

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

PROPOSED AMENDMENT

22 CSR 10-3.010 Definitions The Missouri Consolidated Health Care Plan is amending sections (28), (32), (59), and (64), removing sections (20) and (47), adding a new section (29), and renumbering as necessary.

PURPOSE: *This amendment revises the definitions of essential benefits, formulary, out of pocket maximum, public entity, and specialty medications; removes the definitions of disease management and non-formulary; and adds the definition for excluded drug.*

[(20) Disease management. A multidisciplinary program designed to educate members with chronic diseases to manage their condition(s).]

[(21)](20) Doctor/physician. A licensed practitioner of the healing arts, as approved by the plan administrator, including:

- (A) Doctor of medicine;*
- (B) Doctor of osteopathy;*
- (C) Podiatrist;*
- (D) Optometrist;*
- (E) Chiropractor;*
- (F) Psychologist;*
- (G) Doctor of dental medicine, including dental surgery;*
- (H) Doctor of dentistry; or*
- (I) Qualified practitioner of spiritual healing whose organization is generally recognized for health insurance reimbursement purposes and whose principles and practices of spiritual healing are well established and recognized.*

[(22)](21) Effective date. The date on which coverage takes effect.

[(23)](22) Eligibility date. The first day a member is qualified to enroll for coverage.

[(24)](23) Eligibility period. The time allowed to enroll in accordance with the rules in this chapter.

[(25)](24) Emergency medical condition. The sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

- (A) Placing a person's health in significant jeopardy;*
- (B) Serious impairment to a bodily function;*
- (C) Serious dysfunction of any bodily organ or part;*
- (D) Inadequately controlled pain; or*
- (E) With respect to a pregnant woman who is having contractions—*
 - 1. That there is inadequate time to effect a safe transfer to another hospital before delivery; or*
 - 2. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child.*

[(26)](25) Emergency services. With respect to an emergency medical condition—

(A) A medical screening examination that is within the capability of the emergency department of a hospital, including ancillary service routinely available to the emergency department to evaluate such emergency medical condition; and

(B) Such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required to stabilize the patient. The term “to stabilize” means to provide such medical treatment of the condition as may be necessary to ensure, within reasonable medical probability, that no material deterioration of the condition is likely to result from, or occur during, the transfer of the individual from a facility.

[(27)](26) Employee. A benefit-eligible person employed by a participating public entity, including present and future retirees from the participating public entity, who meet the plan eligibility requirements.

[(28)](27) Employer. The public entity that employs the eligible employee.

[(29)](28) Essential benefits. The plan covers essential benefits as required by the Patient Protection and Affordable Care Act. Essential benefits include:

(A) Ambulatory patient services—office visits, urgent care, outpatient diagnostic procedures, outpatient surgery, and outpatient hospice;

(B) Emergency services—ambulance services and emergency room services;

(C) Hospitalization—inpatient hospital benefits, inpatient surgery, transplants, and inpatient hospice;

(D) Maternity and newborn care—maternity coverage and newborn screenings;

(E) Mental health and substance [ab]use disorder services, including behavioral health treatment—inpatient and outpatient and mental health/substance [ab]use disorder office visits;

(F) Prescription drugs;

(G) Rehabilitative and habilitative services and devices—durable medical equipment; cardiac and pulmonary rehabilitation; outpatient physical, speech, and occupational therapy; and home health care;

(H) Laboratory services—lab and X-ray;

(I) Preventive and wellness services and chronic disease management; and

(J) Pediatric services, including oral and vision care—routine vision exam, dental care/accidental injury, immunizations, preventive services, and newborn screenings.

(29) Excluded drug. A drug the pharmacy benefit manager (PBM) does not pay for or cover unless an exception is approved by the PBM.

(32) Formulary. A list of U.S. Food and Drug Administration approved drugs and supplies developed by the pharmacy benefit manager (PBM) and covered by the plan administrator. **The PBM categorizes each formulary drug and formulary supply as preferred or non-preferred.**

[(47)] *Non-formulary. A drug not contained on the pharmacy benefit manager’s list of covered drugs.*

[(48)](47) Non-network. The facilities, providers, and suppliers the health plan does not contract with to provide health care services.

[(49)](48) Out-of-pocket maximum. The most the member will pay during a plan year before the plan begins to pay one hundred percent (100%) of the allowed amount. This limit never includes the member’s premium, [copayments,] balance-billed charges, or health care services the plan does not cover.

[(50)](49) Participant. Shall have the same meaning as the term member defined herein (see member, section (45)).

[(51)](50) Plan. The program of health care benefits established by the board of trustees of the Missouri Consolidated Health Care Plan as authorized by state law.

[(52)](51) Plan administrator. The board of trustees of the Missouri Consolidated Health Care Plan, which is the sole fiduciary of the plan. The board has all discretionary authority to interpret its provisions and to control the operation and administration of the plan and whose decisions are final and binding on all parties.

[(53)](52) Plan year. The period of January 1 through December 31.

[(54)](53) Preferred provider organization (PPO). An arrangement with providers whereby discounted rates are given to plan members. Benefits are paid at a higher level when network providers are used.

[(55)](54) Premium. The monthly amount that must be paid for health insurance.

[(56)](55) Primary care provider (PCP). An internist, family/general practitioner, pediatrician, or physician assistant or nurse practitioner in any of the practice areas listed in this definition.

[(57)](56) Preauthorization. A decision by the plan that a health care service, treatment plan, prescription drug, or durable medical equipment is medically necessary. Sometimes called prior authorization, prior approval, or precertification. The plan may require preauthorization for certain services before the member receives them, except in an emergency. Preauthorization is not a promise the plan will cover the cost. The provider must contact the appropriate plan administrator to request preauthorization.

[(58)](57) Provider. A physician, hospital, medical agency, specialist, or other duly licensed health care facility or practitioner certified or otherwise authorized to furnish health care services pursuant to the law of the jurisdiction in which care or treatment is received. A doctor/physician as defined in 22 CSR 10-3.010(21). Other providers include, but are not limited to:

- (A) Audiologist (AUD or PhD);
- (B) Certified Addiction Counselor for Substance Abuse (CAC);
- (C) Certified Nurse Midwife (CNM)—when acting within the scope of his/her license in the state in which s/he practices and performing a service which would be payable under this plan when performed by a physician;
- (D) Certified Social Worker or Masters in Social Work (MSW);
- (E) Chiropractor;
- (F) Licensed Clinical Social Worker (LCSW);
- (G) Licensed Professional Counselor (LPC);
- (H) Licensed Psychologist (LP);
- (I) Nurse Practitioner (NP);
- (J) Physician Assistant (PA);
- (K) Occupational Therapist;
- (L) Physical Therapist;
- (M) Speech Therapist;
- (N) Registered Nurse Anesthetist (CRNA);
- (O) Registered Nurse Practitioner (ARNP); or
- (P) Therapist with a PhD or Master's Degree in Psychology or Counseling.

[(59)](58) Prudent layperson. An individual possessing an average knowledge of health and medicine.

[(60)](59) Public entity. A *[state-sponsored institution of higher learning,]* political subdivision[,] or governmental entity or instrumentality that has elected to join the plan and has been accepted by the board.

[(61)](60) Qualified Medical Child Support Order (QMCSO). A child support order from a court of competent jurisdiction or state child care agency, which requires the plan to provide coverage for a dependent child or member if the plan normally provides coverage for dependent children.

[(62)](61) Retiree. Notwithstanding any provision of law to the contrary, for the purposes of these regulations, a “retiree” is defined as a former employee who, at the time of retirement, is receiving an annuity benefit from an entity-sponsored retirement system.

[(63)](62) Sound, natural teeth. Teeth and/or tissue that is viable, functional, and free of disease. A sound, natural tooth has no decay, fillings on no more than two (2) surfaces, no gum disease associated with bone loss, no history of root canal therapy, is not a dental implant, and functions normally in chewing and speech.

[(64)](63) Specialty care physician/specialist. A physician who is not a primary care physician and provides medical services to members concentrated in a specific medical area of expertise.

[(65)](64) Specialty medications. High-cost drugs, **as determined by the pharmacy benefit manager and/or third party administrator [that]which** treat chronic **or** complex conditions such as hepatitis C, multiple sclerosis, and rheumatoid arthritis.

[(66)](65) State. Missouri.

[(67)](66) Step therapy. Therapy designed to encourage use of therapeutically equivalent, lower-cost alternatives before using more expensive therapy. It is especially for people who take prescription drugs regularly to treat ongoing medical conditions and is developed under the guidance and direction of independent, licensed doctors, pharmacists, and other medical experts.

[(68)](67) Subrogation. The substitution of one (1) “party” for another. Subrogation entitles the insurer to the rights and remedies that would otherwise belong to the insured (the subscriber) for a loss covered by the insurance policy. Subrogation allows the plan to stand in the place of the member and recover the money directly from the other insurer.

[(69)](68) Subscriber. The person who elects coverage under the plan.

[(70)](69) Survivor. A dependent of a deceased vested active employee, terminated vested subscriber, vested long-term disability subscriber, or retiree of a public entity with a retirement system.

[(71)](70) Terminated vested subscriber. A previous active employee eligible for a future retirement benefit through a public entity’s retirement system.

[(72)](71) Termination of coverage. The termination of medical, dental, or vision coverage initiated by the employer or required by MCHCP eligibility policies.

[(73)](72) Usual, customary, and reasonable. The amount paid for a medical service in a geographic area based on what providers in the area usually charge for the same or similar medical service.

[(74)](73) Vendor. The current applicable third-party administrators of MCHCP benefits or other services.

[(75)](74) Vested subscriber. An active employee eligible for coverage under the plan and eligible for future benefits through a public entity’s retirement system.

[(76)](75) Waiting/probationary periods. The length of time the employer requires an employee to be employed before he or she is eligible for health insurance coverage. Public entities may set different waiting/probationary periods for different employee classifications (full-time vs. part-time).

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 20, 2004, effective Jan. 1, 2005, expired June 29, 2005. Original rule filed Dec. 20, 2004, effective June 30, 2005. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expired June 28, 2008. Amended: Filed Dec. 20, 2007, effective June 30, 2008. Emergency amendment filed Dec. 22, 2009, effective Jan. 1, 2010, expired June 29, 2010. Amended: Filed Jan. 4, 2010, effective June 30, 2010. Emergency amendment filed Dec. 22, 2010, effective Jan. 1, 2011, terminated March 7, 2011. Emergency amendment filed Feb. 25, 2011, effective March 7, 2011, expired June 29, 2011. Amended: Filed Dec. 22, 2010, effective June 30, 2011. Emergency amendment filed Nov. 1, 2011, effective Jan. 1, 2012, expired June 28, 2012. Amended: Filed Nov. 1, 2011, effective May 30, 2012. Emergency amendment filed Oct. 30, 2012, effective Jan. 1, 2013, expired June 29, 2013. Amended: Filed Oct. 30, 2012, effective May 30, 2013. Emergency amendment filed Oct. 30, 2013, effective Jan. 1, 2014, expired June 29, 2014. Amended: Filed Oct. 30, 2013, effective June 30, 2014. Emergency amendment filed Oct. 29, 2014, effective Jan. 1, 2015, expired June 29, 2015. Amended: Filed Oct. 29, 2014, effective May 30, 2015. Emergency amendment filed Oct. 28, 2015, effective Jan. 1, 2016, expired June 28, 2016. Amended: Filed Oct. 28, 2015, effective May 30, 2016. Emergency amendment filed Oct. 28, 2016, effective Jan. 1, 2017, expires June 29, 2017.*

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. 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.*

**Original authority: 103.059, RSMo 1992.*