

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 15—Abortions

PROPOSED RULE

19 CSR 10-15.060 Prohibition on expenditure of funds

PURPOSE: This rule defines terms used in House Bill 2010, 99th General Assembly, Second Regular Session, for purposes of expenditures by the Department of Health and Senior Services.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions.

- (A) Affiliate of an abortion facility (as used in Section 10.1100 of HB2010 and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares, or has in common, any resource with an abortion facility, including, but not limited to, operating funds, bank accounts, facilities, employees, service contracts, equipment, mailing lists, trademarks, copyrights, service marks, brands, trade names, financial reporting, marketing, advertising, websites, information and education materials, or any other assets;
- (B) Associate of an abortion facility (as used in Section 10.1100 of HB2010 and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares an organizational structure with an abortion facility, including, but not limited to, parent, subsidiary, or sister organizations; or an organization or location with common or interlocking management, ownership, or governance with an abortion facility; or an organization or location with the public appearance of association with an abortion facility, such as a shared name, or part of a name; an alliance or federation with an organization or location that is commonly identified as an advocate for abortion; or that holds itself out, has held itself out, or refers to itself publicly in a way that demonstrates a connection to an organization or location that is commonly identified as an abortion facility;
- (C) Counsels women to have an abortion (as used in Section 10.1005 of HB2010)—in the absence of an exception required by federal law, includes, but is not limited to, encouraging a patient to have an abortion, referring a patient for an abortion, or providing a patient with information encouraging her to have an abortion;
- (D) Program (as used in Section 10.1005 of HB2010)—a project, service, or activity administered by the Department;

(E) Referring a patient for an abortion (as used in Section 170.015, RSMo, for purposes of Section 10.720 of HB2010)—does not include providing comprehensive, factual information regarding options, so long as the information is provided for all of the options and in a neutral manner. Also does not include providing contact information, so long as the contact information is provided for all of the options and in a neutral manner. Other actions, such as assisting with making an appointment or assisting with transportation, constitute referring a patient for an abortion.

(2) The Department shall not expend any funds to any abortion facility as defined in Section 188.015, RSMo, or any affiliate or associate thereof as determined by the Department in accordance with this regulation.

(3) The Department shall not expend any funds on any program that, in the absence of an exception required by federal law, performs abortions or counsels women to have an abortion.

(4) Prior to receiving payment from the Department for providing services pursuant to Section 10.720 of HB2010, the provider shall complete and submit the form included herein declaring that the provider will not submit claims for payment that violate HB2010.

AUTHORITY: sections 192.006, RSMo, and 10.1100 of House Bill 10, 99th General Assembly, Second Regular Session. Original rule filed July 5, 2018.

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

PRIVATE COST: This proposed rule will cost two private entities approximately \$139,420 per year in revenue. It is assumed that other private entities will gain that revenue, resulting in a net cost of \$0 to private entities.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Division of Community and Public Health, Kerri Tesreau, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

DECLARATION
Regarding Sections 10.720, 10.1005, and 10.1100 of House Bill 2010,
99th General Assembly, Second Regular Session

I, _____ (name of authorized representative), hereby declare that in my capacity as _____ (position or office held) of _____ (legal business entity), I have the authority to make this declaration on behalf of _____ (legal business entity).

I declare that _____ (legal business entity) will not submit claims for payment that violate Sections 10.720, 10.1005, and/or 10.1100 of the Fiscal Year 2019 appropriation bill for the Department of Health and Senior Services (House Bill 2010, 99th General Assembly, Second Regular Session).

I declare that claims submitted for service dates on or after _____ are in compliance with the above-listed sections of House Bill 2010, 99th General Assembly, Second Regular Session.

I declare that, if a change occurs that affects this declaration status, I will immediately inform the Missouri Medicaid Audit and Compliance Unit in writing.

I understand that the offense of making a false declaration is a Class B misdemeanor under Section 575.060, RSMo, and is punishable by up to six months imprisonment and/or a fine up to \$1,000.

Name of entity's authorized representative: _____

Signature: _____ Date: _____

Submit this completed form by mail, email, or fax to:

Missouri Medicaid Audit & Compliance Unit
205 Jefferson St., 2nd Floor
Jefferson City, MO 65101

Email: MMAC.ProviderEnrollment@dss.mo.gov

Fax: 573-751-5065