

SECOND REGULAR SESSION

HOUSE BILL NO. 2013

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

4550H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to licensed residential care facilities, with an emergency clause.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be known as section 210.1450, to read as follows:

210.1450. 1. Before January 1, 2024, all licensed residential care facilities currently contracted with the department of social services shall seek and obtain national accreditation by one of the following:

- (1) The Commission on Accreditation of Rehabilitation Facilities;**
- (2) The Joint Commission on Accreditation of Healthcare Organizations; or**
- (3) The Council on Accreditation.**

2. (1) Each licensed residential care facility with accreditation under subsection 1 of this section at the time this section takes effect shall apply for designation as a qualified residential treatment program by the department of social services before October 1, 2023, unless the facility is licensed by the department for intensive residential treatment to meet above level IV needs and may apply for certification as a psychiatric residential treatment facility by the department of health and senior services.

(2) Any licensed residential care facility that obtains accreditation after the effective date of this section shall apply to the department of social services for designation as a qualified residential treatment program within sixty days after obtaining accreditation.

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.

17 **3. Within forty-five days of receiving an application from a licensed residential**
18 **care facility for designation as a qualified residential treatment program, the**
19 **department of social services shall issue a qualified residential treatment program**
20 **designation to a licensed residential care facility meeting the following requirements and**
21 **shall issue to the facility new or amended contracts for qualified residential treatment**
22 **program services:**

23 **(1) National accreditation as described under subsection 1 of this section; and**

24 **(2) Other standards for a qualified residential treatment program under Part IV,**
25 **Section 50741(a)(4)(A) to (F) of the Family First Prevention Services Act of 2018, as**
26 **amended.**

27 **4. Subject to appropriations, the department shall provide grants to licensed**
28 **residential care facilities for the purpose of helping the facilities obtain national**
29 **accreditation and developing the infrastructure, workforce, and programming**
30 **necessary to meet the standards for a designation as a qualified residential treatment**
31 **program.**

32 **5. The department of social services shall assess and determine if each qualified**
33 **residential treatment program is an institution for mental diseases (IMD) using the**
34 **criteria provided in The State Medicaid Manual.**

35 **6. (1) The department of social services shall seek a section 1115 demonstration**
36 **waiver of the IMD exclusion for qualified residential treatment programs within ninety**
37 **days after the effective date of this section.**

38 **(2) No fewer than one hundred eighty days before the expiration of the waiver,**
39 **the department shall seek an extension or amendment of the waiver or seek a new**
40 **waiver.**

41 **(3) All licensed residential care facilities designated by the department as a**
42 **qualified residential treatment program shall follow rules and procedures to limit the**
43 **use of seclusion and restraint under 42 CFR, Part 483, Subpart G.**

44 **(4) The provisions of this subsection shall not apply to licensed residential care**
45 **facilities not assessed and determined to be an institution for mental diseases.**

46 **(5) The department has the duty to seek maximum federal funding, and the**
47 **department shall report to the general assembly the federal financial participation of**
48 **Title IV-E and Medicaid for licensed residential treatment programs within thirty days**
49 **after the end of each fiscal quarter in which the waiver is in effect.**

50 **7. The provisions of this section shall apply to licensed residential care facilities**
51 **licensed by the department of social services, except licensed residential care facilities:**

52 **(1) With a capacity for fewer than seven children or youth;**

53 **(2) With no placement for children or youth beyond fourteen days;**

54 **(3) With a supervised independent living setting for youth eighteen years of age**
55 **or older;**

56 **(4) That solely provide supportive services for pregnant or parenting youth in**
57 **foster care;**

58 **(5) That solely provide supportive services for children or youth who have been**
59 **found to be or are at risk of becoming sex trafficking victims; or**

60 **(6) That solely provide family-based treatment.**

 Section B. Because immediate action is necessary to have access to necessary
2 funding, section A of this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon
5 its passage and approval.

✓