

FIRST REGULAR SESSION

HOUSE BILL NO. 681

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALLEN.

1430L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 630.003, RSMo, and to enact in lieu thereof four new sections relating to establishment of the department of MO HealthNet, with a contingent effective date.

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

Section A. Section 630.003, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 192.001, 207.001, 630.003, and 660.001, to read as follows:

192.001. 1. Effective July 1, 2016, the department of health and senior services is hereby abolished.

2. All powers, duties, and functions of the department of health and senior services, including all rules and orders, are hereby transferred as follows:

(1) The division of senior and disability services, the state board of senior services, and the home health services advisory council shall be transferred by type I transfer, as defined in the Omnibus State Reorganization Act of 1974, to the human services division within the department of social services established in section 660.001;

(2) The division of regulation and licensure, the division of community and public health, and the office of minority health, the office of primary care and rural health, and the office of women's health within the division of administration shall be transferred by type I transfer, as defined in the Omnibus State Reorganization Act of 1974, to the department of mental health and health established in section 630.003;

(3) All powers, duties, and functions of the department of health and senior services involving the MO HealthNet program and Medicaid shall be transferred by type I transfer, as defined in the Omnibus State Reorganization Act of 1974, to the department of MO HealthNet established in section 207.001; and

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 **(4) All powers, duties, and functions of the department of health and senior services**
19 **not otherwise specifically transferred in subdivisions (1) to (3) of this subsection shall be**
20 **transferred by type I transfer, as defined in the Omnibus State Reorganization Act of 1974,**
21 **to the division of health within the department of mental health and health established in**
22 **subsection 8 of section 630.003.**

207.001. Effective July 1, 2016:

2 **(1) There is hereby established the "Department of MO HealthNet". All of the**
3 **powers, duties, and functions of the MO HealthNet division created in section 208.001 and**
4 **the Missouri Medicaid audit and compliance unit shall be transferred by type I transfer,**
5 **as defined in the Omnibus State Reorganization Act of 1974, to the department of MO**
6 **HealthNet; and**

7 **(2) All powers, duties, and functions involving the MO HealthNet program and**
8 **Medicaid in the department of mental health and health and the former department of**
9 **health and senior services are transferred by type I transfer, as defined in the Omnibus**
10 **State Reorganization Act of 1974, to the department of MO HealthNet.**

 630.003. 1. There is hereby created a department of mental health **and health** to be
2 headed by a mental health **and health** commission who shall appoint a director, by and with the
3 advice and consent of the senate. The director shall be the administrative head of the department
4 and shall serve at the pleasure of the commission and be compensated as provided by law for the
5 director, division of mental health. All **mental health** employees of the department shall be
6 selected in accordance with chapter 36.

7 2. **(1) There is hereby established** the "State Mental Health **and Health**
8 **Commission"**[.] **to be** composed of [seven] **eleven** members[, is the successor to the former state
9 mental health commission and it has all the powers, duties and responsibilities of the former
10 commission]. All members of the commission shall be appointed by the governor, by and with
11 the advice and consent of the senate. None of the members shall otherwise be employed by the
12 state of Missouri.

13 **(2) [Three of the commission members first appointed shall be appointed for terms of**
14 **four years, and two shall be appointed for terms of three years, and two shall be appointed for**
15 **a term of two years. The governor shall designate, at the time the appointments are made, the**
16 **length of the term of each member so appointed. Thereafter all terms shall be for four years.**

17 **(3)] At least [two] four of the members of the commission shall be physicians, one of**
18 **whom shall be recognized as an expert in the field of the treatment of nervous and mental**
19 **diseases, [and] one of whom shall be recognized as an expert in the field of intellectual or**
20 **developmental disabilities, and two shall be general practitioners. At least [two] three of the**
21 **members of the commission shall be representative of persons or groups who are consumers**

22 having substantial interest in the services provided by the division[, one of whom shall represent
23 persons with an intellectual disability or developmental disability and one of whom shall
24 represent those persons being treated for nervous and mental diseases]. Of the other [three] **four**
25 members at least one [must] **shall** be recognized for his **or her** expertise in general business
26 management procedures, **one shall be recognized for their interest and expertise in general**
27 **health care, acute health care, or long-term care**, and [two] **one** shall be recognized for their
28 interest and expertise in dealing with alcohol/drug abuse problems[,] or community mental health
29 services.

30 3. [The provisions of sections 191.120, 191.125, 191.130, 191.140, 191.150, 191.160,
31 191.170, 191.180, 191.190, 191.200, 191.210 and others as they relate to the division of mental
32 health not previously reassigned by executive reorganization plan number 2 of 1973 as submitted
33 by the governor under chapter 26 are transferred by specific type transfer from the department
34 of public health and welfare to the department of mental health. The division of mental health,
35 department of health and welfare, chapter 202 and others are abolished and all powers, duties and
36 functions now assigned by law to the division, the director of the divisions of mental health or
37 any of the institutions or officials of the division are transferred by type I transfer to the
38 department of mental health.

39 4.] The Missouri institute of psychiatry, which is under the board of curators of the
40 University of Missouri is hereafter to be known as the "Missouri Institute of Mental Health".
41 The purpose of the institute will be that of conducting research into improving services for
42 persons served by the department of mental health **and health** for fostering the training of
43 psychiatric residents in public psychiatry and for fostering excellence in mental health services
44 through employee training and the study of mental health policy and ethics. To assist in this
45 training, hospitals operated by and providers contracting with the department of mental health
46 **and health** may be used for the same purposes and under the same arrangements as the board
47 of curators of the University of Missouri utilizes with other hospitals in the state in supervising
48 residency training for medical doctors. Appropriations requests for the Missouri institute of
49 mental health shall be jointly developed by the University of Missouri and the department of
50 mental health **and health**. All appropriations for the Missouri institute of mental health shall
51 be made to the curators of the University of Missouri but shall be submitted separately from the
52 appropriations of the curators of the University of Missouri.

53 [5.] **4.** There is hereby established within the department of mental health **and health**
54 a division of developmental disabilities. The director of the division shall be appointed by the
55 director of the department. The division shall administer all state facilities under the direction
56 and authority of the department director. The Marshall Habilitation Center, the Higginsville
57 Habilitation Center, the Bellefontaine Habilitation Center, the Nevada Habilitation Center, the

58 St. Louis Developmental Disabilities Treatment Centers, and the regional centers located at
59 Albany, Columbia, Hannibal, Joplin, Kansas City, Kirksville, Poplar Bluff, Rolla, St. Louis,
60 Sikeston and Springfield and other similar facilities as may be established, are transferred by type
61 I transfer to the division of developmental disabilities.

62 [6.] 5. All the duties, powers and functions of the advisory council on mental retardation
63 and community health centers, sections 202.664 to 202.666, are hereby transferred by type I
64 transfer to the division of mental retardation and developmental disabilities of the department
65 of mental health **and health**. The advisory council on mental retardation and community health
66 centers shall be appointed by the division director.

67 [7.] 6. The advisory council on mental retardation and developmental disabilities
68 heretofore established by executive order and all of the duties, powers and functions of the
69 advisory council including the responsibilities of the provision of the council in regard to the
70 Federal Development Disabilities Law (P.L. 91-517) and all amendments thereto are transferred
71 by type I transfer to the division of mental retardation and developmental disabilities. The
72 advisory council on mental retardation and developmental disabilities shall be appointed by the
73 director of the division of mental retardation and developmental disabilities.

74 [8.] 7. The advisory council on alcoholism and drug abuse, chapter 202, is transferred
75 by type II transfer to the department of mental health and the members of the advisory council
76 shall be appointed by the mental health **and health** director.

77 **8. Effective July 1, 2016, there is hereby created the "Division of Health" within**
78 **the department of mental health and health. The division shall have all the powers, duties,**
79 **and functions transferred to the division under subdivision (4) of section 192.001 and any**
80 **other duties assigned to it by the department.**

81 **9. All powers, duties, and functions involving the MO HealthNet program and**
82 **Medicaid assigned to the former department of mental health shall be transferred by type**
83 **I transfer, as defined in the Omnibus State Reorganization Act of 1974, to the department**
84 **of MO HealthNet established in section 207.001.**

660.001. Effective July 1, 2016:

2 **(1) All powers, duties, and functions involving the MO HealthNet program and**
3 **Medicaid in the department of social services, including but not limited to the MO**
4 **HealthNet Division and the Missouri Medicaid audit and compliance unit in accordance**
5 **with section 207.001, are transferred by type I transfer, as defined in the Omnibus State**
6 **Reorganization Act of 1974, to the department of MO HealthNet established in section**
7 **207.001;**

8 **(2) There is hereby created the "Welfare Division" within the department of social**
9 **services. The welfare division shall be responsible for all entitlement and public assistance**

10 **programs, other than MO HealthNet and Medicaid, assigned by law to the department of**
11 **social services, including but not limited to the Supplemental Nutrition Assistance Program**
12 **(SNAP), Temporary Assistance for Needy Families (TANF), the Women, Infants, and**
13 **Children (WIC) Program, and the Low-Income Home Energy Assistance Program**
14 **(LIHEAP);**

15 **(3) There is hereby created the "Human Services Division" within the department**
16 **of social services. The human services division shall have all the powers, duties, and**
17 **functions:**

18 **(a) Of the children's division, the division of youth services, and the state technical**
19 **assistance team within the office of the director;**

20 **(b) Assigned to the department by law regarding child support enforcement and**
21 **rehabilitation services for the blind; and**

22 **(c) Of the division of senior and disability services, the state board of senior**
23 **services, and the home health services advisory council transferred under section 192.001;**
24 **and**

25 **(4) The children's division, family support division, division of youth services,**
26 **division of legal services, and the division of finance and administration are hereby**
27 **abolished.**

28 **Section B. This act shall not be enforceable until enabling legislation to enact, amend,**
29 **transfer, and repeal the statutory provisions required to implement this act is enacted. Upon**
30 **enactment of such legislation, this act shall become effective on July first following enactment**
31 **of such legislation.**

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