

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

000927

Administrative Rules Stamp

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AUG 20 2021

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 13 CSR 70-4.050

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Alex Daskalakis Phone (573) 522-8692 FAX (573) 522-6092

Email address Alexander.N.Daskalakis@dss.mo.gov

Data Entry Aaron Mealy Phone (573) 526-0414 FAX (573) 522-6092

Email address Aaron.Mealy@dss.mo.gov

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

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination

Effective Date for the Emergency _____

Proposed Rulemaking __ Rule __ Amendment Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission

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

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By JCAR at 3:17 pm, Aug 20, 2021

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

August 16, 2021

Sharie Hahn
General Counsel
Missouri Department of Social Services
Broadway State Office Building
Jefferson City, MO 65102

Dear Sharie:

This office has received your Proposed Rescission for the following regulation:

- 13 CSR 70-4.050 Copayment and Coinsurance for Certain Medicaid-Covered Services

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Caroline M. Coulter".

Caroline M. Coulter
Deputy General Counsel

 *Missouri Department of*
SOCIAL SERVICES
Your Potential. Our Support.

MICHAEL L. PARSON, GOVERNOR • JENNIFER TIDBALL, ACTING DIRECTOR

SHARIE L. HAHN, DIRECTOR
DIVISION OF LEGAL SERVICES
P.O. BOX 1527 • BROADWAY STATE OFFICE BUILDING • JEFFERSON CITY, MO 65102-1527
WWW.DSS.MO.GOV • 573-751-3229 • 573-522-6092 FAX

August 20, 2021

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

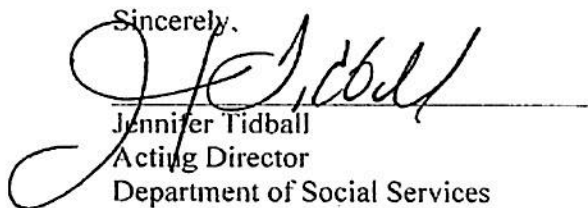
Dear Ms. Schappe:

RE: 13 CSR 70-4.050 – Copayment and Coinsurance for Certain Medicaid-Covered Services

Attached is an accurate and complete copy of the proposed rulemaking regarding the rescission of 13 CSR 70-4.050. This proposed rescission will be filed concurrently with the Secretary of State.

Statutory authority: sections 208.152 and 660.017, RSMo.

Sincerely,


Jennifer Tidball
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

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August 20, 2021

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

RE: 13 CSR 70-4.050 – Copayment and Coinsurance for Certain Medicaid-Covered 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.

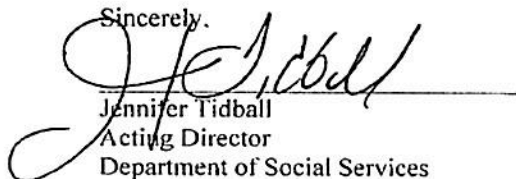
The MO HealthNet Division, Department of Social Services has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business 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.

Statutory Authority: sections 208.152 and 660.017, RSMo.

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

Alex Daskalakis
221 West High Street, Room 230
Jefferson City, MO 65102
573-526-0414
Alexander.N.Daskalakis@dss.mo.gov

Sincerely,



Jennifer Tidball
Acting Director
Department of Social Services

Attachments

AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES

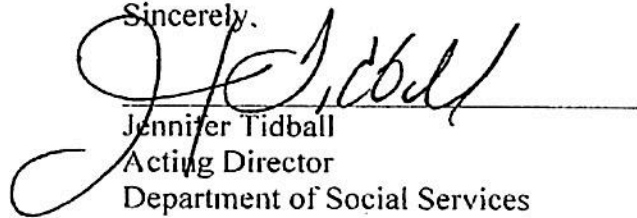
TDD / TTY: 800-735-2966

RELAY MISSOURI: 711

**DECLARATION
OF PUBLIC COST**

I, Jennifer Tidball, Acting Director of the Department of Social Services, do declare that it is my opinion that the cost of proposed rescission 13 CSR 70-4.050, 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,



Jennifer Tidball
Acting Director
Department of Social Services

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AUG 20 2021

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 4 — Conditions of Participant Participation, Rights and Responsibilities

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED RESCISSION

13 CSR 70-4.050 – Copayment and Coinsurance for Certain Medicaid-Covered Services.
This rule implemented participant copayments and coinsurance charges for certain Missouri Medicaid (MO HealthNet) program areas.

PURPOSE: This rule is being rescinded because it is not compliant with federal cost sharing requirements at 42 CFR 447.50 - 447.57 (excluding 447.55 – premiums). Per guidance from the Centers for Medicare and Medicaid Services (CMS), the State must correct the issues with the current copay requirements prior to implementing any changes in copay requirements. Therefore, the division is rescinding this rule.

*AUTHORITY: sections 208.152, [RSMo Supp. 2004 and as enacted by the 93rd General Assembly and]208.201, and 660.017, RSMo [2000]. * This rule was previously filed as 13 CSR 40-81.054. Emergency rule filed Oct. 21, 1981, effective Nov. 1, 1981, expired Feb. 10, 1982. Original rule filed Oct. 21, 1981, effective Feb. 11, 1982. Emergency amendment filed Jan. 21, 1983, effective Feb. 1, 1983, expired May 11, 1983. Amended: Filed Jan. 21, 1983, effective May 12, 1983. Amended: Filed Aug. 14, 1984, effective Nov. 11, 1984. Emergency amendment filed Aug. 11, 2005, effective Sept. 1, 2005, expired Feb. 27, 2006. Amended: Filed May 16, 2005, effective Nov. 30, 2005. Rescinded: Filed August 20, 2021.*

**Original authority: 208.152, RSMo 1967, amended 1969, 1971, 1972, 1973, 1975, 1977, 1978, 1981, 1986, 1988, 1990, 1992, 1993, 2004 and 208.201, RSMo 1987.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions 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 rescission 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.*

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By JCAR at 3:17 pm, Aug 20, 2021