

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2355, Page 1, Section A, Line 2, by
2 inserting after said section and line the following:

3
4 "191.708. 1. The chief medical officer or chief medical director of the department of
5 health and senior services, the department of mental health, or the MO HealthNet division of the
6 department of social services, or any licensed physician acting with the express written consent
7 of the director of any such department or division, may, within his or her scope of practice, issue:

8 (1) Nonspecific recommendations for doula services;

9 (2) A medical standing order for prenatal vitamins; or

10 (3) A medical standing order for any other purpose, other than for controlled substances,
11 that is promulgated by rule in compliance with chapter 536.

12 2. Any standing order issued under this section shall:

13 (1) Be made available on the relevant department's website while in effect;

14 (2) Terminate upon removal of the issuing medical professional's authority under this
15 section by vacancy of his or her position or otherwise; and

16 (3) If not terminated sooner under subdivision (2) of this subsection, expire within one
17 year of issuance unless renewed.

18 3. The chief medical officer, chief medical director, or other authorized and licensed
19 physician described in subsection 1 of this section shall be immune from criminal prosecution,
20 disciplinary action from his or her professional licensing board, and civil liability for issuing a
21 medical standing order or recommendation in accordance with this section, including for any
22 outcome related to the standing order or recommendation.

23 208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy
24 persons as described in section 208.151 who are unable to provide for it in whole or in part, with
25 any payments to be made on the basis of the reasonable cost of the care or reasonable charge for
26 the services as defined and determined by the MO HealthNet division, unless otherwise
27 hereinafter provided, for the following:

28 (1) Inpatient hospital services, except to persons in an institution for mental diseases
29 who are under the age of sixty-five years and over the age of twenty-one years; provided that the
30 MO HealthNet division shall provide through rule and regulation an exception process for

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1 coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile
2 professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay
3 schedule; and provided further that the MO HealthNet division shall take into account through its
4 payment system for hospital services the situation of hospitals which serve a disproportionate
5 number of low-income patients;

6 (2) All outpatient hospital services, payments therefor to be in amounts which represent
7 no more than eighty percent of the lesser of reasonable costs or customary charges for such
8 services, determined in accordance with the principles set forth in Title XVIII A and B, Public
9 Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.),
10 but the MO HealthNet division may evaluate outpatient hospital services rendered under this
11 section and deny payment for services which are determined by the MO HealthNet division not
12 to be medically necessary, in accordance with federal law and regulations;

13 (3) Laboratory and X-ray services;

14 (4) Nursing home services for participants, except to persons with more than five
15 hundred thousand dollars equity in their home or except for persons in an institution for mental
16 diseases who are under the age of sixty-five years, when residing in a hospital licensed by the
17 department of health and senior services or a nursing home licensed by the department of health
18 and senior services or appropriate licensing authority of other states or government-owned and -
19 operated institutions which are determined to conform to standards equivalent to licensing
20 requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.), as
21 amended, for nursing facilities. The MO HealthNet division may recognize through its payment
22 methodology for nursing facilities those nursing facilities which serve a high volume of MO
23 HealthNet patients. The MO HealthNet division when determining the amount of the benefit
24 payments to be made on behalf of persons under the age of twenty-one in a nursing facility may
25 consider nursing facilities furnishing care to persons under the age of twenty-one as a
26 classification separate from other nursing facilities;

27 (5) Nursing home costs for participants receiving benefit payments under subdivision (4)
28 of this subsection for those days, which shall not exceed twelve per any period of six consecutive
29 months, during which the participant is on a temporary leave of absence from the hospital or
30 nursing home, provided that no such participant shall be allowed a temporary leave of absence
31 unless it is specifically provided for in his or her plan of care. As used in this subdivision, the
32 term "temporary leave of absence" shall include all periods of time during which a participant is
33 away from the hospital or nursing home overnight because he or she is visiting a friend or
34 relative;

35 (6) Physicians' services, whether furnished in the office, home, hospital, nursing home,
36 or elsewhere, provided, that no funds shall be expended to any abortion facility, as defined in
37 section 188.015, or to any affiliate, as defined in section 188.015, of such abortion facility;

1 (7) Subject to appropriation, up to twenty visits per year for services limited to
2 examinations, diagnoses, adjustments, and manipulations and treatments of malpositioned
3 articulations and structures of the body provided by licensed chiropractic physicians practicing
4 within their scope of practice. Nothing in this subdivision shall be interpreted to otherwise
5 expand MO HealthNet services;

6 (8) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or
7 an advanced practice registered nurse; except that no payment for drugs and medicines
8 prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an
9 advanced practice registered nurse may be made on behalf of any person who qualifies for
10 prescription drug coverage under the provisions of P.L. 108-173;

11 (9) Emergency ambulance services and, effective January 1, 1990, medically necessary
12 transportation to scheduled, physician-prescribed nonelective treatments;

13 (10) Early and periodic screening and diagnosis of individuals who are under the age of
14 twenty-one to ascertain their physical or mental defects, and health care, treatment, and other
15 measures to correct or ameliorate defects and chronic conditions discovered thereby. Such
16 services shall be provided in accordance with the provisions of Section 6403 of ~~[P.L.]~~ Pub. L.
17 101-239 (42 U.S.C. Sections 1396a and 1396d), as amended, and federal regulations
18 promulgated thereunder;

19 (11) Home health care services;

20 (12) Family planning as defined by federal rules and regulations; provided, that no funds
21 shall be expended to any abortion facility, as defined in section 188.015, or to any affiliate, as
22 defined in section 188.015, of such abortion facility; and further provided, however, that such
23 family planning services shall not include abortions or any abortifacient drug or device that is
24 used for the purpose of inducing an abortion unless such abortions are certified in writing by a
25 physician to the MO HealthNet agency that, in the physician's professional judgment, the life of
26 the mother would be endangered if the fetus were carried to term;

27 (13) Inpatient psychiatric hospital services for individuals under age twenty-one as
28 defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

29 (14) Outpatient surgical procedures, including presurgical diagnostic services performed
30 in ambulatory surgical facilities which are licensed by the department of health and senior
31 services of the state of Missouri; except, that such outpatient surgical services shall not include
32 persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965
33 amendments to the federal Social Security Act, as amended, if exclusion of such persons is
34 permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security
35 Act, as amended;

36 (15) Personal care services which are medically oriented tasks having to do with a
37 person's physical requirements, as opposed to housekeeping requirements, which enable a person
38 to be treated by his or her physician on an outpatient rather than on an inpatient or residential

1 basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services
2 shall be rendered by an individual not a member of the participant's family who is qualified to
3 provide such services where the services are prescribed by a physician in accordance with a plan
4 of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care
5 services shall be those persons who would otherwise require placement in a hospital,
6 intermediate care facility, or skilled nursing facility. Benefits payable for personal care services
7 shall not exceed for any one participant one hundred percent of the average statewide charge for
8 care and treatment in an intermediate care facility for a comparable period of time. Such
9 services, when delivered in a residential care facility or assisted living facility licensed under
10 chapter 198, shall be authorized on a tier level based on the services the resident requires and the
11 frequency of the services. A resident of such facility who qualifies for assistance under section
12 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the
13 fewest services. The rate paid to providers for each tier of service shall be set subject to
14 appropriations. Subject to appropriations, each resident of such facility who qualifies for
15 assistance under section 208.030 and meets the level of care required in this section shall, at a
16 minimum, if prescribed by a physician, be authorized up to one hour of personal care services
17 per day. Authorized units of personal care services shall not be reduced or tier level lowered
18 unless an order approving such reduction or lowering is obtained from the resident's personal
19 physician. Such authorized units of personal care services or tier level shall be transferred with
20 such resident if he or she transfers to another such facility. Such provision shall terminate upon
21 receipt of relevant waivers from the federal Department of Health and Human Services. If the
22 Centers for Medicare and Medicaid Services determines that such provision does not comply
23 with the state plan, this provision shall be null and void. The MO HealthNet division shall notify
24 the revisor of statutes as to whether the relevant waivers are approved or a determination of
25 noncompliance is made;

26 (16) Mental health services. The state plan for providing medical assistance under Title
27 XIX of the Social Security Act, 42 U.S.C. Section 1396, et seq., as amended, shall include the
28 following mental health services when such services are provided by community mental health
29 facilities operated by the department of mental health or designated by the department of mental
30 health as a community mental health facility or as an alcohol and drug abuse facility or as a
31 child-serving agency within the comprehensive children's mental health service system
32 established in section 630.097. The department of mental health shall establish by
33 administrative rule the definition and criteria for designation as a community mental health
34 facility and for designation as an alcohol and drug abuse facility. Such mental health services
35 shall include:

36 (a) Outpatient mental health services including preventive, diagnostic, therapeutic,
37 rehabilitative, and palliative interventions rendered to individuals in an individual or group
38 setting by a mental health professional in accordance with a plan of treatment appropriately

1 established, implemented, monitored, and revised under the auspices of a therapeutic team as a
2 part of client services management;

3 (b) Clinic mental health services including preventive, diagnostic, therapeutic,
4 rehabilitative, and palliative interventions rendered to individuals in an individual or group
5 setting by a mental health professional in accordance with a plan of treatment appropriately
6 established, implemented, monitored, and revised under the auspices of a therapeutic team as a
7 part of client services management;

8 (c) Rehabilitative mental health and alcohol and drug abuse services including home and
9 community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions
10 rendered to individuals in an individual or group setting by a mental health or alcohol and drug
11 abuse professional in accordance with a plan of treatment appropriately established,
12 implemented, monitored, and revised under the auspices of a therapeutic team as a part of client
13 services management. As used in this section, mental health professional and alcohol and drug
14 abuse professional shall be defined by the department of mental health pursuant to duly
15 promulgated rules. With respect to services established by this subdivision, the department of
16 social services, MO HealthNet division, shall enter into an agreement with the department of
17 mental health. Matching funds for outpatient mental health services, clinic mental health
18 services, and rehabilitation services for mental health and alcohol and drug abuse shall be
19 certified by the department of mental health to the MO HealthNet division. The agreement shall
20 establish a mechanism for the joint implementation of the provisions of this subdivision. In
21 addition, the agreement shall establish a mechanism by which rates for services may be jointly
22 developed;

23 (17) Such additional services as defined by the MO HealthNet division to be furnished
24 under waivers of federal statutory requirements as provided for and authorized by the federal
25 Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general
26 assembly;

27 (18) The services of an advanced practice registered nurse with a collaborative practice
28 agreement to the extent that such services are provided in accordance with chapters 334 and 335,
29 and regulations promulgated thereunder;

30 (19) Nursing home costs for participants receiving benefit payments under subdivision
31 (4) of this subsection to reserve a bed for the participant in the nursing home during the time that
32 the participant is absent due to admission to a hospital for services which cannot be performed
33 on an outpatient basis, subject to the provisions of this subdivision:

34 (a) The provisions of this subdivision shall apply only if:

35 a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO
36 HealthNet certified licensed beds, according to the most recent quarterly census provided to the
37 department of health and senior services which was taken prior to when the participant is
38 admitted to the hospital; and

1 b. The patient is admitted to a hospital for a medical condition with an anticipated stay of
2 three days or less;

3 (b) The payment to be made under this subdivision shall be provided for a maximum of
4 three days per hospital stay;

5 (c) For each day that nursing home costs are paid on behalf of a participant under this
6 subdivision during any period of six consecutive months such participant shall, during the same
7 period of six consecutive months, be ineligible for payment of nursing home costs of two
8 otherwise available temporary leave of absence days provided under subdivision (5) of this
9 subsection; and

10 (d) The provisions of this subdivision shall not apply unless the nursing home receives
11 notice from the participant or the participant's responsible party that the participant intends to
12 return to the nursing home following the hospital stay. If the nursing home receives such
13 notification and all other provisions of this subsection have been satisfied, the nursing home
14 shall provide notice to the participant or the participant's responsible party prior to release of the
15 reserved bed;

16 (20) Prescribed medically necessary durable medical equipment. An electronic web-
17 based prior authorization system using best medical evidence and care and treatment guidelines
18 consistent with national standards shall be used to verify medical need;

19 (21) Hospice care. As used in this subdivision, the term "hospice care" means a
20 coordinated program of active professional medical attention within a home, outpatient and
21 inpatient care which treats the terminally ill patient and family as a unit, employing a medically
22 directed interdisciplinary team. The program provides relief of severe pain or other physical
23 symptoms and supportive care to meet the special needs arising out of physical, psychological,
24 spiritual, social, and economic stresses which are experienced during the final stages of illness,
25 and during dying and bereavement and meets the Medicare requirements for participation as a
26 hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO
27 HealthNet division to the hospice provider for room and board furnished by a nursing home to an
28 eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement
29 which would have been paid for facility services in that nursing home facility for that patient, in
30 accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation
31 Act of 1989);

32 (22) Prescribed medically necessary dental services. Such services shall be subject to
33 appropriations. An electronic web-based prior authorization system using best medical evidence
34 and care and treatment guidelines consistent with national standards shall be used to verify
35 medical need;

36 (23) Prescribed medically necessary optometric services. Such services shall be subject
37 to appropriations. An electronic web-based prior authorization system using best medical

1 evidence and care and treatment guidelines consistent with national standards shall be used to
2 verify medical need;

3 (24) Blood clotting products-related services. For persons diagnosed with a bleeding
4 disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section
5 338.400, such services include:

6 (a) Home delivery of blood clotting products and ancillary infusion equipment and
7 supplies, including the emergency deliveries of the product when medically necessary;

8 (b) Medically necessary ancillary infusion equipment and supplies required to administer
9 the blood clotting products; and

10 (c) Assessments conducted in the participant's home by a pharmacist, nurse, or local
11 home health care agency trained in bleeding disorders when deemed necessary by the
12 participant's treating physician;

13 (25) Medically necessary cochlear implants and hearing instruments, as defined in
14 section 345.015, that are:

15 (a) Prescribed by an audiologist, as defined in section 345.015; or

16 (b) Dispensed by a hearing instrument specialist, as defined in section 346.010;

17 (26) Doula services in accordance with sections 208.1400 to 208.1425;

18 (27) Childbirth education classes for pregnant women and a support person;

19 (28) The MO HealthNet division shall, by January 1, 2008, and annually thereafter,
20 report the status of MO HealthNet provider reimbursement rates as compared to one hundred
21 percent of the Medicare reimbursement rates and compared to the average dental reimbursement
22 rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July
23 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare
24 reimbursement rates and for third-party payor average dental reimbursement rates. Such plan
25 shall be subject to appropriation and the division shall include in its annual budget request to the
26 governor the necessary funding needed to complete the four-year plan developed under this
27 subdivision.

28 2. Additional benefit payments for medical assistance shall be made on behalf of those
29 eligible needy children, pregnant women and blind persons with any payments to be made on the
30 basis of the reasonable cost of the care or reasonable charge for the services as defined and
31 determined by the MO HealthNet division, unless otherwise hereinafter provided, for the
32 following:

33 (1) Dental services;

34 (2) Services of podiatrists as defined in section 330.010;

35 (3) Optometric services as described in section 336.010;

36 (4) Orthopedic devices or other prosthetics, including eye glasses, dentures, and
37 wheelchairs;

1 (5) Hospice care. As used in this subdivision, the term "hospice care" means a
2 coordinated program of active professional medical attention within a home, outpatient and
3 inpatient care which treats the terminally ill patient and family as a unit, employing a medically
4 directed interdisciplinary team. The program provides relief of severe pain or other physical
5 symptoms and supportive care to meet the special needs arising out of physical, psychological,
6 spiritual, social, and economic stresses which are experienced during the final stages of illness,
7 and during dying and bereavement and meets the Medicare requirements for participation as a
8 hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO
9 HealthNet division to the hospice provider for room and board furnished by a nursing home to an
10 eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement
11 which would have been paid for facility services in that nursing home facility for that patient, in
12 accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation
13 Act of 1989);

14 (6) Comprehensive day rehabilitation services beginning early posttrauma as part of a
15 coordinated system of care for individuals with disabling impairments. Rehabilitation services
16 must be based on an individualized, goal-oriented, comprehensive and coordinated treatment
17 plan developed, implemented, and monitored through an interdisciplinary assessment designed
18 to restore an individual to an optimal level of physical, cognitive, and behavioral function. The
19 MO HealthNet division shall establish by administrative rule the definition and criteria for
20 designation of a comprehensive day rehabilitation service facility, benefit limitations and
21 payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010,
22 that is created under the authority delegated in this subdivision shall become effective only if it
23 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
24 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
25 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
26 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
27 and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

28 3. The MO HealthNet division may require any participant receiving MO HealthNet
29 benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July
30 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered
31 services except for those services covered under subdivisions (15) and (16) of subsection 1 of
32 this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title
33 XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations
34 thereunder. When substitution of a generic drug is permitted by the prescriber according to
35 section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet
36 division may not lower or delete the requirement to make a co-payment pursuant to regulations
37 of Title XIX of the federal Social Security Act. A provider of goods or services described under
38 this section must collect from all participants the additional payment that may be required by the

1 MO HealthNet division under authority granted herein, if the division exercises that authority, to
2 remain eligible as a provider. Any payments made by participants under this section shall be in
3 addition to and not in lieu of payments made by the state for goods or services described herein
4 except the participant portion of the pharmacy professional dispensing fee shall be in addition to
5 and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a
6 service is provided or at a later date. A provider shall not refuse to provide a service if a
7 participant is unable to pay a required payment. If it is the routine business practice of a
8 provider to terminate future services to an individual with an unclaimed debt, the provider may
9 include uncollected co-payments under this practice. Providers who elect not to undertake the
10 provision of services based on a history of bad debt shall give participants advance notice and a
11 reasonable opportunity for payment. A provider, representative, employee, independent
12 contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a
13 participant. This subsection shall not apply to other qualified children, pregnant women, or blind
14 persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet
15 state plan amendment submitted by the department of social services that would allow a provider
16 to deny future services to an individual with uncollected co-payments, the denial of services
17 shall not be allowed. The department of social services shall inform providers regarding the
18 acceptability of denying services as the result of unpaid co-payments.

19 4. The MO HealthNet division shall have the right to collect medication samples from
20 participants in order to maintain program integrity.

21 5. Reimbursement for obstetrical and pediatric services under subdivision (6) of
22 subsection 1 of this section shall be timely and sufficient to enlist enough health care providers
23 so that care and services are available under the state plan for MO HealthNet benefits at least to
24 the extent that such care and services are available to the general population in the geographic
25 area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal
26 regulations promulgated thereunder.

27 6. Beginning July 1, 1990, reimbursement for services rendered in federally funded
28 health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404
29 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations
30 promulgated thereunder.

31 7. Beginning July 1, 1990, the department of social services shall provide notification
32 and referral of children below age five, and pregnant, breast-feeding, or postpartum women who
33 are determined to be eligible for MO HealthNet benefits under section 208.151 to the special
34 supplemental food programs for women, infants and children administered by the department of
35 health and senior services. Such notification and referral shall conform to the requirements of
36 Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

1 8. Providers of long-term care services shall be reimbursed for their costs in accordance
2 with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section
3 1396a, as amended, and regulations promulgated thereunder.

4 9. Reimbursement rates to long-term care providers with respect to a total change in
5 ownership, at arm's length, for any facility previously licensed and certified for participation in
6 the MO HealthNet program shall not increase payments in excess of the increase that would
7 result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C.
8 Section 1396a (a)(13)(C).

9 10. The MO HealthNet division may enroll qualified residential care facilities and
10 assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11 11. Any income earned by individuals eligible for certified extended employment at a
12 sheltered workshop under chapter 178 shall not be considered as income for purposes of
13 determining eligibility under this section.

14 12. If the Missouri Medicaid audit and compliance unit changes any interpretation or
15 application of the requirements for reimbursement for MO HealthNet services from the
16 interpretation or application that has been applied previously by the state in any audit of a MO
17 HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected
18 MO HealthNet providers five business days before such change shall take effect. Failure of the
19 Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the
20 provider to continue to receive and retain reimbursement until such notification is provided and
21 shall waive any liability of such provider for recoupment or other loss of any payments
22 previously made prior to the five business days after such notice has been sent. Each provider
23 shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall
24 agree to receive communications electronically. The notification required under this section
25 shall be delivered in writing by the United States Postal Service or electronic mail to each
26 provider.

27 13. Nothing in this section shall be construed to abrogate or limit the department's
28 statutory requirement to promulgate rules under chapter 536.

29 14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral,
30 social, and psychophysiological services for the prevention, treatment, or management of
31 physical health problems shall be reimbursed utilizing the behavior assessment and intervention
32 reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural
33 Terminology (CPT) coding system. Providers eligible for such reimbursement shall include
34 psychologists.

35 15. There shall be no payments made under this section for gender transition surgeries,
36 cross-sex hormones, or puberty-blocking drugs, as such terms are defined in section 191.1720,
37 for the purpose of a gender transition.

1 16. The department of social services shall study the impact that the childbirth education
2 classes provided under subdivision (27) of subsection 1 of this section have on infant and
3 maternal mortality among pregnant women. The department of social services shall submit a
4 report to the general assembly with the results of the study before January 1, 2029."; and
5

6 Further amend said bill, Page 2, Section 208.270, Line 43, by inserting after said section and line
7 the following:
8

9 "208.662. 1. There is hereby established within the department of social services the
10 "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP)
11 for any low-income unborn child. The program shall be established under the authority of Title
12 XXI of the federal Social Security Act, the State Children's Health Insurance Program, as
13 amended, and 42 CFR 457.1.

14 2. For an unborn child to be enrolled in the show-me healthy babies program, his or her
15 mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the
16 Medicaid program, as it is administered by the state, and shall not have access to affordable
17 employer-subsidized health care insurance or other affordable health care coverage that includes
18 coverage for the unborn child. In addition, the unborn child shall be in a family with income
19 eligibility of no more than three hundred percent of the federal poverty level, or the equivalent
20 modified adjusted gross income, unless the income eligibility is set lower by the general
21 assembly through appropriations. In calculating family size as it relates to income eligibility, the
22 family shall include, in addition to other family members, the unborn child, or in the case of a
23 mother with a multiple pregnancy, all unborn children.

24 3. Coverage for an unborn child enrolled in the show-me healthy babies program shall
25 include all prenatal care and pregnancy-related services that benefit the health of the unborn
26 child and that promote healthy labor, delivery, and birth, including childbirth education classes.
27 Coverage need not include services that are solely for the benefit of the pregnant mother, that are
28 unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the
29 unborn child. However, the department may include pregnancy-related assistance as defined in
30 42 U.S.C. Section 1397ll.

31 4. There shall be no waiting period before an unborn child may be enrolled in the show-
32 me healthy babies program. In accordance with the definition of child in 42 CFR 457.10,
33 coverage shall include the period from conception to birth. The department shall develop a
34 presumptive eligibility procedure for enrolling an unborn child. There shall be verification of
35 the pregnancy.

36 5. Coverage for the child shall continue for up to one year after birth, unless otherwise
37 prohibited by law or unless otherwise limited by the general assembly through appropriations.

1 6. (1) Pregnancy-related and postpartum coverage for the mother shall begin on the day
2 the pregnancy ends and extend through the last day of the month that includes the sixtieth day
3 after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the
4 general assembly through appropriations. The department may include pregnancy-related
5 assistance as defined in 42 U.S.C. Section 1397ll.

6 (2) (a) Subject to approval of any necessary state plan amendments or waivers,
7 beginning on July 6, 2023, mothers eligible to receive coverage under this section shall receive
8 medical assistance benefits during the pregnancy and during the twelve-month period that begins
9 on the last day of the woman's pregnancy and ends on the last day of the month in which such
10 twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1397gg(e)(1)(J).
11 The department shall seek any necessary state plan amendments or waivers to implement the
12 provisions of this subdivision when the number of ineligible MO HealthNet participants
13 removed from the program in 2023 pursuant to section 208.239 exceeds the projected number of
14 beneficiaries likely to enroll in benefits in 2023 under this subdivision and subdivision (28) of
15 subsection 1 of section 208.151, as determined by the department, by at least one hundred
16 individuals.

17 (b) The provisions of this subdivision shall remain in effect for any period of time during
18 which the federal authority under 42 U.S.C. Section 1397gg(e)(1)(J), as amended, or any
19 successor statutes or implementing regulations, is in effect.

20 7. The department shall provide coverage for an unborn child enrolled in the show-me
21 healthy babies program in the same manner in which the department provides coverage for the
22 children's health insurance program (CHIP) in the county of the primary residence of the mother.

23 8. The department shall provide information about the show-me healthy babies program
24 to maternity homes as defined in section 135.600, pregnancy resource centers as defined in
25 section 135.630, and other similar agencies and programs in the state that assist unborn children
26 and their mothers. The department shall consider allowing such agencies and programs to assist
27 in the enrollment of unborn children in the program, and in making determinations about
28 presumptive eligibility and verification of the pregnancy.

29 9. Within sixty days after August 28, 2014, the department shall submit a state plan
30 amendment or seek any necessary waivers from the federal Department of Health and Human
31 Services requesting approval for the show-me healthy babies program.

32 10. At least annually, the department shall prepare and submit a report to the governor,
33 the speaker of the house of representatives, and the president pro tempore of the senate analyzing
34 and projecting the cost savings and benefits, if any, to the state, counties, local communities,
35 school districts, law enforcement agencies, correctional centers, health care providers,
36 employers, other public and private entities, and persons by enrolling unborn children in the
37 show-me healthy babies program. The analysis and projection of cost savings and benefits, if
38 any, may include but need not be limited to:

1 (1) The higher federal matching rate for having an unborn child enrolled in the show-me
2 healthy babies program versus the lower federal matching rate for a pregnant woman being
3 enrolled in MO HealthNet or other federal programs;

4 (2) The efficacy in providing services to unborn children through managed care
5 organizations, group or individual health insurance providers or premium assistance, or through
6 other nontraditional arrangements of providing health care;

7 (3) The change in the proportion of unborn children who receive care in the first
8 trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or
9 by removal of other barriers, and any resulting or projected decrease in health problems and
10 other problems for unborn children and women throughout pregnancy; at labor, delivery, and
11 birth; and during infancy and childhood;

12 (4) The change in healthy behaviors by pregnant women, such as the cessation of the use
13 of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-
14 term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing
15 problems; breathing and respiratory problems; feeding and digestive problems; and other
16 physical, mental, educational, and behavioral problems; and

17 (5) The change in infant and maternal mortality, preterm births and low birth weight
18 babies and any resulting or projected decrease in short-term and long-term medical and other
19 interventions.

20 11. The show-me healthy babies program shall not be deemed an entitlement program,
21 but instead shall be subject to a federal allotment or other federal appropriations and matching
22 state appropriations.

23 12. Nothing in this section shall be construed as obligating the state to continue the
24 show-me healthy babies program if the allotment or payments from the federal government end
25 or are not sufficient for the program to operate, or if the general assembly does not appropriate
26 funds for the program.

27 13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a
28 mandate imposed by the federal government on the state.

29 208.1400. Sections 208.1400 to 208.1425 shall be known and may be cited as the
30 "Missouri Doula Reimbursement Act".

31 208.1405. For purposes of sections 208.1400 to 208.1425, the following terms mean:

32 (1) "Community-based network", a network that is representative of a community or
33 significant segments of a community and engaged in meeting that community's needs in the area
34 of social, human, or health services;

35 (2) "Community navigation services", services that connect pregnant individuals and
36 their families with available resources using a community-based approach including, but not
37 limited to, an approach that understands the services and supports available to pregnant and

1 postpartum individuals receiving MO HealthNet benefits and facilitates access to those resources
 2 based upon an assessment of social service needs;

3 (3) "Doula", a trained professional providing continuous physical, emotional, and
 4 informational support to a pregnant individual, from the prenatal, the intrapartum, and up to the
 5 first twelve months of the postpartum periods. Doulas also provide assistance by referring
 6 pregnant individuals to community-based networks and certified and licensed perinatal
 7 professionals in multiple disciplines;

8 (4) "Doula services", services provided by a doula;

9 (5) "Fee-for-service", a payment model where services are unbundled and paid for
 10 separately;

11 (6) "Intrapartum", the period of pregnancy during labor and delivery or childbirth.
 12 Services provided during this period are rendered to the pregnant individual;

13 (7) "Managed care", the delivery of Medicaid health benefits and additional services
 14 through contracted arrangements between state Medicaid agencies and managed care
 15 organizations that accept a set per member per month (capitation) payment for these services;

16 (8) "Postpartum", the one-year period after a pregnancy ends;

17 (9) "Prenatal", the period of pregnancy before labor or childbirth. Services provided
 18 during this period are rendered to the pregnant individual.

19 208.1410. The following doula services shall be covered by the MO HealthNet program:

20 (1) A combined total of six prenatal and postpartum support sessions;

21 (2) One birth attendance;

22 (3) Up to two visits for general consultation on lactation at any time during the prenatal
 23 and postpartum periods; and

24 (4) Community navigation services, except that any community navigation services
 25 provided outside any visit or session billed under subdivisions (1) to (3) of this section shall be
 26 billed only up to ten times total over the course of the pregnancy and postpartum period.

27 208.1415. A doula shall be eligible for participation as a provider of doula services
 28 covered by the MO HealthNet program only if the doula:

29 (1) Is enrolled as a MO HealthNet provider;

30 (2) Is eighteen years of age or older;

31 (3) Holds liability insurance as an individual or through a supervising organization; and

32 (4) Either:

33 (a) Possesses a current certificate issued by a national or Missouri-based doula training
 34 organization whose curriculum meets guidelines established by the MO HealthNet division by
 35 rule; or

36 (b) Received training from a source not described in paragraph (a) of this subdivision, or
 37 from multiple sources, whose curriculum meets the guidelines established under paragraph (a) of
 38 this subdivision as verified by a public roster maintained by a statewide organization composed

1 of doula trainers from three or more independent, well-established doula training organizations
2 located in Missouri whose purpose includes the validation of core competencies of training.

3 208.1420. 1. Once enrolled as a MO HealthNet provider, a doula shall be eligible to
4 enroll as a provider with fee-for-service and managed care payers affiliated with the MO
5 HealthNet program.

6 2. Doula services shall be reimbursed on a fee-for-service schedule.

7 208.1425. The MO HealthNet division shall promulgate all necessary rules and
8 regulations for the administration of sections 208.1400 to 208.1425. Any rule or portion of a
9 rule, as that term is defined in section 536.010, that is created under the authority delegated in
10 this section shall become effective only if it complies with and is subject to all of the provisions
11 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
12 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
13 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
14 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
15 August 28, 2026, shall be invalid and void."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.