

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 466

100TH GENERAL ASSEMBLY

1272H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to home- and community-based care and personal care assistant services.

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

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.896, to read as follows:

208.896. 1. To ensure the availability of comprehensive and cost-effective choices for MO HealthNet participants who have been diagnosed with Alzheimer's or related disorders as defined in section 172.800, to live at home in the community of their choice and to receive support from the caregivers of their choice, the department of social services shall apply to the United States Secretary of Health and Human Services for a structured family caregiver waiver under Section 1915(c) of the federal Social Security Act. Federal approval of the waiver is necessary to implement the provisions of this section. Structured family caregiving shall be considered an agency-directed model, and no financial management services shall be required.

2. The structured family caregiver waiver shall include:

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

(2) A choice for participants of community settings in which they receive structured family caregiving. A caregiver may provide structured family caregiving services in the caregiver's home or the participant's home, but the caregiver shall reside full time in the same home as the participant;

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.

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

19 **(4) A requirement that all caregivers shall obtain liability insurance as required;**

20 **(5) A cap of three hundred participants to receive structured family caregiving;**

21 **(6) A requirement that all organizations serving as structured family caregiving**
22 **agencies are considered in-home service provider agencies and are accountable for**
23 **documentation of services delivered, meeting the requirements set forth for these provider**
24 **agencies, qualification and requalification of caregivers and homes, caregiver training,**
25 **providing a case manager or registered nurse to create a service plan tailored to each**
26 **participant's needs, professional staff support for eligible people, ongoing monitoring and**
27 **support through monthly home visits, deployment of electronic daily notes, and remote**
28 **consultation with families;**

29 **(7) Caregivers are accountable for providing for the participant's personal care**
30 **needs. This includes, but is not limited to, laundry, housekeeping, shopping,**
31 **transportation, and assistance with activities of daily living;**

32 **(8) A daily payment rate for services that is adequate to pay stipends to caregivers**
33 **and pay provider agencies for the cost of providing professional staff support as required**
34 **under this section and administrative functions required of in-home services provider**
35 **agencies. The payment to the provider agency is not to exceed thirty-five percent of the**
36 **daily reimbursement rate; and**

37 **(9) Daily payment rates for structured family caregiving services that do not exceed**
38 **sixty percent of the daily nursing home cost cap established by the state each year.**

39 **3. (1) Within ninety days of the effective date of this section, the department of**
40 **social services shall, if necessary to implement the provisions of this section, apply to the**
41 **United States Secretary of Health and Human Services for a structured family caregiver**
42 **waiver. The department of social services shall request an effective date before July 2,**
43 **2020, and shall, by such date, take all administrative actions necessary to ensure timely and**
44 **equitable availability of structured family caregiving services for home- and community-**
45 **based care participants.**

46 **(2) Upon receipt of an approved waiver under subdivision (1) of this subsection, the**
47 **department of health and senior services shall promulgate rules to implement the**
48 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
49 **536.010, that is created under the authority delegated in this section shall become effective**
50 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
51 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
52 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**

53 the effective date, or to disapprove and annul a rule are subsequently held
54 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
55 after August 28, 2019, shall be invalid and void.

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