

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 380,  
2 Page 9, Section 192.926, Line 47, by inserting after all of said section and line the following:

3  
4 "208.909. 1. Consumers receiving personal care assistance services shall be responsible for:  
5 (1) Supervising their personal care attendant;  
6 (2) Verifying wages to be paid to the personal care attendant;  
7 (3) Preparing and submitting time sheets, signed by both the consumer and personal care  
8 attendant, to the vendor on a biweekly basis;

9 (4) Allowing the personal care attendant to use his or her telephone for the purpose of  
10 electronic visit verification (EVV) if such use does not add cost to the consumer;

11 (5) Promptly notifying the department within ten days of any changes in circumstances  
12 affecting the personal care assistance services plan or in the consumer's place of residence;

13 [(5)] (6) Reporting any problems resulting from the quality of services rendered by the  
14 personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting  
15 from the quality of service rendered by the personal care attendant with the vendor, the consumer  
16 shall report the situation to the department; and

17 [(6)] (7) Providing the vendor with all necessary information to complete required  
18 paperwork for establishing the employer identification number.

19 2. Participating vendors shall be responsible for:

20 (1) Collecting time sheets or reviewing reports of delivered services and certifying the  
21 accuracy thereof;

22 (2) The Medicaid reimbursement process, including the filing of claims and reporting data to  
23 the department as required by rule;

24 (3) Transmitting the individual payment directly to the personal care attendant on behalf of  
25 the consumer;

26 (4) Monitoring the performance of the personal care assistance services plan.

27 3. No state or federal financial assistance shall be authorized or expended to pay for services  
28 provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to  
29 the household unit, or is a household task that the members of the consumer's household may  
30 reasonably be expected to share or do for one another when they live in the same household, unless  
31 such service is above and beyond typical activities household members may reasonably provide for  
32 another household member without a disability.

33 4. No state or federal financial assistance shall be authorized or expended to pay for personal  
34 care assistance services provided by a personal care attendant who is listed on any of the background  
35 check lists in the family care safety registry under sections 210.900 to 210.937, unless a good cause  
36 waiver is first obtained from the department in accordance with section 192.2495.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           5. (1) All vendors shall, by July 1, [2015] 2016, have, maintain, and use [a telephone  
2 tracking] an EVV system for the purpose of reporting and verifying the delivery of  
3 consumer-directed services as authorized by the department of health and senior services or its  
4 designee. Use of such a system prior to July 1, [2015] 2016, shall be voluntary. The [telephone  
5 tracking] EVV system shall be used [to process payroll for employees and] for submitting claims for  
6 reimbursement to the MO HealthNet division. At a minimum, the [telephone tracking] EVV system  
7 shall:

- 8           (a) Record the exact date services are delivered;  
9           (b) Record the exact time the services begin and exact time the services end;  
10          (c) Verify [the telephone number from which the services are registered] that the services are  
11 being delivered at the location where the consumer resides;  
12          (d) [Verify that the number from which the call is placed is a telephone number unique to the  
13 client];  
14          (e) Require a personal identification number unique to each personal care attendant;  
15          [(f)] (e) Be capable of producing reports [of services delivered, tasks performed, client] that  
16 at a minimum capture the consumer identity, beginning and ending times of service and date of  
17 service in summary fashion that constitute adequate documentation of service]; and  
18          (g) Be capable of producing reimbursement requests for consumer approval that assures  
19 accuracy and compliance with program expectations for both the consumer and vendor.

20          (2) The department of health and senior services, in collaboration with other appropriate  
21 agencies, including centers for independent living, shall establish telephone tracking system pilot  
22 projects, implemented in two regions of the state, with one in an urban area and one in a rural area.  
23 Each pilot project shall meet the requirements of this section and section 208.918. The department  
24 of health and senior services shall, by December 31, 2013, submit a report to the governor and  
25 general assembly detailing the outcomes of these pilot projects. The report shall take into  
26 consideration the impact of a telephone tracking system on the quality of the services delivered to the  
27 consumer and the principles of self-directed care.

28          (3) (2) As new technology becomes available, the department [may] shall allow use of a  
29 more advanced tracking system, electronic or otherwise, provided that such system is at least as  
30 capable of meeting the requirements of this subsection.

31          [(4)] (3) The department of health and senior services shall promulgate by rule the minimum  
32 necessary criteria of the [telephone tracking] EVV system. Any rule or portion of a rule, as that term  
33 is defined in section 536.010, that is created under the authority delegated in this section shall  
34 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
35 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
36 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
37 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
38 authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

39          6. [In the event that a consensus between centers for independent living and representatives  
40 from the executive branch cannot be reached, the telephony report issued to the general assembly  
41 and governor shall include a minority report which shall detail those elements of substantial dissent  
42 from the main report.

43          7.] No interested party, including a center for independent living, shall be required to  
44 contract with any particular vendor or provider of [telephony] EVV services [nor bear the full cost of  
45 the pilot program]."; and

46  
47 Further amend said bill, Page 15, Section 301.142, Line 217, by inserting after all of said section and  
48 line the following:

1 "660.023. 1. All in-home services provider agencies shall, by July 1, [2015] 2016, have,  
 2 maintain, and use [a telephone tracking] an electronic visit verification (EVV) system for the  
 3 purpose of reporting and verifying the delivery of home- and community-based services as  
 4 authorized by the department of health and senior services or its designee. Use of such system prior  
 5 to July 1, [2015] 2016, shall be voluntary. At a minimum, the [telephone tracking] EVV system  
 6 shall:

- 7 (1) Record the exact date services are delivered;
- 8 (2) Record the exact time the services begin and exact time the services end;
- 9 (3) Verify [the telephone number from which the services were registered] that services are  
 10 being delivered at the location where the consumer resides;
- 11 (4) [Verify that the number from which the call is placed is a telephone number unique to the  
 12 client;
- 13 (5)] Require a personal identification number unique to each personal care attendant; and  
 14 [(6)] (5) Be capable of producing reports [of services delivered, tasks performed,] that at a  
 15 minimum capture client identity, beginning and ending times of service and date of service in  
 16 summary fashion that constitute adequate documentation of service.

17 2. The [telephone tracking] EVV system shall be used [to process payroll for employees and]  
 18 for submitting claims for reimbursement to the MO HealthNet division.

19 3. The department of health and senior services shall promulgate by rule the minimum  
 20 necessary criteria of the [telephone tracking] EVV system. Any rule or portion of a rule, as that term  
 21 is defined in section 536.010, that is created under the authority delegated in this section shall  
 22 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
 23 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
 24 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
 25 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
 26 authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

27 4. As new technology becomes available, the department [may] shall allow use of a more  
 28 advanced tracking system, electronic or otherwise, provided that such system is at least as capable of  
 29 meeting the requirements listed in subsection 1 of this section.

30 5. The department of health and senior services, in collaboration with other appropriate  
 31 agencies, including in-home services providers, shall establish telephone tracking system pilot  
 32 projects, implemented in two regions of the state, with one in an urban area and one in a rural area.  
 33 Each pilot project shall meet the requirements of this section. The department of health and senior  
 34 services shall, by December 31, 2013, submit a report to the governor and general assembly detailing  
 35 the outcomes of these pilot projects. The report shall take into consideration the impact of a  
 36 telephone tracking system on the quality of the services delivered to the consumer and the principles  
 37 of self-directed care.

38 6. In the event that a consensus between in-home service providers and representatives from  
 39 the executive branch cannot be reached, the telephony report issued to the general assembly and  
 40 governor shall include a minority report which will detail those elements of substantial dissent from  
 41 the main report.

42 7. No interested party, including in-home service providers, shall be required to contract with  
 43 any particular vendor or provider of [telephony] EVV services [nor bear the full cost of the pilot  
 44 program].

45 Section B. Because immediate action is necessary to ensure that home-based MO HealthNet  
 46 participants receive necessary personal care assistance services, section 208.909 and 660.023 of  
 47 section A of this act is deemed necessary for the immediate preservation of the public health,  
 48 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the

1 constitution, and section 208.909 and 660.023 of section A of this act shall be in full force and effect  
2 upon its passage and approval."; and

3

4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.

6

7