

SECOND REGULAR SESSION

HOUSE BILL NO. 2486

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LIPKE.

Read 1st time March 27, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5579L.03I

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the Evan de Mello reimbursement program.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be
2 known as section 191.940, to read as follows:

**191.940. 1. This section shall be known and may be cited as the "Evan de Mello
2 Reimbursement Program".**

3 2. For purposes of this section, the following terms shall mean:

4 (1) "Child", a resident of this state who is less than twenty-one years of age;

5 (2) "Condition or impairment", any disease, defect, or diagnosis that:

6 (a) Requires immediate lifesaving medical treatment; or

7 (b) Can cause a crippling disability if not treated; or

8 (c) Requires prolonged outpatient care; or

9 (d) Has a poor to fair prognosis regardless of treatment or a variable prognosis;

**10 (3) "Departments", the departments of health and senior services, and mental
11 health;**

**12 (4) "Payer of last resort", the Evan de Mello reimbursement program is the last
13 financial resource for reimbursement after all other available sources of payment have
14 been exhausted;**

15 (5) "Services", the same as such term is defined in section 201.010, RSMo.

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. The department of health and senior services and the department of mental
17 health shall establish a program to provide financial assistance for the cost of
18 transportation and ancillary services associated with receipt of medical treatment of an
19 eligible child.

20 4. To be eligible for assistance under the program, a child shall be:

21 (1) Suffering from a condition or impairment that results in severe physical illness
22 or physical impairments;

23 (2) In need of transportation or ancillary services due to the child's condition;

24 (3) Certified by a physician of the child's choice as a child who will likely benefit
25 from medical services;

26 (4) Required to travel a distance of one hundred miles or more for medical services,
27 as defined in section 201.010, RSMo, is financially unable to pay for such transportation
28 or ancillary services, and the child's parents, guardian, or person legally responsible for
29 the child's support is unable to pay for such travel expenses.

30 5. Subject to appropriations, recipients under the program shall receive
31 reimbursement for transportation or ancillary services; except that, if any person, firm,
32 corporation, or public or private agency is liable by contract or otherwise to the parents
33 or a recipient of such services due to personal injury to or disability or disease of the
34 recipient of such services, the service is subrogated to the right of the parent or recipient
35 to recover from that part of the award or settlement an amount equal to the amount
36 expended by the service for such services which are not otherwise recoverable from the
37 parent or recipient. The acceptance of such services from the service constitutes
38 acknowledgment of subrogation rights by the service, and the service may take any and all
39 action necessary to enforce the subrogation rights.

40 6. The program established under this section is a payer of last resort.

41 7. The departments shall promulgate rules to implement the provisions of this
42 section. Such rules shall include, but shall not be limited to:

43 (1) An application and review process for program eligibility determinations;

44 (2) Any per-recipient dollar cap on benefits under the program, which shall not be
45 less than five thousand dollars per recipient; and

46 (3) The household income eligibility limits under the program, which shall not
47 exceed a household income of three hundred fifty percent of the federal poverty level.

48 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
49 that is created under the authority delegated in this section shall become effective only if
50 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
51 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable

52 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
53 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
54 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
55 **adopted after August 28, 2008, shall be invalid and void.**

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