

**Title 9—DEPARTMENT OF
MENTAL HEALTH
Division 45—Division of *[Mental
Retardation and]*
Developmental Disabilities
Chapter 4—Financial Procedures**

9 CSR 45-4.020 Development of Intermediate Care Facilities for *[Persons with Mental Retardation]* Individuals with Intellectual Disabilities

PURPOSE: *This amendment updates the rule to be in compliance with the federal rule for certification of Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), modifies the rule to comply with RSMo Section 633.220, which became effective August 2, 2009 and updates the rule with more current terminology in the field of developmental disabilities.*

PURPOSE: *This rule prescribes procedures on development of intermediate care facilities for persons with mental retardation.*

(1) As used in this rule, a provider that owns, operates or has interest in only one (1) intermediate care facility for *[persons with mental retardation (ICF/MR)]* **Individuals with intellectual disabilities (ICF/IID)** is—

- (A) A sole proprietor that owns no interest in another ICF/*[MR]***ICF/IID**;
- (B) A partnership or a majority of the partnership that owns no interest in another ICF/*[MR]***ICF/IID**; or
- (C) A corporation that has neither any officers nor a majority of board members in common with another corporation which has any interest in an ICF/*[MR]***ICF/IID**.

(2) Any entity intending to operate a Medicaid-reimbursed ICF/*[MR]***ICF/IID** in excess of those beds in existence on May 29, 1991, shall give written notice of that intent to the Department of Mental Health's Division of *[Mental Retardation and]* Developmental Disabilities (Division of *[MR/DD]*) between July 1 and October 1 of the fiscal year preceding the fiscal year in which the provider intends to operate the ICF/*[MR]***IDF/IID**.

(3) No provider may be reimbursed under Medicaid to operate an ICF/*[MR]* without a provider agreement issued by the Department of Social Services' **MO HealthNet (MHD)***[Division of Medical Services (DMS)]*. *[The DMS] MHD* shall not issue a provider agreement without receiving either a certificate of authorization or an acknowledgment of exemption from the Division of *[MR/DD]*.

(4) After May 29, 1991, the Division of *[MR/DD]* shall issue an acknowledgment of exemption to permit *[the DMS]* to issue a provider agreement to a certified ICF/*[MR]***ICF/IID** if—

- (A) The ICF/*[MR]* **ICF/IID** will have six (6) or fewer beds;
- (B) The provider does not own, operate or have any interest in any other ICF/*[MR]***IDF/IID**; and

(C) The provider has notified the Division of [MR]DD between July 1 and October 1 of its intent to operate the ICF/[MR]ICF/IID during the next fiscal year.

(5) Any provider that has received an exemption under section (4) and then either obtains, operates or acquires an interest in any other Medicaid-enrolled ICF/[MR]ICF/IID, or seeks to enroll an additional ICF/[MR]IDF/IID in the Medicaid program, shall forfeit the exemption granted under section (4). As soon as the ICF/[MR]IDF/IID for which exemption was originally granted can be accommodated in the Medicaid Home and Community-Based Waiver Program, the Division of [MR]DD shall notify [the DMS] MHD to that effect, and [DMS]MHD shall terminate the ICF/[MR]ICF/IID provider agreement within thirty (30) days after receipt of the notification from the Division of [MR]DD.

(6) After May 29, 1991, the Division of [MR]DD may issue a certificate of authorization to permit [the DMS]MHD to issue a provider agreement for a provider to operate an ICF/[MR]ICF/IID of seven (7) or more beds if—

(A) The proposed ICF/[MR]ICF/IID is to be a free-standing facility and not attached to any other existing ICF/[MR]ICF/IID;

(B) The provider has notified the Division of [MR]DD between July 1 and October 1 of its intent to operate the ICF/[MR]IDF/IID during the next fiscal year; and

(C) The ICF/[MR]ICF/IID cannot be accommodated within the federal Home and Community-Based Waiver Program for persons with developmental disabilities as determined by the Division of [MR]DD.

AUTHORITY: sections 630.050 and 660.075, RSMo 1994. This rule originally filed as 9 CSR 30-5.060. Original rule filed Sept. 1, 1993, effective April 9, 1994. Amended: Filed May 25, 1995, effective Dec. 30, 1995.*

**Original authority: 630.050, RSMo 1980, amended 1993 and 660.075, RSMo 1991.*