

Missouri Department of
SOCIAL SERVICES
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June 13, 2011

Missouri Small Business
Regulatory Fairness Board
ATTN: Ms. Nancy Zurbuchen
301 W. High Street
P.O. Box 1157
Jefferson City, MO 65101

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

JUN 13 2011

RECEIVED

The Honorable Steven Tilley
Speaker of the House
Missouri House of Representatives
State Capitol Building, Room 308A
Jefferson City, MO 65101

The Honorable Robert N. Mayer
President Pro Tem
Missouri Senate
State Capitol Building, Room 326
Jefferson City, MO 65101

Dear Ms. Zurbuchen:

The attached report provides information on the filing of rules by the Department of Social Services that may affect small businesses. As required by Section 536.325 RSMo, information on the purpose of the rule is also included. If you have any questions regarding the report please do not hesitate to contact me.

Respectfully,



Ronald J. Levy
Director

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June 1, 2011

Rule: 13 CSR 35-50.010 Accreditation as Evidence for Meeting Licensing Requirements

Purpose: This rule is necessary to implement Section 210.112.7 relating to the accreditation of residential care agencies and child placing agencies. Accreditation by any of three nationally recognized organizations is, by law, accepted as prima facie evidence that such agencies meet Division licensing rules. These measures help ensure best practice standards which help ensure the proper care and safety of children. Some of the agencies affected would qualify as small businesses.

Rules: 13 CSR 35-80.010 Residential Foster Care Maintenance Methodology
13 CSR 35-80.020 Residential Care Agency Cost Reporting System

Purpose: Both rules are necessary to implement a court order relating to payments made to licensed residential care centers for children. The court order requires a methodology to be established to determine payment for services; the cost reporting is used to implement the methodology. Some of the agencies affected would qualify as small businesses.

Rules: 13 CSR 35-100.010 Residential Treatment Agency Tax Credit
13 CSR 35-100.020 Pregnancy Resource Center Tax Credit

Purpose: Both rules are necessary to implement the provisions of Sections 135.1150 and 135.630 for two tax credit programs established by the General Assembly in 2006. Such tax credits allow residential treatment agencies and pregnancy resource agencies to obtain financial support that might not otherwise be available. Some of the agencies affected would qualify as small businesses.

Rule: 13 CSR 40-30.020 Attorney Fees in Termination of Parental Rights Cases

Purpose: This rule establishes fees for attorneys and guardians ad litem (GALS) who provide services in termination of parental rights cases. These services are essential in obtaining permanency through adoption for children who can no longer return to the care of their biological parents. Some attorneys and GALS may be employed in small business agencies.

Rules: 13 CSR 40-32.010 Basis of Payment
13 CSR 40-32.020 Processing of Applications for State and Federal Funds for Providing Child Care Services

Purpose: These rules are necessary to establish payments which are made to licensed and contracted childcare (daycare) facilities, individuals, and other vendors, and to implement the provisions of Section 210.025 relating to background checks of persons applying for state and federal funds for providing childcare services in their home. These rules help ensure an operational childcare system and help ensure the health and safety of children receiving

childcare services. Some agencies affected by these rules would qualify as small businesses.

Rules: 13 CSR 40-59.020 Definitions
13 CSR 40-59.050 Child Abuse/Neglect Central Registry Checks for Child Care Employees and Volunteers

Purpose: These rules define the terms and implement criminal and child abuse/neglect background checks for foster, adoptive, and relative care providers, as well as employees and volunteers who work or visit in childcare (daycare) facilities. These rules are necessary to help ensure the health and safety of children. Some agencies affected by these rules may qualify as small businesses.

Rules: 13 CSR 40-71.010 Definitions
13 CSR 40-71.020 Basic Residential Care Core Requirements (Applicable to All Agencies)-Basis for Licensure and Licensing Procedures
13 CSR 40-71.025 Exemption of Religious Child Care Facilities
13 CSR 40-71.030 Hearings and Judicial Review
13 CSR 40-71.035 Court Review and Dispositional Hearing
13 CSR 40-71.040 Organization and Administration
13 CSR 40-71.045 Personnel
13 CSR 40-71.050 Staff Qualifications and Requirements
13 CSR 40-71.060 Social Services Program
13 CSR 40-71.070 Protection and Care of the Child
13 CSR 40-71.075 Health Care
13 CSR 40-71.080 Building, Grounds and Equipment
13 CSR 40-71.090 Recordkeeping
13 CSR 40-71.100 Specific Rules for Basic Care Agencies Providing Care for Infant, Toddler of Preschool Age Children (Birth Through Age Six
13 CSR 40-71.110 Child Care Program
13 CSR 40-71.120 Specific Rules for Residential Care Agencies Providing Maternity Care
13 CSR 40-71.130 Specialized Standards-Residential Treatment
13 CSR 40-71.140 Specialized Standards For Intensive Residential Treatment

Purpose: These rules govern the licensure of agencies which provide 24-hour care of children and the necessary treatment required by such children. These rules are necessary to protect the health and safety of children who are placed in such facilities. Some of the agencies affected would qualify as small businesses.

Rule: 13 CSR 40-72.010 Group Homes Offering Residential Care

Purpose: These rules govern the licensure of certain types of group homes which provide 24-hour care of children. These rules are necessary to protect the health and safety of children placed into such facilities. Some of these agencies would qualify as small businesses.

- Rules:**
- 13 CSR 40-73.010 Definitions
 - 13 CSR 40-73.012 Basis for Licensure and Licensing Procedures
 - 13 CSR 40-73.015 Exemption of Child Placing Agencies from Licensure
 - 13 CSR 40-73.017 Hearings and Judicial Review
 - 13 CSR 40-73.018 Court Review and Dispositional Hearing
 - 13 CSR 40-73.020 Organization and Administration
 - 13 CSR 40-73.030 Personnel Practices and Personnel
 - 13 CSR 40-73.035 Staff Qualifications and Requirements
 - 13 CSR 40-73.040 Operational Requirements
 - 13 CSR 40-73.050 Protection and Care of the Child
 - 13 CSR 40-73.055 Health Care
 - 13 CSR 40-73.060 Recommendation for Foster Homes Licensing
 - 13 CSR 40-73.070 Placement of Children in Foster Family Homes
 - 13 CSR 40-73.075 Foster Care Services
 - 13 CSR 40-73.080 Adoption Services

Purpose: These rules govern the licensure of agencies which provide foster care and adoption services and are necessary to protect the health and safety of children. Some agencies would qualify as small businesses.

Rule: 13 CSR 40-79.010 Domestic Violence Shelter Tax Credit

Purpose: This rule is necessary to implement the provisions of Section 135.550 to allow for a tax credit program established by the General Assembly in 2006. Such tax credits allow domestic violence shelters to obtain financial support that might not otherwise be available. Some of the agencies would qualify as small businesses.

Rule: 13 CSR 40-80.010 Maternity Home Tax Credit

Purpose: This rule is necessary to implement the provisions of Section 135.600 to allow for a tax credit program established by the General Assembly in 1997. Such tax credits allow maternity homes to obtain financial support that might not otherwise be available. Some of the agencies would qualify as small businesses.

Rule: 13 CSR 35-100.020 Pregnancy Resource Center Tax Credit

Purpose: This rule is necessary to implement the provisions of Section 135.630 to allow for a tax credit program established by the General Assembly in 2006. Such tax credits allow Pregnancy Resource Centers to obtain financial support that might not otherwise be available. Some of the agencies would qualify as small businesses.

Rule: 13 CSR 35-100.010 Residential Treatment Agency Tax Credit

Purpose: This rule is necessary to implement the provisions of Section 135.1150 to allow for a tax credit program established by the General Assembly in 2006. Such tax credits allow Residential Treatment agencies to obtain financial support that might not otherwise be available. Some of the agencies would qualify as small businesses.

Rule: 13 CSR 40-2.315 Work Activity and Work Requirements for Recipients of Temporary Assistance

Purpose: This program evaluates applicants and participants and identifies necessary training, education, and/or work readiness of each participant. This program can provide a workforce for small business and/or create small businesses.

Rule: 13 CSR 40-91.010 Business Enterprise for the Blind

Purpose: This rule affects Small Business in that it gives priority to blind vendors in state and federally owned buildings. This is a tremendous tool in helping blind and visually impaired Missourians become self-employed contractors, thus building their small businesses.

Rule: 13 CSR 40-91.020 Vocational Rehabilitation for the Blind

Purpose: This program assists the blind and visually impaired of Missouri to prepare for, obtain, or retain meaningful employment whether it be for someone else, or for themselves. This can provide a workforce for small businesses and create small businesses.

Rules: 13 CSR 70-1.010 Organization and Description

13 CSR 70-1.020 Standards for Privacy of Individually Identifiable Health Information

13 CSR 70-2.100 Title XIX Procedure of Exception to Medical Care Services Limitations

13 CSR 70-2.200 Medicaid Program Benefits for Human Organs and Bone Marrow Transplants and Related Medical Services

13 CSR 70-3.020 Title XIX Provider Enrollment

13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for MO HealthNet Services

13 CSR 70-3.040 Duty of Medicaid Participating Hospitals and Other Vendors to Assist in Recovering Third-Party Payments

13 CSR 70-3.050 Obtaining Information from Providers of Medical Services

13 CSR 70-3.100 Filing of Claims, Medicaid Program

13 CSR 70-3.105 Timely Payment of MO HealthNet Claims

13 CSR 70-3.110 Second Opinion Requirement before Nonemergency Elective Surgical Operations

13 CSR 70-3.120 Limitations on Payment Out-of-State Nonemergency Medical Services

13 CSR 70-3.130 Computation of Provider Overpayment by Statistical Sampling

13 CSR 70-3.140 Direct Deposit of Provider Reimbursement

13 CSR 70-3.150 Authorization to Receive Payment for Medicaid Services

13 CSR 70-3.160 Electronic Submission of MO HealthNet Claims and Electronic Remittance Advices

13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance
13 CSR 70-3.180 Medical Pre-Certification Process
13 CSR 70-3.190 Telehealth Services
13 CSR 70-3.200 Ambulance Service Reimbursement Allowance
13 CSR 70-4.030 Participant Liability for Medical Services Not Reimbursable to the Provider by the MO HealthNet Agency
13 CSR 70-4.040 Eligibility Corrective Action Participant Payments
13 CSR 70-4.050 Copayment and Coinsurance for Certain Medicaid-Covered Services
13 CSR 70-4.051 Copayment for Pharmacy Services
13 CSR 70-4.060 Required Reporting of Injuries Received by Title XIX Recipients
13 CSR 70-4.070 Title XIX Recipient Lock-In Program
13 CSR 70-4.080 State Children's Health Insurance Program
13 CSR 70-4.090 Uninsured Women's Health Program
13 CSR 70-4.100 Preventing Medicaid Payment of Expenses Used to Meet Spenddown
13 CSR 70-4.110 Placement of Liens on Property of Certain Institutionalized Medicaid Eligible Persons
13 CSR 70-5.010 Nonemergency Medical Transportation (NEMT) Services
13 CSR 70-6.010 Emergency Ambulance Program
13 CSR 70-10.005 Reasonable Cost-Related Reimbursement Plan for Long-Term Care
13 CSR 70-10.010 Prospective Reimbursement Plan for Long-Term Care
13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services
13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates
13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services
13 CSR 70-10.040 Medicaid Eligibility and Preadmission Screening for Mentally Ill and Mentally Retarded Individuals
13 CSR 70-10.050 Pediatric Nursing Care Plan
13 CSR 70-10.060 Retrospective Reimbursement Plan for State-Operated Facilities for ICF/MR Services
13 CSR 70-10.070 Limitations on Allowable Nursing Facility Costs to Reserve a Bed for Absences Due to Hospital Admission
13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services
13 CSR 70-10.100 Limitation on Allowable Capital Cost Overruns for New Institutional Health Services in Title XIX Reimbursement Rate Setting
13 CSR 70-10.110 Nursing Facility Reimbursement Allowance
13 CSR 70-10.120 Reimbursement for Nurse Assistant Training
13 CSR 70-10.150 Enhancement Pools

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology
13 CSR 70-15.011 Reimbursement for Essential Disproportionate Share Hospitals
13 CSR 70-15.020 Procedures for Admission Certification, Continued Stay Review and Validation Review of Hospital Admissions
13 CSR 70-15.030 Limitations on Payment for Inpatient Hospital Care
13 CSR 70-15.040 Inpatient Hospital and Outpatient Hospital Settlements
13 CSR 70-15.070 Inpatient Hospital Psychiatric Services for Individuals Under Age Twenty-One
13 CSR 70-15.090 Procedures for Evaluation of Appropriate Inpatient Hospital Admissions Continued Days of Stay
13 CSR 70-15.100 Unreimbursed Care Payment Methodology
13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
13 CSR 70-15.150 Enhancement Pools
13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement Methodology
13 CSR 70-15.170 Enhanced Disproportionate Share Payment to Trauma Hospitals For the Cost of Care to the Uninsured Provided by Physicians Not Employed by the Hospital
13 CSR 70-15.180 Grant to Trauma Hospitals for the Care Provided by Physicians Not Employed by the Hospital
13 CSR 70-15.190 Out-of-State Hospital Services Reimbursement Plan
13 CSR 70-15.200 Payment Policy for Preventable Serious Adverse Event or Hospital or Ambulatory Surgical Center-Acquired Condition
13 CSR 70-20.010 Participating Drug Vendors
13 CSR 70-20.030 Drugs Covered by Medicaid
13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization is Required
13 CSR 70-20.032 List of Drugs Excluded From Coverage under the Missouri Medicaid Pharmacy Program
13 CSR 70-20.033 Medicaid Program Coverage of Investigational Drugs Used in the Treatment of Acquired Immunodeficiency Syndrome (AIDS)
13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization Is Required
13 CSR 70-20.040 Five Prescription Limit Per Month Per Recipient
13 CSR 70-20.045 Thirty-One Day Supply Maximum Restriction on Pharmacy Services Reimbursed by the Division of Medical Services
13 CSR 70-20.050 Return of Drugs
13 CSR 70-20.060 Professional Dispensing Fee
13 CSR 70-20.070 Computer-Generated Drug Pricing Tape and Drug Reimbursement Methodology
13 CSR 70-20.071 Multiple Source Drugs for Which There Exists a Federal Upper Limit on Reimbursement
13 CSR 70-20.200 Drug Prior Authorization Process
13 CSR 70-20.250 Prior Authorization of New Drug Entities or New Drug Dosage Form

13 CSR 70-20.300 Retrospective Drug Use Review Process
13 CSR 70-20.310 Prospective Drug Use Review Process and Patient
Counseling
13 CSR 70-20.320 Pharmacy Reimbursement Allowance
13 CSR 70-25.100 Abortions
13 CSR 70-25.110 Payment for Early Periodic Screening, Diagnosis and
Treatment Program Services
13 CSR 70-26.010 MO HealthNet Program Benefits for Federally-Qualified
Health Center Services
13 CSR 70-30.010 Podiatric Services Program
13 CSR 70-35.010 Dental Benefits and Limitations, MO HealthNet
Program
13 CSR 70-40.010 Optical Benefits and Limitations—MO HealthNet
Program
13 CSR 70-45.010 Hearing Aid Program
13 CSR 70-50.010 Hospice Services Program
13 CSR 70-55.010 MO HealthNet Program Benefits for Nurse-Midwife
Services
13 CSR 70-60.010 Durable Medical Equipment Program
13 CSR 70-65.010 Rehabilitation Center Program
13 CSR 70-70.010 Therapy Program
13 CSR 70-90.010 Home Health-Care Services
13 CSR 70-90.020 Home Health-Care Services Reimbursement
13 CSR 70-91.010 Personal Care Program
13 CSR 70-91.020 Mental Health Residential Personal Care Program
13 CSR 70-92.010 Adult Day Health Care Program
13 CSR 70-93.010 Reimbursement for Medicaid Children's Clinic Services
13 CSR 70-93.020 Reimbursement for Medicaid Family Health Clinic
Program
13 CSR 70-94.010 Independent Rural Health Clinic Program
13 CSR 70-94.020 Provider-Based Rural Health Clinic
13 CSR 70-95.010 Private Duty Nursing
13 CSR 70-96.010 Reimbursement for Medicaid Primary and Prenatal Care
Clinic Program
13 CSR 70-97.010 Health Insurance Premium Payment (HIPP) Program
13 CSR 70-98.015 Psychiatric/Psychology/Counseling/Clinical Social
Work Program Documentation
13 CSR 70-98.020 Prior Authorization Process for Non-Pharmaceutical
Mental Health Services
13 CSR 70-99.010 Comprehensive Day Rehabilitation Program

Purpose: Missouri statute authorizes benefit payments for medical assistance on behalf of eligible needy persons (208.152, RSMo). Missouri statute requires the MO HealthNet Division (formerly known as the Division of Medical Services) by rule to define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance (208.153, RSMo).

The aforementioned rules define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance provided by the MO HealthNet Division. No federal or Missouri law requires a small business (50 or less employees) to enroll in MO HealthNet (formerly known as Missouri Medicaid) in order to provide services to be paid for with taxpayer funds. According to the Missouri Supreme Court, "reimbursement policy applies generally to all participants in the Medicaid program. Definition of reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance under the program must be made by rule and regulation."