
Emergency Rule

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare

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

EMERGENCY AMENDMENT

13 CSR 40-7.010 Scope and Definitions. The division is amending subsection (1)(K).

PURPOSE: This emergency amendment adds the Adult Expansion Group to the list of populations that fall under Family MO HealthNet programs, pursuant to Article IV, Section 36(c) of the Missouri Constitution.

EMERGENCY STATEMENT: This emergency amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute “Family 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 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 to implement that order, which includes adding the AEG to the list of participating MO HealthNet groups. If an emergency 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.

(1) Definitions.

(K) “Family Mo HealthNet programs” means MO HealthNet benefits provided to participants under the 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. Family MO HealthNet programs also include presumptive eligibility for any of the above programs.

AUTHORITY: sections 207.022 and 660.017, RSMo 2016. Original rule filed July 31, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2018, effective May 30, 2019. Emergency amendment filed Oct. 5, 2021, becomes effective Oct. 20, 2021, and expires April 17, 2022. An emergency amendment and a proposed amendment covering the 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.