
Emergency Rule

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement, and Procedure of
General Applicability**

EMERGENCY RULE

13 CSR 70-3.035 Violations Attested to by the Department of Health and Senior Services

PURPOSE: This emergency rule adds violations determined by the Department of Health and Senior Services as independent grounds for provider sanctions.

EMERGENCY STATEMENT: This emergency rule adds violations determined by the Department of Health and Senior Services (DHSS) as independent grounds for provider sanctions. Based upon recommendations of the Senate Interim Committee on Medicaid Accountability and Taxpayer Protection (Committee), it is imperative that DHSS and the Department of Social Services (DSS) are able to expedite the coordination between agency investigations of providers licensed by DHSS and enrolled as Medicaid (MO HealthNet) providers. These providers provide healthcare services to vulnerable populations making this regulation necessary to protect the health, safety, and welfare of all Missourians who receive healthcare through these licensed facilities. Following three public hearings held July 13, 2021, August 4, 2021, and September 23, 2021, the Committee issued its interim report on September 23, 2021. Per that report, both DSS and DHSS were strongly urged to promulgate such emergency rules as necessary to effectuate the state's compelling interest in ensuring the health, safety, and welfare of all Missourians, in all stages of life, through the provision of safe and quality health care. As a result of this Committee report and Missouri law as set forth in Section 1.205, RSMo, an emergency rule is necessary to carry out the Committee's recommendations. The DSS has a compelling governmental interest to implement the Committee's recommendations to expedite investigations between DHSS and DSS to protect the health, safety, and welfare of all Missourians. If an emergency is not enacted, the department would not be in compliance with the Committee's recommendations or Missouri's legal requirements to protect the health, safety, and welfare of all human life from conception to natural death. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Social Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed October 1, 2021, becomes effective October 18, 2021, and expires April 15, 2022.

Violations of 13 CSR 70-3.030(3) identified by the Department of Health and Senior Services (DHSS) or its designee during the course of an investigation shall be considered for purposes of sanctions without the need for further investigation by the Medicaid Audit and Compliance Unit (MMAC). The DHSS shall report any such violations by sworn affidavit to MMAC. Prior violations of 13 CSR 70-3.030(3) or other program violations, including but not limited to program violations as determined by and attested to by affidavit by the DHSS, shall be considered in their totality to determine if there is an ongoing pattern of violations. Such pattern of violations shall weigh heavily to support invoking severe sanctions.

AUTHORITY: sections 1.205, 208.153, 208.201, and 660.017, RSMo 2016. Emergency rule filed Oct. 1, 2021, effective Oct. 18, 2021, expires April 15, 2022. An emergency rule and a proposed rule covering this same material will be published in the Nov. 1, 2021, issue

of the *Missouri Register*.

PUBLIC COST: This emergency rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

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