

---

# EMERGENCY RULE

---

## TITLE 13 – DEPARTMENT OF SOCIAL SERVICES Division 70 – MO HealthNet Division Chapter 15 – Hospital Program

### EMERGENCY AMENDMENT

**13 CSR 70-15.190 Out-of-State Hospital Services Reimbursement Plan.** The division is amending sections (2)–(6).

*PURPOSE: This emergency amendment is updating the inpatient reimbursement methodology.*

*EMERGENCY STATEMENT: This emergency amendment amends the inpatient reimbursement methodology. The Department of Social Services, MO HealthNet Division (MHD) finds that this emergency rule is necessary to preserve a compelling governmental interest as it allows the State Medicaid Agency to pay out-of-state hospitals and maintain the budget appropriation level due to the new in-state reimbursement methodology under 13 CSR 70-15.010. As a result, the MHD finds a compelling governmental interest in providing these payments to hospitals by July 1, 2025, which requires an early effective date. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The MHD believes this emergency amendment to be fair to all interested parties under the circumstances. The emergency amendment was filed June 20, 2025, effective July 7, 2025, and expires February 26, 2026.*

(2) Payment for authorized inpatient hospital services shall be made *[on a prospective per diem basis]* **according to subsections (2)(A) or (2)(B)** for services provided outside Missouri if the services are covered by the Missouri Medicaid Program. To be reimbursed for furnishing services to Missouri Medicaid participants, out-of-state hospitals must complete a Missouri Medicaid Program Provider Participation Application and have the application approved by the Missouri Department of Social Services, Missouri Medicaid Audit and Compliance (MMAC).

*[(3) Determination of Payment. The payment for inpatient hospital services provided by an out-of-state hospital shall be the lowest of—]*

(A) *[For the]* **The payment for authorized inpatient hospital services provided by an out-of-state free-standing psychiatric hospital[s whose per diem was set on the hospital's audited Medicaid cost report prior to July 1, 2022, the hospital's per diem will be the rate in effect as of June 30, 2022. For all other out-of-state hospitals,]** **shall be the lowest of:**

1. *[the]* **The hospital's per diem rate, which will be [fifty percent (50%) of] the weighted statewide average per diem rate for Missouri free-standing psychiatric hospitals as calculated by the MO HealthNet Division for the State Fiscal Year (SFY) in which the service was provided; or**

*[(B)]* **2. The amount of total charges billed by the hospital. The hospital's billed charges must be their usual and customary charges for services; or**

*[(C)]* **3. The Medicare deductible or coinsurance, if applicable, up to the amount allowed by the Missouri Medicaid program.**

**(B) The payment for authorized inpatient hospitals services provided by an out-of-state hospital, except for free-standing psychiatric hospitals, shall be calculated using an All Patient Refined Diagnosis Related Groups**

**(APR DRG) reimbursement methodology as described in 13 CSR 70-15.010(6).**

*[(4)]* **(3) The payment for authorized outpatient hospital services provided by an out-of-state hospital shall be the lower of[—]:**

(A) The outpatient reimbursement as described in 13 CSR 70-15.160; or

(B) The amount of total charges billed by the hospital.

*[(5)]* **(4) Disproportionate Share Hospital (DSH) Payments. Out-of-state hospitals do not qualify for DSH payments.**

*[(6)]* **(5) Definitions.**

(A) The definitions from regulation 13 CSR 70-15.010 are incorporated as 13 CSR 70-15.190.

(B) Out-of-state[—] **is defined as** not within the physical boundaries of Missouri.

(C) Usual and customary charge[—] **is** the amount which the individual provider charges the general public in the majority of cases for a specific procedure or service.

*AUTHORITY: sections 208.201 and 660.017, RSMo 2016. Original rule filed April 15, 2004, effective Oct. 30, 2004. Emergency amendment filed June 16, 2022, effective July 1, 2022, expired Feb. 23, 2023. Amended: Filed June 16, 2022, effective Jan. 30, 2023. Emergency amendment filed June 20, 2025, effective July 7, 2025, expired Feb. 26, 2026. An emergency amendment and a proposed amendment covering the same material will be published in the Aug. 1, 2025, issue of the **Missouri Register**.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate for the six (6) months of SFY 2026 that this emergency amendment is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate for the six (6) months of SFY 2026 that this emergency amendment is effective.*