

# Emergency Rules

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—State Membership**

**EMERGENCY RULE**

**22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations**

*PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Tobacco-Free Incentive and the method and timeframes in which the requirements of the incentive must be completed and submitted.*

*EMERGENCY STATEMENT: This emergency rule must be in place by October 1, 2016, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2016 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. This emergency rule complies with the protections extended in the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.*

(1) Strive for Wellness® Tobacco-Free Incentive—The Tobacco-Free Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for completing requirements.

(2) Tobacco-Free Incentive—The Strive for Wellness® Tobacco-Free Incentive is a reduction in premium of forty dollars (\$40) per month per eligible participant who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP), Preferred Provider Organization (PPO), or Health Savings Account (HSA) Plan are eligible to participate in the Tobacco-Free Incentive:

- (A) Active employee subscribers;
- (B) Non-Medicare spouses covered by a Tobacco-Free Incentive eligible subscriber; and
- (C) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Tobacco-Free Incentive:

- (A) Members under the age of eighteen (18) years;
- (B) Dependent children;

- (C) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;
- (D) Spouse who has Medicare as primary coverage;
- (E) TRICARE Supplement Plan subscriber;
- (F) Spouse covered by ineligible subscriber; and
- (G) The subscriber and/or spouse will become ineligible to continue to participate the first day of the month in which Medicare becomes his/her primary payer.

(5) 2016 Participation.

(A) Each eligible member must participate separately.

(B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and the applicable requirements are completed:

1. Submit a 2016 Tobacco-Free Promise form; or
2. Submit a 2016 Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course. Quit tobacco programs completed prior to December 1, 2015 shall not qualify for the 2016 incentive.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2016 Tobacco-Free Promise form; or
2. Submit a 2016 Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in an MCHCP-approved quit tobacco program on the date MCHCP receives your Quit Tobacco Promise form, must complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course for the incentive to begin the first day of the second month following the completed coaching call or class.

(F) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired if one (1) of the following is completed:

1. Eligible members with a Tobacco-Free Promise form submitted in the same plan year have no further requirements;
2. Eligible members with a Quit Tobacco Promise form submitted in the same plan year, but who did not complete an MCHCP-approved quit tobacco program prior to the date the medical coverage terminated, must re-enroll in a quit tobacco program and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course within thirty-one (31) days of his/her medical coverage effective date after the subscriber is rehired.

(G) MCHCP-approved quit tobacco programs include:

1. Quit tobacco coaching program provided by MCHCP's vendor; or
2. Strive for Wellness® quit tobacco course (when available, for active employee subscribers only).

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(H) An eligible member will lose the Tobacco-Free Incentive for the remainder of the plan year effective the first day of the second month after MCHCP learns the eligible member failed to remain tobacco-free or failed to complete an MCHCP-approved quit tobacco program or course. Failure to complete an MCHCP-approved quit tobacco program or course means the eligible member failed to—

1. Complete six (6) progressive quit tobacco program coaching calls; or
2. Attend six (6) Strive for Wellness® quit tobacco course classes during the scheduled course timeframe.

(I) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day.

(J) The 2016 Tobacco Free Incentive shall begin January 1, 2016 and end December 31, 2016.

(K) MCHCP will verify an eligible member's quit tobacco program or course participation.

(L) Eligible members who first complete a Quit Tobacco Promise form, November 1, 2016 through December 31, 2016, do not have to enroll in an MCHCP-approved quit tobacco program or course. The date in which they complete their Quit Tobacco Promise form will be used as completing all requirements to receive the incentive in accordance with the applicable timeline.

## (6) 2017 Participation.

(A) Each eligible member must participate separately.

(B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and applicable requirements are completed:

1. Submit a 2017 Tobacco-Free Promise form; or
2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2016 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2017 Tobacco-Free Promise form; or
2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, in person, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired.

(F) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day and MCHCP will mail the Quit Tobacco Road Map.

(G) The 2017 Tobacco Free Incentive shall begin January 1, 2017 and end December 31, 2017.

(7) A waiver may be granted if an eligible member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the eligible member to quit tobacco.

(8) MCHCP and/or its vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Tobacco-Free Incentive and/or prosecution.

(9) MCHCP and/or its vendor may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. An emergency rescission and rule and a proposed rescission and rule covering the same material will be published in the October 3, 2016, issue of the Missouri Register.*