John R. Ashcroft  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Rule Number 13 CSR 70-4.051

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:  
Content Rob Tillman Phone (573) 526-0414  
FAX (573) 522-6092
Email address Robert.Tillman@dss.mo.gov

Data Entry Lisa Soldan Phone (573) 522-3037  
FAX (573) 522-6092
Email address Lisa.Soldan@dss.mo.gov

Interagency mailing address DLS, Broadway Bldg. 221 W High Street, Room 230

TYPE OF RULEMAKING ACTION TO BE TAKEN

- Emergency Rulemaking  
- Proposed Rulemaking  
- Rule Action Notice  
- Order of Rulemaking

Effective Date for the Emergency:

Proposed Rulemaking  
Effective Date for the Order:

Statutory 30 days OR Specific date:

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp

JCAR Stamp

RECEIVED  
By JCAR at 4:15 pm, May 23, 2022
MEMORANDUM

TO: Caroline Coulter
   Deputy General Counsel

   Kayla Hahn
   Policy Director

FROM: Rob Tillman
   Special Counsel

RE: 13 CSR 70-4.051 Copayment for Pharmacy Services

DATE: May 5, 2022

Please find attached to the email sending this memo the above referenced rule’s Proposed Rescission rulemaking packet. If approved, please provide our department with a letter stating such, which will allow the filing of this proposed rescission with the Joint Committee on Administrative Rules (JCAR) and the Secretary of State, as required. The Department of Social Services respectfully requests a response within 30 days.

Sincerely,

Sharie Hahn, General Counsel
Department of Social Services
(573) 526-3515

Attachments
May 23, 2022

John R. Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

RE: 13 CSR 70-4.051 Copayment for Pharmacy Services

Dear Secretary of State Ashcroft:

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the MO HealthNet Division, Department of Social Services.

The MO HealthNet Division, Department of Social Services further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

The MO HealthNet Division, Department of Social Services has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.


If there are any questions regarding the content of this proposed rulemaking, please contact:

Rob Tillman
221 West High Street, Room 230
Jefferson City, MO 65102
573-526-0414
Robert.Tillman@dss.mo.gov

Sincerely,

Robert Knodell
Acting Director
Department of Social Services

Attachments

AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES
TDD / TTY: 800-735-2966
RELAY MISSOURI: 711
May 23, 2022

Sarah Schappe, Director  
Joint Committee on Administrative Rules  
Capitol Building, Room B-8  
Jefferson City, MO 65101

Dear Ms. Schappe:

RE: 13 CSR 70-4.051 Copayment for Pharmacy Services

Attached is an accurate and complete copy of the proposed rulemaking regarding the rescission of 13 CSR 70-4.051. This proposed rescission will be filed concurrently with the Secretary of State.


Sincerely,

Robert Knodell  
Acting Director  
Department of Social Services

Attachments
DECLARATION
OF PUBLIC COST

I, Robert Knodell, Acting Director of the Department of Social Services, do declare that it is my opinion that the cost of proposed rescission 13 CSR 70-4.051, is less than five hundred dollars ($500) in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Sincerely,

[Signature]

Robert Knodell
Acting Director
Department of Social Services
13 CSR 70-4.051 Copayment for Pharmacy Services

PURPOSE: This rule established the regulatory basis for the MO HealthNet requirement of eligible participant copayment when receiving covered pharmacy services.

PURPOSE: This rule is being rescinded because the current copay/cost sharing structure does not comply with federal regulations. Continued application of pharmacy copays/cost sharing puts the state at risk of disallowance of federal funding for a portion of the pharmacy program.


PUBLIC COST: This proposed rescission will not cost public entities more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, P.O. Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.