

**Title 9--DEPARTMENT OF  
MENTAL HEALTH  
Division 10--Director, Department of Mental Health  
Chapter 31--Reimbursement for Services**

**9 CSR 10-31.030 Intermediate Care Facility for *[the Mentally Retarded]* Individuals with Intellectual Disabilities Federal Reimbursement Allowance**

***PURPOSE:*** *This amendment updates the rule to comply with changes in the Code of Federal Regulations that renames Intermediate Care Facilities for the Mentally Retarded to Intermediate Care Facilities for Individuals with Intellectual Disabilities. Additionally, this amendment updates the rule to comply with section 633.220 RSMo Supp. 2013 which replaced the term “mental retardation” with the more current terminology of “developmental disability”*

*PURPOSE:* *This rule establishes the formula to determine the Federal Reimbursement Allowance for each Intermediate Care Facility for **[the Mentally Retarded]** **Individuals with Intellectual Disabilities (ICF/[MR]IID)** operated primarily for the care and treatment of *[mental retardation/]* *developmental disabilities. This rule applies to both private ICF/[MR]IIDs and ICF/[MR]IID facilities operated by the Department of Mental Health and requires these facilities to pay for the privilege of engaging in the business of providing ICF/[MR]IID services to individuals in Missouri.**

(1) The following words and terms, as used in this rule, mean:

(A) Base cost report. MO HealthNet cost report for the second prior fiscal year relative to the State Fiscal Year (SFY) for which the assessment is being calculated (For example, the SFY 2009 Federal Reimbursement Allowance (FRA) assessment will be determined using the Intermediate Care Facility for *[the Mentally Retarded (ICF/MR)]* **Individuals with Intellectual Disabilities (ICF/IID)** cost report from FY 2007.);

(B) Department. Department of Mental Health;

(C) Director. Director of the Department of Mental Health;

(D) Division. Division of *[Mental Retardation/]*Developmental Disabilities, Department of Mental Health;

(E) Engaging in the business of providing residential habilitation care. Accepting payment for ICF/[MR]IID services rendered;

(F) Fiscal period. Twelve (12)-month reporting period determined by the State Fiscal Year;

(G) Intermediate Care Facility for *[the Mentally Retarded (ICF/MR)]* **Individuals with Intellectual Disabilities (ICF/IID)**. A private or department facility that admits persons who are mentally retarded or developmentally disabled for residential habilitation and other services pursuant to Chapter 630, RSMo, and that has been certified to meet the conditions of participation under 42 CFR 483, Subpart I;

(H) Intermediate Care Facility for *[the Mentally Retarded]* **Individuals with Intellectual Disabilities** Federal Reimbursement Allowance **[(ICF/MRFRA)] ICF/IID FRA**. The assessment paid by each ICF/[MR]IID;

(I) Net revenues. Gross revenues less bad debts, less charity care, and less contractual allowances; and

(J) Trend factor. Centers for Medicare and Medicaid Services (CMS) Prospective Payment System Skilled Nursing Facility Input Price Index (SNF IPI) four (4) quarter moving average (Source: GLOBAL INSIGHT, INC, 4th Qtr, 2007) (4 Quarter Moving Average Percent Changes in the CMS Prospective Payment System Skilled Nursing Facility Input Price Index (SNF IPI) using Forecast Assumptions, by Expense Category: 1990-2017).

(2) Each ICF/[MR]IID operated primarily for the care and treatment of *[mental retardation/]*developmental **and intellectual** disabilities engaging in the business of providing residential habilitation and other services in Missouri shall pay an ICF/[MR]IIDFRA. The ICF/[MR]IIDFRA shall be calculated by the department as follows:

(A) Beginning on July 1, 2008, and each year thereafter, the ICF/[MR]IIDFRA annual assessment shall be five and forty-nine hundredths percent (5.49%) of the ICF/[MR]IID's net revenues determined from the base cost report relative to the State Fiscal Year for which the assessment is being calculated. The cost report shall be trended forward from the second prior year to the current fiscal year by applying the SNF IPI trend factor for each year under the ICF/[MR]IIDFRA calculation;

(B) Beginning on October 1, 2011, and each year thereafter, the ICF/[MR]IIDFRA annual assessment shall be five and ninety-five hundredths percent (5.95%) of the ICF/[MR]IID's net revenues determined from the base cost report relative to the State Fiscal Year for which the assessment is being calculated. The cost report shall be trended forward from the second prior year to the current fiscal year by applying the SNF IPI trend factor for each year under the ICF/[MR]IIDFRA calculation;

(C) The annual assessment shall be divided into twelve (12) equal amounts and collected over the number of months the assessment is effective. The assessment is made payable to the director of the Department of Revenue to be deposited in the state treasury in the ICF/[MR]IIDFRA Fund;

(D) If the assessment amount determined using the second prior year cost report trended forward for the same year is greater than the actual assessment maximum amount on the current year ICF/MR provider tax revenues in the aggregate, then the department will offset the tax collections for the next year by each provider's pro-rata share of the difference between the amount of the tax as determined in subsection (2)(A) of 9 CSR 10-31.030 and the actual SFY amount determined from the current year ICF/[MR] IID cost report;

(E) If an ICF/[MR] IID does not have a base cost report, net revenues shall be estimated as follows:

1. Net revenues shall be determined by computation of the ICF/[MR]IID's projected annual patient days multiplied by its interim established per diem rate; and

(F) The ICF/[MR]IIDFRA assessment for ICF/[MR]IIDs that merge operation under one (1) MO HealthNet provider number shall be determined as follows:

1. The previously determined ICF/[MR]IIDFRA assessment for each ICF/[MR] IID shall be combined under the active MO HealthNet provider number for the remainder of the State Fiscal Year after the division receives official notification of the merger; and

2. The ICF/[MR]IIDFRA assessment for subsequent fiscal years shall be based on the combined data for both facilities.

(3) The department shall prepare a notification schedule of the information from each ICF/[MR]IID's second prior year cost report and provide each ICF/[MR] IID with this schedule.

(A) The schedule shall include:

1. Provider name;

2. Provider number;
3. Fiscal period;
4. Total number of licensed beds;
5. Total bed days;
6. Net revenues; and

7. Total amount of the assessment for the State Fiscal Year for which the assessment is being calculated and monthly assessment amount due each month.

(B) Each ICF/[MR] IID required to pay the ICF/[MR]IIDFRA shall review this information, and if it is not correct, the ICF/[MR] IID must notify the department of such within fifteen (15) days of receipt of the notification schedule. If the ICF/[MR] IID fails to submit the corrected data within the fifteen (15)-day time period, the ICF/[MR] IID shall be barred from submitting corrected data later to have its ICF/[MR]IIDFRA assessment adjusted.

(4) Payment of ICF/[MR]IIDFRA Assessment.

(A) Each ICF/[MR] IID may request that its ICF/[MR]IIDFRA be offset against any MO HealthNet payment due. A statement authorizing the offset must be on file with the MO HealthNet Division before any offset may be made relative to the ICF/[MR]IIDFRA. Any balance due after the offset shall be remitted by the ICF/[MR] IID to the department. The remittance shall be made payable to the director of the Department of Revenue. If the remittance is not received before the next MO HealthNet payment cycle, the MO HealthNet Division shall offset the balance due from that check.

(B) If no offset has been authorized by the ICF/[MR] IID, the MO HealthNet Division will begin collecting the ICF/[MR]IIDFRA on the first day of each month. The ICF/[MR]IIDFRA shall be remitted by the ICF/[MR] IID facility to the MO HealthNet Division. The remittance shall be made payable to the director of the Department of Revenue and deposited in the state treasury to the credit of the ICF/[MR]IIDFRA Fund.

(C) If the ICF/[MR] IID is delinquent in the payment of its ICF/[MR]IIDFRA assessment, the director of the Department of Social Services shall withhold and remit to the Department of Revenue an amount equal to the assessment from any payment made by the MO HealthNet Division to the ICF/[MR] IID provider.

*AUTHORITY: sections 630.050 and 633.401, RSMo Supp. 2013.\* Emergency rule filed July 1, 2008, effective July 11, 2008, expired Dec. 28, 2008. Original rule filed July 1, 2008, effective Feb. 28, 2009. Emergency amendment filed Sept. 1, 2011, effective Oct. 1, 2011, expired March 28, 2012. Amended: Filed Sept. 1, 2011, effective March 30, 2012.*

*Original authority: 630.050, RSMo 1980, amended 1993, 1995, 2008 and 633.401, RSMo 2008, amended 2009, 2011.*