

| Authority/Enabling Statute | | Required | Permissive |
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| Responsibilities, powers, function and duties of division RSMo 633.010 | <p>Shall have responsibility of insuring that MRDD prevention, evaluation, care, habilitation and rehabilitation services are accessible, wherever possible. Shall have and exercise supervision of division residential facilities, day programs and other specialized services operated by the department, and oversight over facilities, programs and services funded or licensed by the department.</p> <p>Powers, functions and duties of the division shall include the following:</p> <p>(1) provision of funds for the planning and implementation of accessible programs to serve person affected by MR or DD;</p> <p>(2) Review of MRDD plans submitted to receive state and federal funds allocated by the department;</p> <p>(3) provide technical assistance and training to community based programs to assist in planning and implementation of quality services;</p> <p>(4) assurance of program quality in compliance with such appropriate standards as may be established by the department;</p> <p>(5) sponsorship and encouragement of research into the causes, effects, prevention, habilitation and rehabilitation services of MRDD;</p> <p>(6) Provision of public information relating to MRDD and their habilitation;</p> | <p>Oversight/Monitoring</p> <p>Oversight/Monitoring/Quality Assurance/Waiver</p> <p>Quality Assurance</p> <p>Quality Assurance/Standards of Supports/Services</p> <p>Information Dissemination</p> <p>Reporting/Monitoring/Data analytics</p> | |

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| | <p>(7) Cooperation with non-state governmental agencies and the private sector in establishing, conducting, integrating and coordinating mental retardation and developmental disabilities programs and projects;</p> <p>(8) Cooperation with other state agencies to encourage appropriate health facilities to serve, without discrimination, persons who are mentally retarded or developmentally disabled who require medical care and to provide them with adequate and appropriate services;</p> <p>(9) Participation in developing and implementing a statewide plan to alleviate problems relating to mental retardation and developmental disabilities and to overcome the barriers to their solutions;</p> <p>(10) Encouragement of coordination of division services with other divisions of the department and other state agencies;</p> <p>(11) Encouragement of the utilization, support, assistance and dedication of volunteers to assist persons affected by mental retardation and developmental disabilities to be accepted and integrated into normal community activities;</p> <p>(12) Evaluation, or the requirement of the evaluation, including the collection of appropriate necessary information, of mental retardation or developmental disabilities programs to determine their cost-and-benefit effectiveness;</p> <p>(13) Participation in developing standards for residential facilities, day programs and specialized services operated, funded or licensed by the department for persons affected by mental retardation or developmental disabilities.</p> | <p>Coordination/Provider Development/Systems capacity development</p> <p>Coordination/Quality Assurance/Service provision</p> <p>Medicaid Waiver/State Plan oversight/monitoring and development Coordination/reduce duplication</p> <p>Quality Assurance/Oversight/Monitoring/Capacity building</p> <p>Quality Assurance/Data analytics/monitoring and reporting</p> <p>Quality Assurance/Standards/Contracts</p> | |
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| | <p>all eligible individuals and their families.</p> <p>2. The plan required pursuant to this section shall be completed on or before November first each year beginning November 1, 2007. The director of the department of mental health shall annually submit a copy of the plan to the speaker of the house of representatives, the president pro tem of the senate, and the governor.</p> | | |
| <p>Regional centers to secure services.</p> <p>RSMo 633.105.</p> | <p>The regional centers shall be the entry and exit points in each region responsible for securing comprehensive mental retardation and developmental disability services for clients of the department. The center shall carry out this responsibility either through contracts purchasing the required services or through the direct provision of the services if community-based services are not available, economical or as effective for the provision of the services.</p> | Eligibility | Intake/supports/service directly or through contracts |
| <p>What services may be provided- -consent required, when.</p> <p>RSMo 633.110</p> | <p>1. Any person suspected to be mentally retarded or developmentally disabled shall be eligible for initial diagnostic and counseling services through the regional centers.</p> <p>2. If it is determined by a regional center through a comprehensive evaluation that a person is mentally retarded or developmentally disabled so as to require the provision of services, and if such person, such person's parent, if the person is a minor, or legal guardian, requests that he be registered as a client of a regional center, the regional center shall, within the limits of available resources, secure a comprehensive program of any necessary services for such person. Such services may include, but need not be limited to, the following:</p> <p>(1) Diagnosis and evaluation;</p> <p>(2) Counseling;</p> <p>(3) Respite care;</p> <p>(4) Recreation;</p> | Eligibility/ | Supports/services directly or through contract |

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| | <p>(5) Habilitation;</p> <p>(6) Training;</p> <p>(7) Vocational habilitation;</p> <p>(8) Residential care;</p> <p>(9) Homemaker services;</p> <p>(10) Developmental day care;</p> <p>(11) Sheltered workshops;</p> <p>(12) Referral to appropriate services;</p> <p>(13) Placement;</p> <p>(14) Transportation.</p> <p>3. In securing the comprehensive program of services, the regional centers shall involve the client, his family or his legal guardian in decisions affecting his care, habilitation, placement or referral. Nothing in this chapter shall be construed as authorizing the care, treatment, habilitation, referral or placement of any mentally retarded or developmentally disabled person to any residential facility, day program or other specialized service without the written consent of the client, his parent, if he is a minor, or his legal guardian, unless such care, treatment, habilitation, referral, or placement is authorized pursuant to an order of the court under the provisions of chapter 475, RSMo.</p> | | |
| <p>Entities to be used by regional</p> | <p>The regional center shall secure services for its clients in the least restrictive environment consistent with individualized habilitation plans. As a result of its comprehensive evaluation, the</p> | <p>Coordination/oversight/quality assurance</p> | |

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| <p>centers. RSMo 633.115</p> | <p>regional center shall utilize the following entities to secure services:</p> <p>(1) Agencies serving persons not diagnosed as mentally retarded or developmentally disabled in which the client would be eligible to receive available services or in which the services could be made available to the client through the purchase of assistive or supportive services;</p> <p>(2) Agencies serving mentally retarded or developmentally disabled persons in which the client would be eligible to receive available services or in which services could be made available to the client through the purchase of assistive or supportive services;</p> <p>(3) The regional center on a day-program basis;</p> <p>(4) The regional center for short-term residential services, not to exceed six months, unless expressly authorized for a longer period by the division director;</p> <p>(5) A residential facility licensed through the department placement program, but not operated by the department;</p> <p>(6) A mental retardation facility operated by the department for clients who are developmentally disabled or mentally retarded.</p> | <p>Division can also provide direct service</p> | <p>Contract with entities for supports/services</p> |
| <p>Cooperation with other groups. RSMo 630.060</p> | <p>The department shall seek and encourage cooperation and active participation of communities, counties, organizations, agencies, private and not-for-profit corporations and individuals in the effort to establish and maintain quality programs and services for persons affected by mental disorders, developmental disabilities or alcohol or drug abuse. The department shall develop programs of public information and education for this purpose.</p> | | |
| <p>Planning activities by department. RSMo 630.065</p> | <p>The department shall initiate and direct the development of long-range programs and plans with respect to residential facilities, day programs and specialized services operated, funded or licensed by the department for persons affected by mental disorders, developmental disabilities and alcohol or drug abuse. The department, insofar as practicable, shall coordinate its long-range programs and plans with the program and plan requirements and procedures of relevant federal and state planning and funding agencies. The department shall supervise a</p> | <p>State Plan service delivery system/Utilization/Quality Assurance/Oversight/Audit</p> | |

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| | comprehensive utilization quality-assurance and cost-benefit monitoring and auditing program to deal with the facilities, programs and services operated, funded or licensed by the department. | | |
| Purchase of services, procedure-- commissioner of administration to cooperate--rules, procedure. RSMo 630.405 | <p>1. The department may purchase services for patients, residents or clients from private and public vendors in this state with funds appropriated for this purpose.</p> <p>2. Services that may be purchased may include prevention, diagnosis, evaluation, treatment, habilitation, rehabilitation, transportation and other special services for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse.</p> <p>3. The commissioner of administration, in consultation with the director, shall promulgate rules establishing procedures consistent with the usual state purchasing procedures pursuant to chapter 34, RSMo, for the purchase of services pursuant to this section. The commissioner may authorize the department to purchase any technical service which, in his judgment, can best be purchased direct pursuant to chapter 34, RSMo. The commissioner shall cooperate with the department to purchase timely services appropriate to the needs of the patients, residents or clients of the department.</p> <p>4. The commissioner of administration may promulgate rules authorizing the department to review, suspend, terminate, or otherwise take remedial measures with respect to contracts with vendors as defined in subsection 1 of this section that fail to comply with the requirements of section 210.906, RSMo.</p> <p>5. The commissioner of administration may promulgate rules for a waiver of chapter 34, RSMo, bidding procedures for the purchase of services for patients, residents and clients with funds appropriated for that purpose if, in the commissioner's judgment, such services can best be purchased directly by the department.</p> <p>6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo</p> | | Purchase services from private and public vendors |

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| <p>Administrative entities may be recognized, when-- contracting with vendors-- subcontracting-- department to promulgate rules. RSMo 630.407</p> | <p>1. The department may recognize providers as administrative entities under the following circumstances:</p> <p>(1) Vendors operated or funded pursuant to sections 205.975 to 205.990, RSMo;</p> <p>(2) Vendors operated or funded pursuant to sections 205.968 to 205.973, RSMo;</p> <p>(3) Providers of a consortium of treatment services to the clients of the division of comprehensive psychiatric services as an agent of the division in a service area, except that such providers may not exceed thirty-six in number.</p> <p>2. Notwithstanding any other provision of law to the contrary, the department may contract directly with vendors recognized as administrative entities without competitive bids.</p> <p>3. Notwithstanding any other provision of law to the contrary, the commissioner of administration shall delegate the authority to administrative entities which are state facilities to subcontract with other vendors in order to provide a full consortium of treatment services for the service area.</p> <p>4. When state contracts allow, the department may authorize administrative entities to use state contracts for pharmaceuticals or other medical supplies for the purchase of these items.</p> <p>5. A designation as an administrative entity does not entitle a provider to coverage under sections 105.711 to 105.726, RSMo, the state legal expense fund, or other state statutory protections or requirements.</p> <p>6. The department shall promulgate regulations within twelve months of August 28, 1990, regulating the manner in which they will contract and designate and revoke designations of providers under this section. Such regulations shall not be required when the parties to such contracts are both governmental entities.</p> | <p>Community mental Health centers SB40 Boards</p> | |
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| <p>Affiliation agreements from vendors required. RSMo 630.420</p> | <p>To coordinate a delivery system of accessible department services, to integrate vendor programs into the department system and to avoid duplication of state-provided or -supported services, the department shall require affiliation agreements with vendors as a condition for receiving purchase-of-service funds. In the agreements, the department shall assign responsibility to the vendors for providing certain programs for meeting the needs of underserved, unserved or inappropriately served persons for whom the state has the responsibility to serve.</p> | <p>Contracts</p> | |
| <p>Rules for standards for placement facilities and programs--required standards. RSMo 630.655</p> | <p>1. The department shall promulgate rules which set forth reasonable standards for residential facilities, day programs or specialized services such that each program's level of service, treatment, habilitation or rehabilitation may be certified and funded accordingly by the department for its placement program clients or as necessary for the facilities or programs, to meet conditions of third-party reimbursement.</p> <p>2. The rules shall provide for the facilities, programs or services to be reasonably classified as to resident or client population, size, type of services or other classification.</p> <p>3. The standards contained in the rules shall particularly provide for the following:</p> <p>(1) The admission and commitment criteria, which shall be based upon diagnoses;</p> <p>(2) The care, treatment, habilitation or rehabilitation;</p> <p>(3) The general medical and health care;</p> <p>(4) Adequate physical plant facilities, including fire safety, housekeeping and maintenance standards;</p> <p>(5) Food service facilities;</p> <p>(6) Safety precautions;</p> | | |

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| | <p>(7) Drugs and medications;</p> <p>(8) A uniform system of record keeping;</p> <p>(9) Resident or client rights and grievance procedures;</p> <p>(10) Adequate staff.</p> <p>4. The department shall certify the facilities, programs or services which meet the standards without the requirement of a fee.</p> | | |
| Written contracts required. RSMo 630.660 | The department shall require residential facilities, day programs and specialized services to enter into written contracts to receive funding for services rendered to clients placed by the department. | | |
| Rules for standards for facilities and programs for persons affected by mental disorder, mental illness, mental retardation or developmental disability-- classification of facilities and programs -- certain facilities | <p>1. The department shall promulgate rules setting forth reasonable standards for residential facilities and day programs for persons who are affected by a mental disorder, mental illness, mental retardation or developmental disability.</p> <p>2. The rules shall provide for the facilities and programs to be reasonably classified as to resident or client population, size, type of services or other reasonable classification. The department shall design the rules to promote and regulate safe, humane and adequate facilities and programs for the care, treatment, habilitation and rehabilitation of persons described in subsection 1 of this section.</p> <p>3. The following residential facilities and day programs shall not be licensed by the department:</p> <p>(1) Any facility or program which relies solely upon the use of prayer or spiritual healing;</p> <p>(2) Any educational, special educational or vocational program operated, certified or approved by the state board of education pursuant to chapters 161, 162 and 178, RSMo, and regulations promulgated by the board;</p> | Standards/Oversight/monitoring/regulations | |

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| <p>and programs not to be licensed. RSMo 630.705</p> | <p>(3) Any hospital, facility, program or entity operated by this state or the United States; except that facilities operated by the department shall meet these standards;</p> <p>(4) Any hospital, facility or other entity, excluding those with persons who are mentally retarded and developmentally disabled as defined in section 630.005 otherwise licensed by the state and operating under such license and within the limits of such license, unless the majority of the persons served receive activities and services normally provided by a licensed facility pursuant to this chapter;</p> <p>(5) Any hospital licensed by the department of social services as a psychiatric hospital pursuant to chapter 197, RSMo;</p> <p>(6) Any facility or program accredited by the Joint Commission on Accreditation of Hospitals, the American Osteopathic Association, Accreditation Council for Services for Mentally Retarded or other Developmentally Disabled Persons, Council on Accreditation of Services for Children and Families, Inc., or the Commission on Accreditation of Rehabilitation Facilities;</p> <p>(7) Any facility or program caring for less than four persons whose care is not funded by the department.</p> | | |
| <p>Required standards. RSMo 630.710</p> | <p>1. The standards contained in the rules shall particularly provide for the following:</p> <p>(1) Admission and commitment criteria, which shall be based upon diagnoses;</p> <p>(2) Care, treatment, habilitation or rehabilitation;</p> <p>(3) General medical and health care;</p> <p>(4) Adequate physical plant facilities, including fire safety, housekeeping and maintenance standards;</p> | | |

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| | <p>(5) Food service facilities;</p> <p>(6) Safety precautions;</p> <p>(7) Drugs and medications;</p> <p>(8) Uniform system of record keeping;</p> <p>(9) Resident or client rights and grievance procedures;</p> <p>(10) Adequate staff.</p> <p>2. The rules containing the standards for living units within facilities or homes shall provide for such classifications of the living units as are small enough to ensure programs based upon the personal needs of the resident as determined by individualized habilitation or treatment plans. The units may include distinct parts of other facilities such as wards, wings or floors.</p> | | |
| <p>Inspection by department and others, when-- may be ordered, when. RSMo 630.730</p> | <p>1. The department may inspect any residential facility or day program for persons described in section 630.705, RSMo, at any time if a license has been issued to or an application for a license has been filed by the head of such facility or program. The department shall make or cause to be made at least one inspection per year. The department may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections 630.705 to 630.760. The department may delegate its powers and duties to investigate and inspect residential facilities and day programs licensed by it to determine compliance with all or part of its standards, to another governmental agency, where practicable, if the department feels such other agency is qualified to inspect and license such facilities or programs. The governmental unit shall submit a written report of its findings to the department. The department may accept the recommendations of the governmental unit for issuance or revocation of a license.</p> <p>2. If the department has reasonable grounds to believe that a residential facility or day program required to be licensed under sections 630.705 to 630.760 is operating without a license, and the department is not permitted access to inspect the facility or program, or when the head of such</p> | <p>Monitoring/Quality Assurance</p> | |

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| | <p>facility or program refuses to permit access to the department to inspect the facility or program, the department shall apply to the circuit court of the county in which the premises is located for an order authorizing entry for such inspection, and the court shall issue the order if it finds that the head of the facility or program has refused to permit the department access to inspect such facility or program.</p> | | |
| <p>Noncompliance with law revealed by inspection-- procedure-- corrective measures, time limit-- reinspection, when-- probationary license --posting of noncompliance notices. RSMo 630.745</p> | <ol style="list-style-type: none"> 1. If a duly authorized representative of the department finds upon inspection of a residential facility or day program that it is not in compliance with the provisions of sections 630.705 to 630.760, and the standards established thereunder, the head of the facility or program shall be informed of the deficiencies in an exit interview conducted with him. A written report shall be prepared of any deficiency for which there has not been prompt remedial action, and a copy of such report and a written correction order shall be sent to the head of the facility or program by certified mail, return receipt requested, at the facility or program address within twenty working days after the inspection, stating separately each deficiency and the specific statute or regulation violated. 2. The head of the facility or program shall have twenty working days following receipt of the report and correction order to request any conference and to submit a plan of correction for the department's approval which contains specific dates for achieving compliance. Within ten working days after receiving a plan of correction, the department shall give its written approval or rejection of the plan. 3. A reinspection shall be conducted within fifty-five days after the original inspection to determine if deficiencies are being corrected as required in the approved correction plan or any subsequent authorized modification. If the facility or program is not in substantial compliance and the head of the facility or program is not correcting the noncompliance in accordance with the time schedules in his approved plan of correction, the department shall issue a notice of noncompliance, which shall be sent by certified mail, return receipt requested, to the head of the facility or program. 4. The notice of noncompliance shall inform the head of the facility or program that the department may seek the imposition of any of the sanctions and remedies provided for in section | <p>Monitoring/Quality Assurance/Oversight</p> | |

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| | <p>630.755, or any other action authorized by law.</p> <p>5. At any time after an inspection is conducted, the head of the facility or program may choose to enter into a consent agreement with the department to obtain a probationary license. The consent agreement shall include a provision that the head of the facility or program will voluntarily surrender the license if substantial compliance is not reached in accordance with the terms and deadlines established under the agreement. The agreement shall specify the stages, actions and time span to achieve substantial compliance.</p> <p>6. If a notice of noncompliance has been issued, the head of the facility or program shall post a copy of the notice of noncompliance and a copy of the most recent inspection report in a conspicuous location in the facility or program, and the department shall send a copy of the notice of noncompliance to any concerned federal, state or local governmental agencies</p> | | |
| <p>Procedure upon finding of noncompliance which may present health or safety dangers. RSMo 630-750</p> | <p>The provisions of section 630.745 notwithstanding, if a duly authorized representative of the department finds upon inspection of a licensed residential facility or day program, and the director finds upon review, that the facility or program is not in substantial compliance with a standard or standards the violations of which would present either an imminent danger to the health, safety or welfare of any resident or a substantial probability that death or serious physical harm would result and which is not immediately corrected, the department shall:</p> <p>(1) Give immediate written notice of the noncompliance to the head of the facility or program;</p> <p>(2) Make public the fact that a notice of noncompliance has been issued to the facility or program. Copies of the notice shall be sent to appropriate hospitals and social service agencies;</p> <p>(3) Send a copy of the notice of noncompliance to any concerned federal, state or local government agencies. The facility or program shall post in a conspicuous location in the facility or program a copy of the notice of noncompliance and a copy of the most recent inspection report.</p> | | |
| <p>Monitor may be assigned by</p> | <p>In any situation described in section 630.763 the department may place a person to act as a monitor in the facility. The monitor shall observe operation of the residential facility and shall advise it on how to comply with state laws and regulations, and shall submit a written report</p> | | |

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| department--to advise operator as to compliance-- -report to department. RSMo 630.766 | periodically to the department on the operation of the facility. | | |
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Definitions for RSMo 630 that are mentioned within the table

- (1) "Administrative entity", a provider of specialized services other than transportation to clients of the department on behalf of a division of the department;
- 7) "Day program", a place conducted or maintained by any person who advertises or holds himself out as providing prevention, evaluation, treatment, habilitation or rehabilitation for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse for less than the full twenty-four hours comprising each daily period;
- (30) "Resident", a person receiving residential services from a facility, other than mental health facility, operated, funded or licensed by the department;
- (31) "Residential facility", any premises where residential prevention, evaluation, care, treatment, habilitation or rehabilitation is provided for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse; except the person's dwelling;
- (32) "Specialized service", an entity which provides prevention, evaluation, transportation, care, treatment, habilitation or rehabilitation services to persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse;
- (33) "Vendor", a person or entity under contract with the department, other than as a department employee, who provides services to patients, residents or clients.