

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 21
101ST GENERAL ASSEMBLY

0021H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Elementary and Secondary Education, Department of Mental Health, Department of Health and Senior Services, Department of Social Services, State Treasurer, and the Office of the State Public Defender and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in
2 Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each
3 department, division, agency, fund transfer, and program described herein for the item or items
4 stated, and for no other purpose whatsoever, chargeable to the fund designated for the period
5 beginning July 1, 2021, and ending June 30, 2022 as follows:

PART 1

Section 21.000. Each appropriation in this act shall consist of the item or
2 items in each section of Part 1 of this act, for the amount and
3 purpose and from the fund designated in each section of Part 1, as
4 well as all additional clarifications of purpose in Part 2 of this act
5 that make reference by section to said item or items in Part 1. Any
6 clarification of purpose in Part 2 shall state the section or sections
7 in Part 1 to which it attaches and shall, together with the language
8 of said section(s) in Part 1, form the complete statement of purpose
9 of the appropriation. As such, the provisions of Part 2 of this act
10 shall not be severed from Part 1, and if any clarification of purpose
11 in Part 2 is for any reason held to be invalid, such decision shall

12 invalidate all of the appropriations in this act of which said
13 clarification of purpose is a part. Part 3 of this act shall consist of
14 guidance to the Department of Social Services in implementing the
15 appropriations found in Part 1 and Part 2 of this act and contains
16 an appendix of appropriations consisting of one-time new decision
17 items for the fiscal year beginning July 1, 2021 and ending June
18 30, 2022. The amount(s) in the appendix will not be considered
19 an addition to any ongoing core appropriation(s) in future fiscal
20 periods beyond June 30, 2022. The amount(s) in the appendix
21 may, however, be requested in any future fiscal period as a new
22 decision item.

Section 21.005 To the Department of Elementary and Secondary
2 Education

3 For distributions to the free public schools for transportation as provided
4 in Chapter 163, RSMo, provided that no funds are used to support
5 the distribution or sharing of any individually identifiable student
6 data for non-educational purposes, marketing or advertising
7 From General Revenue Fund (0101). \$15,500,000

Section 21.010. To the Department of Elementary and Secondary
2 Education

3 For the purpose of funding a workforce diploma program for adults
4 without a high school diploma as designated by the Department of
5 Elementary and Secondary Education
6 From General Revenue Fund (0101). \$2,000,000

Section 21.015 To the Department of Elementary and Secondary
2 Education

3 For a statewide, competitively-bid school safety program
4 From General Revenue Fund (0101). \$1,900,000

Section 21.020 To the Department of Elementary and Secondary
2 Education

3 For the purpose of funding a civic educational enhancement program,
4 provided by a not-for-profit organization, based on historical
5 American culture and ideals
6 From General Revenue Fund (0101). \$100,000

Section 21.090. To the Department of Mental Health

2 For the Office of the Director

3 For the Caring for Missourians' Mental Health Initiative, provided that

4 fifteen percent (15%) flexibility is allowed from personal service
5 to expense and equipment

6 Personal Service. \$6,000

7 Expense and Equipment. 951,705

8 From Department of Mental Health Federal Fund (0148). \$957,705

Section 21.100. To the Department of Mental Health

2 For the Division of Behavioral Health

3 For treatment of alcohol and drug abuse, provided that fifty percent (50%)

4 flexibility is allowed between sections indicated in 21.100, 21.105,
5 and 21.110 to allow flexibility in payment for the Certified
6 Community Behavioral Health Clinic Prospective Payment System

7 From General Revenue Fund (0101). \$10,718,041

8 From Department of Mental Health Federal Fund (0148). 947,581

9 Total. \$11,665,622

Section 21.105. To the Department of Mental Health

2 For adult community programs

3 Personal Service

4 From General Revenue Fund (0101). \$72,000

5 For adult community programs, provided that up to ten percent (10%) of

6 this appropriation may be used for services for youth, and further
7 provided that fifty percent (50%) flexibility is allowed between

8 sections indicated in 21.100, 21.105, and 21.110 to allow

9 flexibility in payment for the Certified Community Behavioral

10 Health Clinic Prospective Payment System

11 Expense and Equipment

12 From General Revenue Fund (0101). 27,546,033

13 From Department of Mental Health Federal Fund (0148). 25,694,267

14 Total (Not to exceed 1.00 F.T.E.). \$53,312,300

Section 21.110. To the Department of Mental Health

2 For the Division of Behavioral Health

3 For youth community programs, provided that up to ten percent (10%) of

4 this appropriation may be used for services for adults, and further
5 provided that fifty percent (50%) flexibility is allowed between

6 sections indicated in 21.100, 21.105, and 21.110 to allow

7	flexibility in payment for the Certified Community Behavioral	
8	Health Clinic Prospective Payment System	
9	Expense and Equipment	
10	From General Revenue Fund (0101).	\$535,955
11	From Department of Mental Health Federal Fund (0148).	<u>1,716,431</u>
12	Total.	\$2,252,386

Section 21.115. To the Department of Mental Health

2	For the Division of Developmental Disabilities, provided that residential	
3	services for non-Medicaid eligibles shall not be reduced below the	
4	prior year expenditures as long as the person is evaluated to need	
5	the services	
6	For community programs	
7	From General Revenue Fund (0101).	\$71,753
8	From Department of Mental Health Federal Fund (0148).	16,418,156
9	From HCBS FMAP Enhancement Fund.	<u>8,382,316</u>
10	Total.	\$24,872,225

Section 21.200. To the Department of Health and Senior Services

2	For the Division of Senior and Disability Services	
3	For providing consumer directed personal care assistance services	
4	at a rate not to exceed sixty percent (60%) of the average monthly	
5	Medicaid cost of nursing facility care, provided that ten percent	
6	(10%) flexibility is allowed between this section and Section	
7	21.205 to allow flexibility within the Medicaid Home and	
8	Community Based Services Program	
9	Expense and Equipment	
10	From General Revenue Fund (0101).	\$12,963,588
11	From Department of Health and Senior Services Federal Fund (0143).	40,332,589
12	From HCBS FMAP Enhancement Fund.	<u>8,166,336</u>
13	Total.	\$61,462,513

Section 21.205. To the Department of Health and Senior Services

2	For the Division of Senior and Disability Services	
3	For respite care, homemaker chore, personal care, adult day care, AIDS,	
4	children's waiver services, home-delivered meals, Programs of All	
5	Inclusive Care for the Elderly, the Structured Family Caregiver	
6	Waiver, other related services, and program management under the	
7	Medicaid fee-for-service and managed care programs. Provided	
8	that individuals eligible for or receiving nursing home care must	
9	be given the opportunity to have those Medicaid dollars follow	
10	them to the community to the extent necessary to meet their unmet	

11 needs as determined by 19 CSR 30 81.030 and further be allowed
 12 to choose the personal care program option in the community that
 13 best meets the individuals' unmet needs, provided that ten percent
 14 (10%) flexibility is allowed between this section and Section
 15 21.200 to allow flexibility within the Medicaid Home and
 16 Community Based Services Program, and further provided that
 17 individuals eligible for the Medicaid Personal Care Option must
 18 be allowed to choose, from among all the program options, that
 19 option which best meets their unmet needs as determined by 19
 20 CSR 30 81.030; and also be allowed to have their Medicaid funds
 21 follow them to the extent necessary to meet their unmet needs
 22 whichever option they choose. This language does not create any
 23 entitlements not established by statute
 24 Expense and Equipment
 25 From General Revenue Fund (0101). \$1,500,000
 26 From Department of Health and Senior Services Federal Fund (0143). 20,139,134
 27 From HCBS FMAP Enhancement Fund. 8,870,076
 28 Total. \$30,509,210

Section 21.290. To the Department of Social Services

2 For the Family Support Division
 3 For the Missouri Work Assistance Program Unit
 4 For the attendance of Supplemental Nutrition Assistance Program
 5 recipients at adult high schools as designated by the Department of
 6 Elementary and Secondary Education
 7 From Department of Social Services Federal Fund (0610). \$600,000

 8 For the attendance of low-income individuals at adult high schools as
 9 designated by the Department of Elementary and Secondary
 10 Education
 11 From General Revenue Fund (0101). 600,000
 12 From Temporary Assistance for Needy Families Federal Fund (0199). 600,000

 13 For Jobs for America's Graduates
 14 From Temporary Assistance for Needy Families Federal Fund (0199). 250,000

 15 For a program in a city not within a county to foster healthy relationships
 16 by strengthening families and reducing the rates of absentee fathers
 17 through employment placement, job readiness, and employee
 18 retention skills
 19 From Temporary Assistance for Needy Families Federal Fund (0199). 500,000
 20 Total. \$2,550,000

Section 21.300. To the Department of Social Services

2	For the Children's Division	
3	For Family Resource Centers	
4	From General Revenue Fund (0101).	\$200,000
5	From Department of Social Services Federal Fund (0610).	<u>388,408</u>
6	Total	\$588,408

Section 21.348. To the Department of Social Services

2	For the MO HealthNet Division	
3	For physician services and related services including, but not limited to,	
4	clinic and podiatry services, telemedicine services,	
5	physician-sponsored services and fees, laboratory and x-ray	
6	services, asthma related services, diabetes prevention and obesity	
7	related services, services provided by chiropractic physicians, and	
8	family planning services under the MO HealthNet fee-for-service	
9	program, and for a comprehensive chronic care risk management	
10	program, and Major Medical Prior Authorization, and the Program	
11	of All-Inclusive Care for the Elderly	
12	From General Revenue Fund (0101).	\$252,465
13	From Title XIX - Federal Fund (0163).	<u>490,297</u>
14	Total	\$742,762

Section 21.350. To the Department of Social Services

2	For the MO HealthNet Division	
3	For funding long-term care services	
4	For care in nursing facilities under the MO HealthNet fee-for-service	
5	program and for contracted services to develop model policies and	
6	practices that improve the quality of life for long-term care	
7	residents	
8	From General Revenue Fund (0101).	\$30,000,000
9	From Title XIX - Federal Fund (0163).	<u>58,261,253</u>
10	Total	\$88,261,253

Section 21.370. To the Department of Social Services

2	For the MO HealthNet Division	
3	For a Family Certified Home Health Aide (FCHHA) Pilot program for up	
4	to fifty clients who are eligible for private duty nursing services	
5	and currently admitted and unable to discharge from hospitals,	
6	within: a county with a charter form of government and with more	
7	than three hundred thousand but fewer than four hundred fifty	
8	thousand inhabitants, a home rule city with more than sixty-four	

9 thousand but fewer than seventy-one thousand inhabitants, a
 10 county with a charter form of government and with more than nine
 11 hundred fifty thousand inhabitants, a city not within a county, a
 12 county of the first classification with more than one hundred one
 13 thousand but fewer than one hundred fifteen thousand inhabitants,
 14 and a county with a charter form of government and with more
 15 than two hundred thousand but fewer than three hundred fifty
 16 thousand
 17 From FMAP Enhancement Fund (0181). \$2,901,385

Section 21.372. To the Department of Social Services

2 For the MO HealthNet Division
 3 For all other non-institutional services including, but not limited to,
 4 rehabilitation, optometry, audiology, ambulance, non-emergency
 5 medical transportation, durable medical equipment, and eyeglasses
 6 under the MO HealthNet fee-for-service program, and for
 7 rehabilitation services provided by residential treatment facilities
 8 as authorized by the Children's Division for children in the care
 9 and custody of the Children's Division
 10 From General Revenue Fund (0101). \$2,330,303
 11 From Title XIX - Federal Fund (0163). 4,525,545
 12 Total. \$6,855,848

Section 21.380. To the Department of Social Services

2 For the MO HealthNet Division
 3 For Medicaid reimbursement methodology reform related to value-based
 4 programs for hospitals
 5 From Medicaid Stabilization Fund. \$25,000,000
 6 From Federal Reimbursement Allowance Fund (0142). 10,000,000
 7 Total. \$35,000,000

Section 21.390. To the State Treasurer

2 Funds are to be transferred out of the State Treasury to the
 3 Medicaid Stabilization Fund
 4 From FMAP Enhancement Fund (0181). \$500,000,000

Section 21.400. To the Office of the State Public Defender

2 For funding the State Public Defender System
 3 Personal Service and/or Expense and Equipment
 4 From General Revenue Fund (0101) (Not to exceed 15.00 F.T.E.). \$1,025,040

PART 2

Section 21.1100. To the Department of Health and Senior Services

2 In reference to Sections 21.200 and 21.205 of Part 1 of this act:
3 No funds shall be expended in furtherance of provider rates for
4 Home and Community Bases Services greater than 5.29% above
5 the lower bound market-based rate identified in the Mercer Rate
6 Study for Select State Plan and 1915(c) Waiver Services dated
7 January 3, 2020 for those rates below said lower bound market-
8 based rate as of January 1, 2021, with the exception Private Duty
9 Nursing rates, for which no funds shall be expended in furtherance
10 of provider rates greater than \$9.64 per fifteen-minute unit of
11 service. No funds shall be expended in furtherance of provider
12 rates for Home and Community Bases Services greater than 5.29%
13 above the rate in effect on January 1, 2021 for those rates above
14 the lower bound market-based rate identified in the Mercer Rate
15 Study for Select State Plan and 1915(c) Waiver Services dated
16 January 3, 2020.

Section 21.1195. To the Department of Social Services

2 In reference to Section 21.348 of Part 1 of this act:
3 No funds shall be expended in furtherance of provider rates greater
4 than the rate in effect on January 1, 2021, except for Certified
5 Community Behavioral Health Clinics, for whom no funds shall
6 be expended in furtherance of actuarial rates greater than those
7 approved by the Department of Mental Health, except for autism
8 services rates.

Section 21.1200. To the Department of Social Services

2 In reference to Section 21.350 of Part 1 of this act:
3 No funds shall be expended in furtherance of nursing facility
4 provider rates greater than \$10.18 per bed day above the rate in
5 effect on January 1, 2021. If the effective date of the rate increase
6 is after July 1, 2021, any nursing facility provider rate increase
7 shall be prorated over the remaining portion of the fiscal year, but
8 in no event shall the total amount resulting from all provider rate
9 increases to any provider be greater than the amount that would
10 result from implementing a \$10.18 per bed day increase, on July
11 1, 2021, over the rate in effect on January 1, 2021, to said provider.
12 The rate increase shall only be effective for fiscal year 2022. No
13 funds shall be expended in furtherance of home health provider
14 rates greater than the rate in effect on January 1, 2021.

Section 21.1202. To the Department of Social Services

2 In reference to Section 21.372 of Part 1 of this act:
 3 No funds shall be expended in furtherance of provider rates greater
 4 than the rate in effect on January 1, 2021, except for providers of
 5 non-emergency medical transportation for MO HealthNet and
 6 Department of Mental Health for whom no funds shall be
 7 expended in furtherance of provider rates greater than the lower
 8 bound actuarial soundness rate, and further excepting providers of
 9 hospice care, for whom no funds shall be expended in furtherance
 10 of provider rates for routine home care, continuous care, inpatient
 11 respite care, and general inpatient care greater than 2.50% above
 12 the blended rate in effect on January 1, 2021 and for whom no
 13 fund shall be expended in furtherance of rates no greater than 95%
 14 of the nursing facility per diem rate for room and board for
 15 services provided in a nursing facility.

PART 3

Section 21.2200. To the Department of Social Services

2 In reference to all sections in Part 1 and Part 2 of this act:
 3 The Department shall provide written notification prior to
 4 submission to the federal government of state plans and state plan
 5 amendments, grant applications, and Medicaid waivers to the
 6 House Budget and Senate Appropriation Committee Chairs.

Section 21.2205. To the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services

3 The Departments shall direct deposits of moneys from the federal
 4 government that accrue to the state resulting from the ten percent
 5 (10%) increase in Federal Medical Assistance Percentage (FMAP)
 6 for Home and Community Based Services pursuant to the
 7 American Rescue Plan Act of 2021 into the HCBS FMAP
 8 Enhancement Fund.

Section 21.2210. To the Department of Elementary and Secondary Education, the Department of Mental Health, the Department of Health and Senior Services, the Department of Social Services, and the State Treasurer

Appendix of One-time Appropriations

Section	Line	Amount	FTE Amount
21.010	6	\$2,000,000	0

8	21.015	4	\$1,900,000	0
9	21.020	6	\$100,000	0
10	21.105	12	\$3,600,000	0
11	21.105	12	\$2,022,968	0
12	21.115	8	\$16,278,808	0
13	21.115	9	\$8,382,316	0
14	21.200	11	\$15,859,367	0
15	21.200	12	\$8,166,336	0
16	21.205	26	\$17,226,057	0
17	21.205	27	\$8,870,076	0
18	21.290	7	\$600,000	0
19	21.290	11	\$600,000	0
20	21.290	12	\$600,000	0
21	21.350	8	\$30,000,000	0
22	21.350	9	\$58,261,253	0
23	21.370	17	\$2,901,385	0
24	21.372	10	\$2,330,303	0
25	21.372	11	\$4,525,545	0
26	21.380	5	\$25,000,000	0
27	21.380	6	\$10,000,000	0
28	21.390	4	\$500,000,000	0

Bill Totals

General Revenue Fund. \$107,315,178
Federal Funds. 225,141,479
Other Funds. 10,000,000
Total. \$342,456,657

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