

SECOND REGULAR SESSION

# HOUSE BILL NO. 2568

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FUNDERBURK (Sponsor) AND SMITH (14) (Co-sponsor).

Read 1st time April 1, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5582L.01I

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### AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to personal care services for certain disabled adults.

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*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 known as section 191.875, to read as follows:

**191.875. 1. The division of senior and disability services within the department of health and senior services shall, subject to appropriations, establish a pilot project to allow relative caregivers to provide personal care services for disabled adults who cannot self-direct their care. The division shall not limit participation in the project by geographic region, but may limit the number of participants based on available appropriations for the pilot project.**

**2. To be eligible for the pilot project, participants shall meet the following criteria:**

**(1) The disabled adult shall have a physical or mental disability that necessitates assistance with personal care;**

**(2) The disabled adult is unable to self-direct his or her care;**

**(3) Personal care for the disabled adult is provided by a parent or other family member who has successfully completed the medical training necessary to meet the disabled adult's needs;**

**(4) All personal care services provided to the disabled adult by the caregiver shall be physician-ordered and the relative caregiver shall be approved by the physician;**

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           (5) The disabled adult and his or her relative caregiver shall cooperate with  
17 appropriate quality assurance protocols established by the division to ensure integrity of  
18 the pilot project services; and

19           (6) Any other criteria established by rule of the division to ensure the needs of  
20 disabled adults are met.

21           3. The relative caregivers of participants in the program shall receive state  
22 assistance for personal care services provided to a participant in the same manner as  
23 caregivers providing consumer-directed personal care services for disabled adults.

24           4. The division shall promulgate rules to implement the provisions of this section.  
25 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is  
26 created under the authority delegated in this section shall become effective only if it  
27 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
28 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
29 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
30 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
31 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
32 adopted after August 28, 2008, shall be invalid and void.

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