
 22 decision item.

Section 21.005 To the Department of Elementary and Secondary
 2 Education

3 For distributions to the free public schools for transportation as provided
 4 in Chapter 163, RSMo, provided that no funds are used to support
 5 the distribution or sharing of any individually identifiable student
 6 data for non-educational purposes, marketing or advertising
 7 From General Revenue Fund (0101). \$18,000,000

Section 21.010. To the Department of Elementary and Secondary Education

2 For the purpose of funding a workforce diploma program for adults
 3 without a high school diploma as designated by the Department of
 4 Elementary and Secondary Education
 5 From General Revenue Fund (0101). \$2,000,000

Section 21.100. To the Department of Mental Health

2 For the Division of Behavioral Health
 3 For treatment of alcohol and drug abuse, provided that fifty percent (50%)
 4 flexibility is allowed between sections indicated in 21.100, 21.105,
 5 and 21.110 to allow flexibility in payment for the Certified
 6 Community Behavioral Health Clinic Prospective Payment System
 7 From General Revenue Fund (0101). \$10,801,544
 8 From Department of Mental Health Federal Fund (0148).. 864,078
 9 Total. \$11,665,622

Section 21.105. To the Department of Mental Health

2 For adult community programs

3	Personal Service	
4	From General Revenue Fund (0101).	\$72,000
5	For adult community programs, provided that up to ten percent (10%) of	
6	this appropriation may be used for services for youth, and further	
7	provided that fifty percent (50%) flexibility is allowed between	
8	sections indicated in 21.100, 21.105, and 21.110 to allow	
9	flexibility in payment for the Certified Community Behavioral	
10	Health Clinic Prospective Payment System	
11	Expense and Equipment	
12	From General Revenue Fund (0101).	28,276,679
13	From Department of Mental Health Federal Fund (0148)..	<u>24,963,621</u>
14	Total (Not to exceed 1.00 F.T.E.).. . . .	\$53,312,300

Section 21.110. To the Department of Mental Health

2	For the Division of Behavioral Health	
3	For youth community programs, provided that up to ten percent (10%) of	
4	this appropriation may be used for services for adults, and further	
5	provided that fifty percent (50%) flexibility is allowed between	
6	sections indicated in 21.100, 21.105, and 21.110 to allow	
7	flexibility in payment for the Certified Community Behavioral	
8	Health Clinic Prospective Payment System	
9	Expense and Equipment	
10	From General Revenue Fund (0101).	\$765,585
11	From Department of Mental Health Federal Fund (0148)..	<u>1,486,801</u>
12	Total.	\$2,252,386

Section 21.115. To the Department of Mental Health

2	For the Division of Developmental Disabilities, provided that residential	
3	services for non-Medicaid eligibles shall not be reduced below the	
4	prior year expenditures as long as the person is evaluated to need	
5	the services	
6	For community programs	
7	From General Revenue Fund (0101).	\$6,700,000
8	From Department of Mental Health Federal Fund (0148)..	<u>13,011,680</u>
9	Total.	\$19,711,680

Section 21.200. To the Department of Health and Senior Services

2 For the Division of Senior and Disability Services

3 For providing consumer directed personal care assistance services
4 at a rate not to exceed sixty percent (60%) of the average monthly
5 Medicaid cost of nursing facility care, provided that ten percent
6 (10%) flexibility is allowed between this section and Section
7 21.205 to allow flexibility within the Medicaid Home and
8 Community Based Services Program

9 Expense and Equipment

10	From General Revenue Fund (0101).	\$21,129,924
11	From Department of Health and Senior Services Federal Fund (0143).	<u>40,332,589</u>
12	Total.	\$61,462,513

Section 21.205. To the Department of Health and Senior Services

2 For the Division of Senior and Disability Services

3 For respite care, homemaker chore, personal care, adult day care, AIDS,
4 children's waiver services, home-delivered meals, Programs of All
5 Inclusive Care for the Elderly, the Structured Family Caregiver
6 Waiver, other related services, and program management under the
7 Medicaid fee-for-service and managed care programs. Provided
8 that individuals eligible for or receiving nursing home care must
9 be given the opportunity to have those Medicaid dollars follow
10 them to the community to the extent necessary to meet their unmet
11 needs as determined by 19 CSR 30 81.030 and further be allowed
12 to choose the personal care program option in the community that
13 best meets the individuals' unmet needs, provided that ten percent
14 (10%) flexibility is allowed between this section and Section
15 21.200 to allow flexibility within the Medicaid Home and
16 Community Based Services Program, and further provided that
17 individuals eligible for the Medicaid Personal Care Option must
18 be allowed to choose, from among all the program options, that
19 option which best meets their unmet needs as determined by 19
20 CSR 30 81.030; and also be allowed to have their Medicaid funds
21 follow them to the extent necessary to meet their unmet needs
22 whichever option they choose. This language does not create any
23 entitlements not established by statute

24 Expense and Equipment

25	From General Revenue Fund (0101).	\$8,870,076
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26	From Department of Health and Senior Services Federal Fund (0143).	<u>17,226,057</u>
27	Total.	\$26,096,133

Section 21.300. To the Department of Social Services

2	For the Children's Division	
3	For Family Resource Centers	
4	From General Revenue Fund (0101).	\$200,000
5	From Department of Social Services Federal Fund (0610).	<u>388,408</u>
6	Total.	\$588,408

Section 21.350. To the Department of Social Services

2	For the MO HealthNet Division	
3	For funding long-term care services	
4	For care in nursing facilities under the MO HealthNet fee-for-service	
5	program and for contracted services to develop model policies and	
6	practices that improve the quality of life for long-term care	
7	residents	
8	From General Revenue Fund (0101).	\$30,000,000
9	From Title XIX - Federal Fund (0163)..	<u>58,261,253</u>
10	Total.	\$88,261,253

Section 21.370. To the Department of Social Services

2	For the MO HealthNet Division	
3	For a Family Certified Home Health Aide (FCHHA) Pilot program for up	
4	to fifty clients who are eligible for private duty nursing services	
5	and currently admitted and unable to discharge due to lack of	
6	staffing at Cardinal Glennon Hospital and Ranken Jordan Pediatric	
7	Bridge Hospital, within: a county with a charter form of	
8	government and with more than three hundred thousand but fewer	
9	than four hundred fifty thousand inhabitants, a home rule city with	
10	more than sixty-four thousand but fewer than seventy-one	
11	thousand inhabitants, a county with a charter form of government	
12	and with more than nine hundred fifty thousand inhabitants, a city	
13	not within a county, a county of the first classification with more	
14	than one hundred one thousand but fewer than one hundred fifteen	
15	thousand inhabitants, and a county with a charter form of	
16	government and with more than two hundred thousand but fewer	
17	than three hundred fifty thousand	

18	From General Revenue Fund (0101).	\$986,181
19	From Title XIX - Federal Fund (0163)..	<u>1,915,204</u>
20	Total.	\$2,901,385

Section 21.380. To the Department of Social Services

2	For the MO HealthNet Division	
3	For transitional payments related to Medicaid reimbursement	
4	methodology reform	
5	From FMAP Enhancement Fund (0181).	\$250,000,000
6	From Title XIX - Federal Fund (0163)..	<u>485,510,444</u>
7	Total.	\$735,510,444

Section 21.400. To the Office of the State Public Defender

2	For funding the State Public Defender System	
3	Personal Service and/or Expense and Equipment	
4	From General Revenue Fund (0101) (Not to exceed 15.00 F.T.E.).	\$1,025,040

PART 2

Section 21.1100. To the Department of Health and Senior Services

2 In reference to Sections 21.200 and 21.205 of Part 1 of this act:

3 No funds shall be expended in furtherance of provider rates for

4 Home and Community Bases Services greater than 5.29% above

5 the lower bound market-based rate identified in the Mercer Rate

6 Study for Select State Plan and 1915(c) Waiver Services dated

7 January 3, 2020 for those rates below said lower bound market-

8 based rate as of January 1, 2021, with the exception Private Duty

9 Nursing rates, for which no funds shall be expended in furtherance

10 of provider rates greater than \$9.64 per fifteen-minute unit of

11 service. No funds shall be expended in furtherance of provider

12 rates for Home and Community Bases Services greater than 5.29%

13 above the rate in effect on January 1, 2021 for those rates above

14 the lower bound market-based rate identified in the Mercer Rate

15 Study for Select State Plan and 1915(c) Waiver Services dated

16 January 3, 2020.

Section 21.1200. To the Department of Social Services

2 In reference to Section 21.350 of Part 1 of this act:
 3 No funds shall be expended in furtherance of nursing facility
 4 provider rates greater than \$10.18 per bed day above the rate in
 5 effect on January 1, 2021. If the effective date of the rate increase
 6 is after July 1, 2021, any nursing facility provider rate increase
 7 shall be prorated over the remaining portion of the fiscal year, but
 8 in no event shall the total amount resulting from all provider rate
 9 increases to any provider be greater than the amount that would
 10 result from implementing a \$10.18 per bed day increase, on July
 11 1, 2021, over the rate in effect on January 1, 2021, to said provider.
 12 The rate increase shall only be effective for fiscal year 2021. No
 13 funds shall be expended in furtherance of home health provider
 14 rates greater than the rate in effect on January 1, 2021. provider
 15 rates greater than the per bed day rate in effect January 1, 2021.
 16 No funds shall be expended in furtherance of home health provider
 17 rates greater than the rate in effect on January 1, 2021.

PART 3

Section 21.2200. To the Department of Social Services

2 In reference to all sections in Part 1 and Part 2 of this act:
 3 The Department shall provide written notification prior to
 4 submission to the federal government of state plans and state plan
 5 amendments, grant applications, and Medicaid waivers to the
 6 House Budget and Senate Appropriation Committee Chairs.

Section 21.2205. To the Department of Social Services

2 **Appendix of One-time Appropriations**

3	Section	Line	Amount	FTE Amount
4	21.350	10	\$30,000,000	0
5	21.350	11	\$58,261,253	0

Bill Totals

General Revenue Fund.	\$128,827,029
Federal Funds.	<u>893,960,135</u>
Total.	\$1,022,787,164

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