

FIRST REGULAR SESSION

SENATE BILL NO. 456

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time February 22, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2051S.01I

AN ACT

To repeal sections 201.030 and 201.040, RSMo, and to enact in lieu thereof three new sections relating to healthcare for persons with disabilities.

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

Section A. Sections 201.030 and 201.040, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 201.030, 201.040,
3 and 376.1223, to read as follows:

201.030. The children's special health care needs service is designated as
2 the agency of this state to administer a program of service to children who have
3 a physical, **cognitive, emotional, mental, or developmental** disability or
4 special health care need and to supervise the administration of the services that
5 are included in this program. The purpose of this service is to develop, extend,
6 and improve services for locating such children, especially in rural areas, and for
7 providing medical, surgical, corrective, **habilitative, rehabilitative,** and other
8 services and care and facilities for diagnosis, hospitalization, and [aftercare]
9 **lifespan care.**

201.040. Any [child] **individual** residing in the state of Missouri who has
2 a physical, **cognitive, emotional, mental, or developmental** disability or
3 special health care need, who is in need of services because of his or her
4 condition, **or because of behaviors that are a manifestation of his or her**
5 **condition**, who has been certified by a physician of his or her choice as a person
6 who can probably benefit from such services, who is financially unable to pay for
7 such services and whose parents, guardian, or **any other** person legally
8 chargeable with his or her support is unable to pay therefor shall be entitled to
9 such services without charge, but if any person, firm, corporation, or public or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 private agency is liable, either pursuant to contract or otherwise, to the [parents]
11 **legally chargeable person** or a recipient of services on account of personal
12 injury to or disability or disease of the recipient of services, the service is
13 subrogated to the right of the [parent] **legally chargeable person** or recipient
14 to recover from that part of the award or settlement an amount equal to the
15 amount expended by the service for services which are not otherwise recoverable
16 from the [parent] **legally chargeable person** or recipient. The acceptance of
17 services from the service constitutes acknowledgment of subrogation rights by the
18 service, and the service may take any and all action necessary to enforce the
19 subrogation rights. Any such [child] **individual** who, or whose parents,
20 guardian, or other person legally chargeable with the support of the [child]
21 **individual**, is able to pay a portion but not all of the expenses for the required
22 services for the [child] **individual**, shall be entitled to the services if the [child]
23 **individual**, parents, guardian or other person legally charged with the support
24 of the [child] **individual** shall pay such amounts thereof to the hospital and
25 physician as the [child] **individual**, parents, guardian, or other persons legally
26 charged with the support of the [child] **individual** are reasonably able to pay.

376.1223. 1. No third-party payer for health care services,
2 **including but not limited to health carriers, as such terms are defined**
3 **in section 376.1350, shall limit coverage or deny reimbursement for**
4 **treatment of symptoms and behaviors for individuals with physical,**
5 **cognitive, emotional, mental, or developmental disability where, as**
6 **determined by a licensed physician, the symptoms or behaviors caused**
7 **by the identified disability:**

8 (1) **Require the individual to receive care or assistance at any**
9 **level or age from another person; and**

10 (2) **Directly interfere with or prevent independent participation**
11 **in the everyday purposeful and functional activities typically practiced**
12 **by a person of the same chronological age as the disabled individual.**

13 2. **Such coverage shall include but not be limited to therapeutic**
14 **care, habilitative or rehabilitative care, and applied behavior analysis,**
15 **as such terms are defined in section 376.1350.**

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