

SECOND REGULAR SESSION

HOUSE BILL NO. 3061

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

6752H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 536.031, RSMo, and to enact in lieu thereof one new section relating to Medicaid regulations.

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

Section A. Section 536.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 536.031, to read as follows:

536.031. 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed by the secretary of state from time to time as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in a format and medium as prescribed by the secretary of state.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall

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 fully identify the incorporated material by publisher, address, and date in order to specify how
19 a copy of the material may be obtained, and shall state that the referenced rule, regulation,
20 standard, or guideline does not include any later amendments or additions, except that:

21 (1) Hospital licensure regulations promulgated under this chapter and chapter 197
22 may incorporate by reference Medicare conditions of participation, as defined in section
23 197.005, and later additions or amendments to such conditions of participation; ~~and~~

24 (2) Hospital licensure regulations governing life safety code standards promulgated
25 under this chapter and chapter 197 to implement section 197.065 may incorporate, by
26 reference, later additions or amendments to such rules, regulations, standards, or guidelines as
27 needed to consistently apply current standards of safety and practice;

28 **(3) Medicaid regulations promulgated under this chapter and chapter 208 may**
29 **incorporate by reference Medicare fee schedules, as defined in state regulation, and**
30 **later additions or amendments to Medicaid reimbursement methodologies promulgated**
31 **in title 13 of the code of state regulations; and**

32 **(4) Medicaid regulations promulgated under this chapter and chapter 208 may**
33 **incorporate by reference later additions or amendments to federal rules and regulations**
34 **as needed to administer the Missouri Medicaid program.**

35 5. The agency adopting a rule, regulation, standard, or guideline under this section
36 shall maintain a copy of the referenced rule, regulation, standard, or guideline at the
37 headquarters of the agency and shall make it available to the public for inspection and
38 copying at no more than the actual cost of reproduction. The secretary of state may omit from
39 the code of state regulations such material incorporated by reference in any rule the
40 publication of which would be unduly cumbersome or expensive.

41 6. The courts of this state shall take judicial notice, without proof, of the contents of
42 the code of state regulations.

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