
Emergency Rule

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

EMERGENCY AMENDMENT

13 CSR 40-2.015 Authorized Representatives. The division is amending subsection (2)(D) and adding section (19).

PURPOSE: This emergency amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute “MO HealthNet programs” for purposes of this rule. This amendment also incorporates three (3) federal regulations and one subpart of the Code of Federal Regulations (CFR). First, the rule governing authorized representatives (42 CFR 435.923). Second, the rule governing the privacy and security of personally identifiable information (45 CFR 155.260), which authorized representatives must honor. Third, the rule governing the entities who may receive a reassigned claim from a Medicaid provider (42 CFR 447.10). Finally, the amendment incorporates the subpart in federal rules – 42 CFR 431 Subpart F - on safeguarding information on Medicaid participants. Authorized representatives must agree to adhere to these rules as a condition of their representation.

EMERGENCY STATEMENT: This emergency amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute “MO HealthNet programs” for purposes of this rule, in accordance with Article IV Section 36(c) of the **Missouri Constitution**. Section 36(c) requires the department to implement these changes by July 1, 2021, but implementation was stopped due to a lack of funding for the program. On July 22, 2021, the Missouri Supreme Court ordered the Circuit Court of Cole County to issue an order requiring the Department of Social Services to implement Article IV Section 36(c). On August 10, 2021, the Circuit Court ordered the Department to do this as of July 1, 2021. As a result of this ruling, an emergency amendment is necessary in order to carry out the Court’s order within the allowable time frame, and the Family Support Division has a compelling governmental interest in implementing that order, which includes adding the AEG to the list of participating MO HealthNet groups. If this emergency rule is not enacted, the department would not be in compliance with the **Missouri Constitution** and the Circuit Court’s order. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 5, 2021, becomes effective October 20, 2021, and expires April 17, 2022.

(2) For purposes of this rule, the following terms shall mean:

(D) “MO HealthNet programs” shall mean the MO HealthNet benefits provided to participants under the MO HealthNet programs including, but not limited to, MO HealthNet for the Aged, Blind, and Disabled (MHABD) program, MO HealthNet for Families (MHF) program, the **Adult Expansion Group (AEG) pursuant to Article IV Section 36(c) of the Missouri Constitution**, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Woman’s Health Services (UWHS) program. MO HealthNet programs also include presumptive eligibility for any of the above programs; and

(19) This rule hereby incorporates by reference the following provisions and definitions from the Code of Federal Regulations (CFR) listed below as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC

20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/app/collection/CFR>. This rule does not incorporate any subsequent amendments or additions:

- (A) 42 CFR 435.923, October 20, 2021;
- (B) 42 CFR 431 Subpart F, October 20, 2021;
- (C) 45 CFR 155.260, October 20, 2021; and
- (D) 42 CFR 447.10, October 20, 2021.

AUTHORITY: sections 207.010, 207.022, 208.991, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed June 30, 2015, effective Dec. 30, 2015. Emergency amendment filed Oct. 5, 2021, becomes effective Oct. 20, 2021, and expires April 17, 2022. An emergency amendment and a proposed amendment covering this same material will be published in the Nov. 15, 2021, 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 time the emergency is effective. The overall implementation of Article IV, Section 36(c) of the **Missouri Constitution**, pursuant to which the division is amending this regulation, is estimated to cost 1.85 billion dollars (\$1,850,000,000), which includes 282.2 million dollars (\$282,200,000) in GR/Other funding and 1.57 billion dollars (\$1,570,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.