

HB 2120 -- NURSING CARE FOR ADOPTED CHILDREN

SPONSOR: Thomas

This bill establishes, subject to appropriation, a three-year pilot program, within the Department of Social Services, to assist parents and guardians in caring for their adoptees and wards with nursing care needs.

A parent or guardian is eligible to participate in the pilot program if:

- (1) He or she 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 is living with the parent or guardian;
- (3) The private duty nursing services for the adoptee or ward were prior authorized by the Department of Health and Senior Services' Bureau of Special Health Care Needs;
- (4) The prior authorization of the adoptee or ward was for a total of at least 150 hours of private duty nursing care in the home of the parent or guardian each month;
- (5) The adoptee or ward received inadequate care by failing to receive the number of hours of private duty nursing care specified in the prior authorization on a continuous basis for at least one year, as documented by the adoptee or ward's primary care provider, the nursing staffing agency, or another member of the adoptee's or ward's care team; and
- (6) The period of inadequate care for the adoptee or ward occurred at any time after the adoptee or ward was placed in the parent's or guardian's home, regardless of whether the parent has adopted the adoptee, or the guardian had served as a guardian for the ward, at the time of the placement.

Once approved to participate in the pilot program, the parent or guardian shall receive a lump-sum payment from the Nursing Care Fund established in this bill in an amount equal to the product of 85% of the rate per service unit established by the MO HealthNet Division for Private Duty Nursing Services multiplied by the number of unused service units during the period of inadequate care. Unused service units shall be calculated as the difference of the number of service units for which prior authorization had been given for the period of inadequate care minus the number of service

units for which private duty nursing services were actually received during the period of inadequate care.

The bill specifies permissible uses of the lump-sum payment and sets provisions if a parent or guardian pays for private duty nursing services with the moneys from the lump-sum payment.

The parent or guardian is required to keep records on all expenditures of the funds received through the pilot program, as well as provide the Department with an annual itemized statement that details every service or item paid for with such funds. Any moneys received by the parent or guardian under the provisions of this bill is not considered reportable income for tax purposes.

The Department shall terminate the program after three years of its administration, and before the expiration of the three-year period immediately following the termination of the pilot program, the Department shall conduct a study of the program's efficacy and submit its findings to the Governor and the General Assembly.