

RULES AND REGULATIONS OVERVIEW

This section provides an explanation for terms used in this section. In addition, an explanation of how rules and regulations at the State level are related to each other is provided.

Federal Law - legislation enacted by the United States Congress. When laws are first enacted, they are often identified by the number of bill that was passed by the House of Representatives (H.R. #) or the Senate (S #). Later, laws or acts are codified, meaning that final versions have been published. Then laws and acts are listed under the Code of Federal Regulation (CFR) or are listed in the Federal register and begin with the letters U.S.C. (United States Congress) along with section and subsections.

Administrative Rules – contain the organizational description of the Department or policies and standards applying to external parties over whom the Department has some regulatory authority.

[Code of State Regulations](#) – A listing of all State regulations.

[Missouri Register](#) – A register from the Secretary of State's office listing all proposed rules, those that are available for comment etc.

[Index of Administrative Rules](#) – The Index depicts the status of pending and existing Administrative Rules.

Department Operating Regulations (DORs)–policies and standards that apply to the internal management of the Department.

[Department Operating Regulations](#) – A list of all Department Operating Regulations.

[Index of DORs](#) – The Index depicts the status of pending and final DORs for fiscal year 2002.

[Exceptions Committee](#) –Missouri Statute requires the Department to have an Exceptions Committee. The purpose of the committee is to approve or disapprove requests for an exception from one of the department's administrative rules.

This chart explains how administrative rules and DORs are related:

	Administrative Rules	DORs
Statutory Authority	Required by numerous statutes	Required under 630.050 RSMo
Purpose	To regulate entities outside the department	To regulate internal management of department
Applicability	Frequently specific to providers of one division	Department wide or as specified in DOR
Publication	Must be published in <i>Code of State Regulations</i>	Must be available to staff
Process of promulgation	Described at length in statute	Not prescribed by statute or rule
Seat of authority	Authority sometimes given to individual division; e.g., 633.190 RSMo	Authority given to department as a whole

QUALITY ENHANCEMENT

REGULATIONS AND AUTHORITIES

[Missouri Revised Statutes](#) (RSMo): Established laws that are the basis for regulations. (*For example, RSMo 630 denotes the chapter governing the Department of Mental Health; RSMo 633 denotes the chapter governing the Division of Developmental Disabilities.*)

[Department of Mental Health Operating Regulations \(DORS\)](#): These are regulations for all divisions of the Department of Mental Health and must comply with the Code of State Regulations. The DORS apply to state-operated facilities and programs. *For example, DOR 2.205 is Abuse and Neglect Definitions, Investigation Procedures and Penalties in State Operated Facilities.*

[Code of State Regulations \(CSR\)](#): Regulations that accompany the established laws as set out in RSMo. In Missouri there are 22 Titles under the CSR and Department of Mental Health is Title 9. The CSR has more detail governing how the laws are implemented and requirements that must be met by the Division and providers. *For example, under Title 9, Division 45 – DD, Chapter 3, 9CSR 45-3.010 Individual Habilitation Plan Procedures there is reference to RSMo 630.005 definitions.*

[Division of Developmental Disabilities Directives - \(Division Directives\)](#) : Instructions for DD employees and contracted TCM entities, when applicable. Directives must be in compliance with Missouri Revised Statues, Code of State Regulations and Department Operating Regulations. *For example, 3.020 - Service Monitoring and Service Monitoring Guide*

[Centers for Medicare and Medicaid Services \(CMS\)](#): Federal guidelines are attached to Medicaid Waiver services and funding. The waiver is used as the primary source of funding for people who live in the community. The division uses general revenue funds to match federal Medicaid dollars to pay for services under the waiver. DDD and providers must comply with these guidelines.

Home and Community Based Waiver: A handbook describing Medicaid Waiver guidelines in which providers must follow. *For example, Section 14 – Special Documentation Requirements has guidelines for Individual Plan of Care (14.5).*

DD Medicaid Waiver Program Certification Survey Instrument: A tool used to determine Medicaid Waiver compliance by certified providers. Sections include 3.0 Rights, 4.0 Meeting Basic Needs, and Fire Safety. *For example, 3.2.07 principle is abuse/neglect is prohibited by policy, criteria is that the agency has a written policy that clearly states abuse/neglect is prohibited and guideline is the agency policy must include definitions of abuse and neglect consistent with 9 CSR 10-5.200.*

Provider Contract: Explains all the legal requirements that must be followed by every provider with the DDD. The second part to this contract is the Service Definitions. In addition to the standard legal requirements, there are service specific requirements an agency must follow for each service being provided, which are outlined in the service definitions.