

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 194, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3
4 "208.896. 1. To ensure the availability of comprehensive and cost-effective choices for MO
5 HealthNet participants to live at home in the communities of their choice and to receive support
6 from caregivers of their choice, the department of social services shall apply to the United States
7 Secretary of Health and Human Services for a structured family caregiver waiver. Federal approval
8 of the waiver is necessary to implement the provisions of this section.

9 2. The structured family caregiver waiver shall include:

10 (1) A choice for participants of qualified and credentialed caregivers, including family
11 caregivers;

12 (2) A choice for participants of community settings in which they receive structured family
13 caregiving. A caregiver may provide structured family caregiving services in the caregiver's home
14 or the participant's home;

15 (3) A requirement that caregivers under this section are added to the family care safety
16 registry and comply with the provisions of sections 210.900 to 210.936;

17 (4) A requirement that all caregivers and organizations serving as structured family
18 caregiving agencies are subject to the provisions of section 660.023;

19 (5) A cap of one thousand five hundred participants to receive structured family caregiving;

20 (6) A requirement that all organizations serving as structured family caregiving agencies are
21 considered in-home service provider agencies and are accountable for documentation of services
22 delivered and meeting the requirements set forth for these provider agencies;

23 (7) A daily payment rate for services that is adequate to pay stipends to caregivers and pay
24 provider agencies for the cost of providing professional staff support as required under this section
25 and administrative functions required of in-home services provider agencies; and

26 (8) Daily payment rates for structured family caregiving services shall be tier-based, on
27 medical necessity criteria determined by the department. The maximum daily payment rate for
28 structured family caregiving services shall not exceed seventy-five percent of the daily nursing
29 home cost cap established by the state each year.

30 3. (1) Within ninety days of the effective date of this section, the department of social
31 services shall, if necessary to implement the provisions of this section, apply to the United States
32 Secretary of Health and Human Services for a structured family caregiver waiver. The department
33 of social services shall request an effective date of not later than July 1, 2018, and shall, by such
34 date, take all administrative actions necessary to ensure timely and equitable availability of
35 structured family caregiving services for home- and community-based care participants.

36 (2) Upon receipt of an approved waiver under subdivision (1) of this subsection, the

Action Taken _____ Date _____

1 department of health and senior services shall promulgate rules to implement the provisions of this
2 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
3 under the authority delegated in this section shall become effective only if it complies with and is
4 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
5 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
6 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
7 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
8 August 28, 2017, shall be invalid and void."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.