

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: September 1, 2023

Rule Number: 19 CSR 15-8.400 Vendors

Name of Agency Preparing Statement: Department of Health and Senior Services

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Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

Certified Managers Training will be offered virtually (provided by the Department of Social Services, Missouri Medicaid Audit and Compliance Unit), therefore, there will be no travel required and the training will be half day (four (4) hours). Home and Community Based Services (HCBS) Consumer Directed Services (CDS) providers are able to select their Designated Manager within their existing personnel.

Face-to-Face Annual Monitoring Visits can be completed by staff that is already employed by the HCBS CDS provider. This is only a new requirement for HCBS providers that only provide CDS services. HCBS agency model providers already meet this requirement annually.

Annual financial audit is only a new requirement for HCBS providers that only provide CDS services. HCBS agency model providers already meet this requirement annually.

Garnishments and penalties will only occur if the CDS vendor fails to pay payroll, employment and other taxes timely. Paying taxes on behalf of the consumer is not a new requirement for CDS vendors.

Development of pandemic preparedness policy by the HCBS-CDS providers is a new requirement, however the Department has created a “Ready in 3” brochure that can be used as guidance to assist the providers in developing their policy. The “Ready in 3” brochure” is available on the Department’s website.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The proposed rule amendment is a result of a statutory change per legislation; as such, there were public hearing opportunities. The Department completed an informal comment period to review the regulation with providers and stakeholders.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

There are no added monetary costs or benefits to the Department with this rulemaking. The Department does not receive the penalties collected from CDS vendor for failure to pay payroll, employment and other taxes timely.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

The proposed rule amendment impacts HCBS CDS Providers. CDS are self-directed services that are provided to participants that have appropriate Medicaid, over the age of 18, and physically disabled. This rulemaking extends the requirements that are currently a requirement of HCBS agency-model providers to the HCBS CDS providers. The additional requirements include annual Certified Manager Training, annual face-to-face monitoring visits, annual financial audit, development of a pandemic preparedness policy, and garnishment for failing to pay payroll, employment and other taxes timely (known costs are estimated in the private fiscal note).

Please list direct and indirect costs (in dollars amounts) associated with compliance.

This amendment will establish the additional requirements of annual Certified Manager Training, annual face-to-face monitoring visits, annual financial audit, development of pandemic preparedness policy, and garnishment for failure to pay payroll, employment and other taxes timely. The known cost to HCBS-CDS providers as result of the proposed amendment are estimated in the private fiscal note filed with the proposed amendment.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Providers of Home and Community Based Services – Consumer Directed Services.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ___ No X

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.