

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1,  
2 Section A, Line 2, by inserting after all of said section and line the following:

- 3  
4 "208.909. 1. Consumers receiving personal care assistance services shall be responsible for:  
5 (1) Supervising their personal care attendant;  
6 (2) Verifying wages to be paid to the personal care attendant;  
7 (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant,  
8 to the vendor on a biweekly basis;  
9 (4) Promptly notifying the department within ten days of any changes in circumstances affecting the  
10 personal care assistance services plan or in the consumer's place of residence;  
11 (5) Reporting any problems resulting from the quality of services rendered by the personal care  
12 attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of  
13 service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the  
14 department; ~~and~~  
15 (6) Providing the vendor with all necessary information to complete required paperwork for  
16 establishing the employer identification number; and  
17 (7) Allowing the vendor to comply with its quality assurance and supervision process, which shall  
18 include, but not be limited to, bi-annual face-to-face home visits and monthly case management activities.  
19 2. Participating vendors shall be responsible for:  
20 (1) Collecting time sheets or reviewing reports of delivered services and certifying the accuracy  
21 thereof;  
22 (2) The Medicaid reimbursement process, including the filing of claims and reporting data to the  
23 department as required by rule;  
24 (3) Transmitting the individual payment directly to the personal care attendant on behalf of the  
25 consumer;  
26 (4) Monitoring the performance of the personal care assistance services plan. Such monitoring shall  
27 occur during the bi-annual face-to-face home visits under section 208.918. The vendor shall document  
28 whether the attendant was present and if services are being provided to the consumer as set forth in the plan  
29 of care.  
30 3. No state or federal financial assistance shall be authorized or expended to pay for services  
31 provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the  
32 household unit, or is a household task that the members of the consumer's household may reasonably be  
33 expected to share or do for one another when they live in the same household, unless such service is above  
34 and beyond typical activities household members may reasonably provide for another household member  
35 without a disability.  
36 4. No state or federal financial assistance shall be authorized or expended to pay for personal care  
37 assistance services provided by a personal care attendant who is listed on any of the background check lists  
38 in the family care safety registry under sections 210.900 to ~~[210.937]~~ 210.936, unless a good cause waiver is  
39 first obtained from the department in accordance with section 192.2495.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           5. (1) All vendors shall, by July 1, 2015, have, maintain, and use a telephone tracking system for  
 2 the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the  
 3 department of health and senior services or its designee. ~~[Use of such a system prior to July 1, 2015, shall be~~  
 4 ~~voluntary.]~~ The telephone tracking system shall be used to process payroll for employees and for submitting  
 5 claims for reimbursement to the MO HealthNet division. At a minimum, the telephone tracking system  
 6 shall:

- 7           (a) Record the exact date services are delivered;
- 8           (b) Record the exact time the services begin and exact time the services end;
- 9           (c) Verify the telephone number from which the services are registered;
- 10          (d) Verify that the number from which the call is placed is a telephone number unique to the client;
- 11          (e) Require a personal identification number unique to each personal care attendant;
- 12          (f) Be capable of producing reports of services delivered, tasks performed, client identity, beginning  
 13 and ending times of service and date of service in summary fashion that constitute adequate documentation  
 14 of service; and
- 15          (g) Be capable of producing reimbursement requests for consumer approval that assures accuracy  
 16 and compliance with program expectations for both the consumer and vendor.

17           (2) ~~[The department of health and senior services, in collaboration with other appropriate agencies,~~  
 18 ~~including centers for independent living, shall establish telephone tracking system pilot projects,~~  
 19 ~~implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project~~  
 20 ~~shall meet the requirements of this section and section 208.918. The department of health and senior~~  
 21 ~~services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the~~  
 22 ~~outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking~~  
 23 ~~system on the quality of the services delivered to the consumer and the principles of self-directed care.~~

24           ~~—(3)~~ As new technology becomes available, the department may allow use of a more advanced  
 25 tracking system, provided that such system is at least as capable of meeting the requirements of this  
 26 subsection.

27           ~~[(4)]~~ (3) The department of health and senior services shall promulgate by rule the minimum  
 28 necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in  
 29 section 536.010, that is created under the authority delegated in this section shall become effective only if it  
 30 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
 31 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
 32 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
 33 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28,  
 34 2010, shall be invalid and void.

35           ~~[6. In the event that a consensus between centers for independent living and representatives from the~~  
 36 ~~executive branch cannot be reached, the telephony report issued to the general assembly and governor shall~~  
 37 ~~include a minority report which shall detail those elements of substantial dissent from the main report.~~

38           ~~—7. No interested party, including a center for independent living, shall be required to contract with~~  
 39 ~~any particular vendor or provider of telephony services nor bear the full cost of the pilot program.]~~

40           208.918. 1. In order to qualify for an agreement with the department, the vendor shall have a  
 41 philosophy that promotes the consumer's ability to live independently in the most integrated setting or the  
 42 maximum community inclusion of persons with physical disabilities, and shall demonstrate the ability to  
 43 provide, directly or through contract, the following services:

44           (1) Orientation of consumers concerning the responsibilities of being an employer~~;~~ and supervision  
 45 of personal care attendants including the preparation and verification of time sheets. Such orientation shall  
 46 include notifying consumers that falsification of personal care attendant time sheets shall be considered fraud  
 47 and shall be reported to the department;

48           (2) Training for consumers about the recruitment and training of personal care attendants;

49           (3) Maintenance of a list of persons eligible to be a personal care attendant;

50           (4) Processing of inquiries and problems received from consumers and personal care attendants;

51           (5) Ensuring the personal care attendants are registered with the family care safety registry as  
 52 provided in sections 210.900 to ~~[210.937]~~ 210.936; and

53           (6) The capacity to provide fiscal conduit services through a telephone tracking system by the date

1 required under section 208.909.

2 2. In order to maintain its agreement with the department, a vendor shall comply with the provisions  
3 of subsection 1 of this section and shall:

4 (1) Demonstrate sound fiscal management as evidenced on accurate quarterly financial reports [~~and~~  
5 ~~annual audit~~] submitted to the department; [~~and~~]

6 (2) Attest that all adequate documentation for all information is provided on reports, and billing  
7 records have sufficient required documentation to support the amounts claimed;

8 (3) Demonstrate a positive impact on consumer outcomes regarding the provision of personal care  
9 assistance services as evidenced on accurate quarterly and annual service reports submitted to the  
10 department;

11 [~~3~~] (4) Implement a quality assurance and supervision process that ensures program compliance  
12 and accuracy of records;

13 (a) The department of health and senior services shall promulgate by rule a consumer-directed  
14 services division provider certification manager course; and

15 (b) The vendor shall perform with the consumer at least bi-annual face-to-face home visits to  
16 provide ongoing monitoring of the provision of services in the plan of care and assess the quality of care  
17 being delivered. The bi-annual face-to-face home visits do not preclude the vendor's responsibility from its  
18 ongoing diligence of case management oversight; [~~and~~

19 ~~————~~(4) (5) Comply with all provisions of sections 208.900 to 208.927, and the regulations promulgated  
20 thereunder; and

21 (6) Maintain a proper business location, the criteria for which shall be defined by the department of  
22 health and senior services by rule.

23 3. No state or federal funds shall be authorized or expended if the owner, primary operator, certified  
24 manager, or any direct employee of the consumer-directed services vendor is also the personal care attendant.

25 208.924. A consumer's personal care assistance services may be discontinued under circumstances  
26 such as the following:

27 (1) The department learns of circumstances that require closure of a consumer's case, including one  
28 or more of the following: death, admission into a long-term care facility, no longer needing service, or  
29 inability of the consumer to consumer-direct personal care assistance service;

30 (2) The consumer has falsified records; provided false information of his or her condition, functional  
31 capacity, or level of care needs; or committed fraud;

32 (3) The consumer is noncompliant with the plan of care. Noncompliance requires persistent actions  
33 by the consumer which negate the services provided in the plan of care;

34 (4) The consumer or member of the consumer's household threatens or abuses the personal care  
35 attendant or vendor to the point where their welfare is in jeopardy and corrective action has failed;

36 (5) The maintenance needs of a consumer are unable to continue to be met because the plan of care  
37 hours exceed availability; and

38 (6) The personal care attendant is not providing services as set forth in the personal care assistance  
39 services plan and attempts to remedy the situation have been unsuccessful."; and

40  
41 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.