



Missouri Department of Health and Senior Services

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Randall W. Williams, MD, FACOG
Director



Michael L. Parson
Governor

April 30, 2020

As Director of the Missouri Department of Health and Senior Services (“Department”), pursuant to Executive Orders 20-02 and 20-04, I am vested with the authority to temporarily waive or suspend the operation of any statutory requirement or administrative rule, upon approval of the Office of the Governor. After consultation with and receiving approval from the Office of the Governor, I am hereby waiving the following laws in order to assist the state, and its citizens prepare and respond to COVID-19 until May 15, 2020, unless otherwise modified by the Department.

Home and Community Based Services

1. Section 208.918, RSMo, and 19 CSR 15-8.400 shall be waived to the extent necessary to:
 - Suspend requirements for background screening and Good Cause Waiver to be returned prior to aides providing care. (19 CSR 15-8.400(4)(A)(1),(7)(B))
 - Allow training to be in a limited format in order to bring on new staff quickly. (19 CSR 15-8.400(4)(B); §208.918.1(2))
 - To allow vendors to provide notice to DHSS by telephone, if needed, in lieu of writing. (19 CSR 15-8.400(6)(B))
2. Section 208.909, RSMo, shall be waived to the extent necessary to temporarily suspend signature requirement on timesheets and notification requirements for change in service plan; and requirement for background screening and Good Cause Waiver to be returned prior to aides providing care. (§208.909.1(3),(4),4)
3. 19 CSR 15-7.021 shall be waived to the extent necessary to temporarily waive the regulation to the extent necessary to allow for:
 - Waiver of prior authorization in limited circumstances. Formal guidance must be released by MHD and the Division in each circumstance that no prior authorization is required. (19 CSR 15-7.021(1))
 - Waiver the training requirements beyond task training for the participant for aides. (19 CSR 15-7.021(4)3)
 - Waive the initial onsite evaluation for new Advanced Respite clients; allow training to be conducted via telephone. (19 CSR 15-7.021(6)(C)2)
 - Allow personal care units to be delivered via telephone under defined circumstances and under limitations developed by MHD and DHSS during the emergency period. (19 CSR 15-7.021(12))
 - Allow NEMT to be provided by the personal care provider if NEMT is documented to be unavailable. (19 CSR 15-7.021(13)(B))
 - Suspend designated manager trainings. (19 CSR 15-7.021(14)(D))
 - Suspend the prohibition of family members from providing care to allow an individual who is a member of the participant’s family, who does not reside in the same household, to provide care, if no other caregiver is available; and reference checks. (19 CSR 15-7.021(18)(B),(H))

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- Temporarily waive the experience requirements. (19 CSR 15-7.021(19)(A)2,(B)4,(C)2A-C,(D)4)
 - Suspend on site evaluations. (19 CSR 15-7.021(21)(C))
 - Waive orientation and in-service hours. (19 CSR 15-7.021(22))
4. 19 CSR 15-7.021(16)(B) and (D) shall be waived to the extent necessary to temporarily waive the regulation to the extent necessary to allow vendors to provide notice to DHSS by telephone or in writing.
 5. 19 CSR 15-9.200 shall be waived to the extent necessary to temporarily suspend the requirement for providers to maintain documentation of client's exception to the use of EVV.
 6. 13 CSR 70-91.010 shall be waived to the extent necessary to temporarily waiver the regulation to the extent necessary to:
 - Suspend the physician notification mailing. (13 CSR 70-91.010(1)(B)1)
 - Allow providers to exceed authorized units and deliver outside of the prior authorization under the direct guidance and limitations from MHD and DHSS. (13 CSR 70-91.010(1)(B)(3))
 - Waive the twenty-one (21) day notice requirement for providers during this period. (13 CSR 70-91.010(1)(C)(F))
 - Suspend requirements for providers to provide written notification that a client's services have been discontinued. (13 CSR 70-91.010(3)(E))
 - Waive experience requirements of supervisors. (13 CSR 70-91.010(3)(G))
 - Suspend monitoring of utilization and annual site visits. (13 CSR 70-91.010(3)(H)2,3)
 - Suspend requirement for providers to conduct monthly on-site visits. (13 CSR 70-91.010(3)(J)1)
 - Waiver experience requirements for aides. (13 CSR 70-91.010(3)(K)3)
 - Suspend the prohibition of family members from delivering personal care services to allow an individual who is a member of the participant's family, who does not reside in the same household, to deliver personal care services, if no other caregiver is available. (13 CSR 70.91.010(3)(K)4)
 - Waive requirement for client signature. (13 CSR 70-91.010(4)(A)F)
 - Allow services to only exceed cost cap or be delivered and paid outside of service plan when specific guidance and direction is provided by MHD and DHSS. (13 CSR 70-91.010(4)(B)1-2, (5)(F)2A-B)
 - Waive requirements for experience and participant specific training. (13 CSR 71-0.010(5)E)
 7. Section 208.152.1(15) shall be waived to the extent necessary to Temporarily suspend the prohibition of family members from delivering personal care services to allow an individual who is a member of the participant's family, who does not reside in the same household, to deliver personal care services, if no other caregiver is available; and the cost maximum for personal care services shall be waived only in specifically approved circumstances and with guidance and approval from the Department of Health and Senior Services.



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 Director