

HOUSE BILL NO. 2120

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMAS.

4070H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to caregivers of individuals with nursing care needs.

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

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.930, to read as follows:

192.930. 1. As used in this section, the following terms mean:

(1) "Adopted adult", the same meaning given to the term in section 453.121;

(2) "Adopted child", the same meaning given to the term in section 453.121;

(3) "Adoptee", any adopted adult or adopted child;

(4) "Guardian", the same meaning given to the term in section 475.010;

(5) "Ward", the same meaning given to the term in section 475.010.

2. Subject to appropriation, the department of health and senior services shall establish a three-year pilot program to assist parents and guardians in caring for their adoptees and wards with nursing care needs.

3. A parent or guardian shall be eligible to participate in the pilot program if:

(1) The parent or guardian is the parent or guardian of an adoptee or ward who is receiving or has received private duty nursing services through MO HealthNet;

(2) The adoptee or ward described in subdivision (1) of this subsection is living with the parent or guardian;

(3) The private duty nursing services for the adoptee or ward were prior authorized by the bureau of special health care needs of the department of health and senior services;

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.

18 **(4) The prior authorization for the adoptee or ward was for a total of at least one**
19 **hundred fifty hours of private duty nursing care in the home of the parent or guardian**
20 **each month;**

21 **(5) The adoptee or ward received inadequate care by failing to receive the**
22 **number of hours of private duty nursing care specified in the prior authorization on a**
23 **continuous basis for at least one year, as documented by the adoptee's or ward's**
24 **primary care provider, the nursing staffing agency, or another member of the adoptee's**
25 **or ward's care team; and**

26 **(6) The period of inadequate care for the adoptee or ward occurred at any time**
27 **after the adoptee or ward was placed in the parent's or guardian's home, regardless of**
28 **whether the parent had adopted the adoptee, or the guardian had served as a guardian**
29 **for the ward, at the time of the placement.**

30 **4. Any parent or guardian eligible under subsection 3 of this section may apply**
31 **to the department of health and senior services to participate in the pilot program**
32 **during the three-year period of the program. The department of health and senior**
33 **services shall approve any application in which the parent or guardian meets the**
34 **requirements of subsection 3 of this section and agrees to the conditions described in**
35 **subsections 6 to 8 of this section.**

36 **5. Once approved to participate in the pilot program, the parent or guardian**
37 **shall receive, in one lump-sum payment from the nursing care fund established in**
38 **subsection 10 of this section, an amount equal to the product of eighty-five percent of the**
39 **rate per service unit established by the MO HealthNet division for private duty nursing**
40 **services multiplied by the number of unused service units during the period of**
41 **inadequate care described in subdivision (5) of subsection 3 of this section. Unused**
42 **service units shall be calculated as the difference of the number of service units for**
43 **which prior authorization had been given for the period of inadequate care minus the**
44 **number of service units for which private duty nursing services were actually received**
45 **during the period of inadequate care.**

46 **6. The parent or guardian shall use the lump-sum payment to benefit his or her**
47 **adoptee or ward who received inadequate care, as described in subdivision (5) of**
48 **subsection 3 of this section. Permissible uses of the lump-sum payment include, but are**
49 **not limited to, the following:**

50 **(1) Private duty nursing services for the adoptee or ward that are provided by a**
51 **licensed nurse or a person trained to address the specific needs of care of the adoptee or**
52 **ward;**

53 **(2) The purchase of vehicles, vehicle maintenance costs, and modifications to**
54 **vehicles to accommodate the needs of the adoptee or ward;**

55 **(3) Tutoring for the adoptee or ward;**

56 **(4) Wheelchairs or other durable medical equipment to assist the adoptee or**
57 **ward in daily tasks;**

58 **(5) Housing support for any nurse or other person who provides private duty**
59 **nursing services for the adoptee or ward;**

60 **(6) Therapies as prescribed or recommended by a physician; and**

61 **(7) Contributions to an account that has been established for the adoptee or**
62 **ward under sections 166.400 to 166.456.**

63 **7. If the parent or guardian pays for private duty nursing services using the**
64 **lump-sum payment as described in subsection 6 of this section, the following provisions**
65 **shall apply to those services:**

66 **(1) The parent or guardian shall pay the nurse or other person providing the**
67 **nursing services, or the staffing agency that employs or contracts with the nurse or other**
68 **person, directly for the services;**

69 **(2) No payment reimbursement shall be made to any individual or entity**
70 **through the MO HealthNet program for the services;**

71 **(3) The services shall not be subject to any requirements of the MO HealthNet**
72 **private duty nursing program; and**

73 **(4) The parent or guardian shall keep records of the number of hours of nursing**
74 **services provided and the names of the nurses or other persons providing the services.**

75 **8. The parent or guardian shall keep records on all expenditures of the funds**
76 **received through the pilot program and provide the department of health and senior**
77 **services with an annual itemized statement that details every service or item paid for**
78 **with such funds.**

79 **9. Any funds received by the parent or guardian under this section shall not be**
80 **considered reportable income for tax purposes.**

81 **10. (1) There is hereby created in the state treasury the "Nursing Care Fund",**
82 **which shall consist of any appropriations to such fund. The state treasurer shall be**
83 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
84 **may approve disbursements. The fund shall be a dedicated fund and, upon**
85 **appropriation, moneys in this fund shall be used solely for the lump-sum payments to**
86 **parents and guardians and for administrative expenses for the pilot program.**

87 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
88 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
89 **general revenue fund.**

90 **(3) The state treasurer shall invest moneys in the fund in the same manner as**
91 **other funds are invested. Any interest and moneys earned on such investments shall be**
92 **credited to the fund.**

93 **11. The department of health and senior services shall terminate the pilot**
94 **program after three years of administering the program. Before the expiration of the**
95 **three-year period immediately following the termination of the pilot program, the**
96 **department of health and senior services shall study the efficacy of the program and**
97 **submit its findings to the governor and the general assembly.**

98 **12. The department of health and senior services may promulgate all necessary**
99 **rules and regulations for the administration of this section. Any rule or portion of a**
100 **rule, as that term is defined in section 536.010, that is created under the authority**
101 **delegated in this section shall become effective only if it complies with and is subject to**
102 **all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
103 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
104 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
105 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
106 **and any rule proposed or adopted after August 28, 2024, shall be invalid and void.**

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