

# Department of Mental Health Periodic Rule Review

## Section 536.175 RSMo Periodic Rule Review Report - June 30, 2022

Rule Number	Rule Title	Date of adoption or last amendment	Is rule necessary?	Is rule obsolete?	Does rule overlap, duplicate, or conflict with other rules?	Can a less restrictive rule accomplish the same purpose?	Can rule be modified to reduce regulatory burden or eliminate paperwork?	Does the rule properly incorporate material by reference?	For rules affecting small business: does the public purpose or interest for adopting justify continued existence of rule?	Appendix included? (For rules receiving public comment.)	Page number of appendix for response	Number of comments received on rule
<b>Director, DMH</b>												
9 CSR 10-1.010	General Organization	10/30/2018	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-5.180	Advance Directives	4/8/1993	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-5.190	Background Screening Requirements	8/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-5.200	Report of Complaints of Abuse, Neglect, and Misuse of Funds/Property	5/30/2009	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-5.206	Report of Events	2/28/2006 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 10-5.210	Exceptions Committee Procedures	12/30/2021 Amendment submitted to Gov. Office for approval 4/29/22	Y	N Amendment is in process	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-5.220	Privacy Rules of Health Insurance Portability and Accountability Act of 1996	10/30/2003 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 10-5.230 Hearings Procedures	Hearings Procedures	5/30/2009	Y	Amendment to correct citation will be prepared upon hire of new staff	N	N	N	No. 9 CSR 10-5.230(7)E incorrectly cites to section 537.077, RSMo. This citation should be amended to reflect section 536.077, RSMo.	Y	N/A	N/A	
9 CSR 10-5.250	Screening and Assessment for Behavioral Changes	11/30/2016	Y	N	N	N	N	Y	Y	N/A	N/A	

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<b>Division of Behavioral Health (DBH) Core Rules</b>												
9 CSR 10-7.010	Essential Principles and Outcomes	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.020	Rights, Responsibilities and Grievances	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.030	Service Delivery Process and Documentation	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.035	Behavioral Health Healthcare Home	3/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.040	Performance Improvement	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.050	Research	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.060	Emergency Safety Interventions	2/29/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.070	Medications	11/30/2002	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.080	Dietary Service	6/30/2019	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 10-7.090	Governing Authority and Program Administration	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	

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9 CSR 10-7.100	Fiscal Management	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.110	Personnel	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.120	Physical Environment and Safety	6/30/2019	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 10-7.130	Procedures to Obtain Certification	6/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-7.140	Definitions	10/30/2016	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-31.011	Standards Means Test	5/30/2010	y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-31.012	State Income Tax Refund Intercept Hearing Procedures	9/30/1991	Y	N	N	N	N	Y	N/A	N/A	N/A	
9 CSR 10-31.014	Waiver of Standard Means Test for Children in Need of Mental Health Services	3/30/2005	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-31.016	Determining State of Domicile	6/30/2017	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 10-31.030	Intermediate Care Facility for Individuals with Intellectual Disabilities Federal Reimbursement Allowance	6/30/2017	Y	N	N	N	N	Y	Y	N/A	N/A	

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9 CSR 10-31.040	Community Mental Health Center Clinic UPL	8/30/2012	Y	N	N	N	N	Y	Y	N/A	N/A	
<b>Fiscal Management</b>												
9 CSR 25-2.005 Definitions	Definitions	9/30/2018	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 25-2.105	Purchasing Services for Individuals Served by the Department	9/30/2018	Y	N	N	Y	N	N	Y	N/A	N/A	
9 CSR 25-2.305	Invitation for Bid Solicitation Procedures	9/30/2018	Y	N	N	Y	N	N	Y	N/A	N/A	
9 CSR 25-2.405 RFP Evaluation and Award	Invitation for Bid Evaluation and Award	9/30/2018	Y	N	N	Y	N	N	Y	N/A	N/A	
9 CSR 25-2.505	Protest and Appeal Procedures	9/30/2018	Y	N	N	Y	N	N	Y	N/A	N/A	
9 CSR 25-3.030	Access for Inspection of Public Records and Fees for Copying of Public Records	7/30/2005	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 25-3.040	Compensation to Public Administrators	9/30/2018	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 25-3.060	Payments to Counties with State Mental Health Facilities	2/25/1996	Y	N	N	N	N	Y	N/A	N/A	N/A	
9 CSR 25-4.040	Recovery of Overpayments to Providers	8/30/2000	Y	N	N	N	N	Y	Y	N/A	N/A	

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<b>County-Funded Mental Health Services</b>												
9 CSR 30-2.010	Designation of Programs to Receive County Community Mental Health Funds	7/30/2014	Y	N	N	N	N	Y	Y	N/A	N/A	
<b>Substance Use Disorder Prevention and Treatment Programs</b>												
9 CSR 30-3.032	Certification of Substance Use Disorder Prevention and Treatment Programs	12/30/2021	Y	N	N	N	N	Y	Y	Appendix A attached	Page 1	1
9 CSR 30-3.100	General Requirements for Substance Use Disorder Treatment Programs	12/30/2021	Y	N	N	N	N	N	Y	Appendix A attached	Page 1	1
9 CSR 30-3.110	Service Definitions, Staff Qualifications, and Documentation Requirements for Substance Use Disorder Treatment Programs	12/30/2021	Y	N	N	N	N	Y	Y	Appendix A attached	Pages 1-2	2
9 CSR 30-3.120	Detoxification	11/30/2002	Y	No, rule is being amended to incorporate evidence-based practices for withdrawal management services.	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-3.130	Outpatient Treatment	3/30/2003	Y	No, levels of care and other criteria will be amended to reflect best practices in the field.	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-3.132	Opioid Treatment Programs	12/30/2021	Y	N	N	N	N	Y	Y	Appendix A attached	Page 2	3

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9 CSR 30-3.134	Gambling Disorder Treatment	11/30/2018	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 30-3.140	Residential Treatment	11/30/2002	Y	No, rule is being amended to incorporate best practices.	N	N	N	Y	Y	N/A	NA	
9 CSR 30-3.150	Comprehensive Substance Treatment and Rehabilitation (CSTAR)	9/30/2021	Y	N	N	N	N	Y	Y	Appendix A attached	Page 2	2
9 CSR 30-3.155	Staff Requirements for Comprehensive Substance Treatment and Rehabilitation (CSTAR) Programs	12/30/2021	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 30-3.157	Community Support in Comprehensive Substance Treatment and Rehabilitation (CSTAR) Programs	12/30/2021	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 30-3.160	Institutional Treatment Centers	10/30/2019	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 30-3.190	Specialized Program for Women and Children	10/30/2001 Amendment submitted to Governor's Office for approval 6/8/22	Y	N rule is being amended	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-3.192	Specialized Programs for Adolescents	3/30/2003	Y	N Rule will be amended.	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-3.195	Outpatient Substance Use Disorder Treatment Programs	12/30/2021	Y	N	N	N	N	Y	Y	Appendix A attached	Pages 2-3	2
9 CSR 30-3.201	Substance Awareness Traffic Offender Programs	5/30/2021	Y	N	N	N	N	Y	Y	No	N/A	0

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9 CSR 30-3.202	SATOP Administration and Service Documentation	5/30/2021	Y	N	N	N	N	N	Y	No	N/A	0
9 CSR 30-3.204	SATOP Personnel	5/30/2021	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 30-3.206	SATOP Structure	5/30/2021	Y	N	N	N	N	N	Y	No	N/A	0
9 CSR 30-3.208	SATOP Supplemental Fee	5/30/2021	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 30-3.230	Required Educational Assessment and Community Treatment Program (REACT)	8/30/2019	N	N	N	N	N	Y	N	N/A	N/A	
9 CSR 30-3.300	Prevention Programs	10/30/2018	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-3.310	Recovery Support Programs	10/30/2016	Y	N	N	N	N	Y	Y	N/A	N/A	
<b>Community Psychiatric Rehabilitation (CPR) &amp; Mental Health Programs</b>												
9 CSR 30-4.005	Eligibility Criteria and Admission Criteria for Community Psychiatric Rehabilitation Programs	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 30-4.032	Administrative Structure for Community Psychiatric Rehabilitation Programs	11/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-4.034	General Staffing Requirements for Community Psychiatric Rehabilitation Programs	11/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	

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9 CSR 30-4.035	Eligibility Determination, Assessment, and Treatment Planning in Community Psychiatric Rehabilitation Programs	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	Appendix A attached	Page 3	3
9 CSR 30-4.041	Medication Procedures at Community Psychiatric Rehabilitation Programs	3/30/2003	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-4.042 Admission Criteria	Admission Criteria -- moved to 9 CSR 30-4.005	11/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-4.043	Service Provision, Staff Qualifications, and Documentation Requirements for Community Psychiatric Rehabilitation Programs	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	Appendix A attached	Page 3	4
9 CSR 30-4.0431	Integrated Treatment for Co-Occurring Disorders (ITCD) in Community Psychiatric Rehabilitation Programs	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 30-4.0432	Assertive Community Treatment (ACT) in Community Psychiatric Rehabilitation Programs	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	N	Y	No	N/A	0
9 CSR 30-4.045	Intensive Community Psychiatric Rehabilitation (ICPR)	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	Appendix A attached	Page 4	8
9 CSR 30-4.046	Psychosocial Rehabilitation (PSR) in Community Psychiatric Rehabilitation Programs	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	Appendix A attached	Page 5	1



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9 CSR 30-4.047	Community Support in Community Psychiatric Rehabilitation Programs	5/30/2021	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-4.190 Treatment	Outpatient Mental Health Treatment Programs	11/30/2019 Final order to adopt amended language submitted to SOS 5/25/22	Y	N	N	N	N	Y	Y	Appendix A attached	Page 5	1
9 CSR 30-4.195	Access Crisis Intervention (ACI) Programs	11/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 30-6.010	Certified Community Behavioral Health Organizations (CCBHO)	10/30/2019	Y	N Rule is being amended	N	N	N	Y	Y	No	N/A	
<b>Licensing</b>												
9 CSR 40-1.015	Definitions	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-1.055	Licensing Procedures	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-1.060	Program Administration	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-1.065	Individual Rights and Responsibilities	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-1.070	Organized Record System	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	

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9 CSR 40-1.075	Person-Centered Services	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-1.080	Dietary Services	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-1.085	Environment	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-1.090	Fire Safety and Emergency Preparedness	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-4.001	Program and Staffing Requirements (Behavioral Health Community Residential Programs)	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 40-5.015	Physical Plant	Rescinded 1/30/22	N	NA	NA	NA	NA	NA	NA	No	N/A	0
9 CSR 40-5.035	General Medical and Health Care	Rescinded 1/30/22	N	NA	NA	NA	NA	NA	NA	No	N/A	0
9 CSR 40-5.055	Food Services	Rescinded 1/30/22	N	NA	NA	NA	NA	NA	NA	No	N/A	0
9 CSR 40-5.075	Adequate Staff (Group Homes and Residential Centers)	1/30/2022	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 40-6.001	Provider Requirements and Program Structure (Family Living Arrangements)	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	

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9 CSR 40-9.075 Adequate Staff	Program and Staffing Requirements (Day Programs Serving Individuals with Mental Illness and Intellectual or Developmental Disabilities)	12/30/2020	Y	N	N	N	N	Y	Y	N/A	N/A	
<b>Division of Developmental Disabilities</b>												
9 CSR 45-2.010	Eligibility for Services from the Division of Developmental Disabilities	9/30/2012	Y	Approval from Gov. Office received on 6/27/22; amendment will be prepared for submission to SOS and JCAR	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-2.015 Prioritizing Access to Funded Services	Prioritizing Access to Funded Services	9/30/2012	Y	Approval from Gov. Office received on 6/27/22; amendment will be prepared for submission to SOS and JCAR	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-2.017	Utilization Review Process	9/30/2012	N	Addressing question from Gov. Office 6/27/22; amendment will then be submitted to SOS and JCAR	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-2.020	Appeals Procedures for Service Eligibility Through the Division of Developmental Disabilities	9/30/2012	Y	Approval from Gov. Office received on 6/27/22; rule will be prepared for submission to SOS and JCAR	N	N	N	Y	Y	N/A	N/A	

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9 CSR 45-3.010	Individual Support Plans	8/30/2019	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-3.030 Individual Rights	Individual Rights	2/28/2017	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-3.040	Rights of Designated Representatives, Parents, and Guardians	2/28/2017	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-3.060	Services for Individuals with Autism Spectrum Disorder	2/28/2017	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-3.070	Certification of Medication Aides Serving Persons with Developmental Disabilities	8/30/2001	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-3.080	Self-Directed Supports	7/30/2017	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 45-3.090	Behavior Supports	3/30/2020	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 45-4.020	Development of Intermediate Care Facilities for Individuals with Intellectual Disabilities	11/30/2016	Y	N	N	N	N	Y	Y	N/A	N/A	

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9 CSR 45-5.010	Certification of Medicaid Agencies Serving Persons with DD	12/30/1995	Y	N Draft posted to DD website during December 2021. Revised draft to be posted in near future. Anticipate amendment to be finalized and published in CSRs within next six months.	N	N	N	Y	Y	N/A	N/A	
9 CSR 45-5.060	Procedures to Obtain Certification	10/30/2003	Y	N Draft posted to DD website during Dec. 2020. Revised draft to be posted in near future. Anticipate amendment to be finalized and published in CSRs within the next six months.	N	N	N	N	Y	N/A	N/A	
9 CSR 45-5.105	Definitions for Fire Safety Rules	11/30/2018	Y		N	N	N	N	Y	N/A	N/A	
9 CSR 45-5.110	Fire Safety for Facility-Based Day Habilitation and Employment Service Settings	11/30/2018	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 45-5.130	Fire Safety for Group Homes Serving 4-9 People	11/30/2018	Y	N	N	N	N	N	Y	N/A	N/A	
9 CSR 45-5.140	Fire Safety for Group Homes Serving 10-16 People	11/30/2018	Y	N	N	N	N	N	Y	N/A	N/A	

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9 CSR 45-5.150	Fire Safety for Group Homes Serving 17 or More People	11/30/2018	Y	N	N	N	N	Y	Y	N/A	N/A	
<b>Admission Criteria</b>												
9 CSR 50-2.010	Admissions to Children's Supported Community Living	8/30/2021	Y	N	N	N	N	Y	Y	No	N/A	0
9 CSR 50-2.020	Guidelines for Conditional Release	8/30/2006	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 50-2.510	Admissions to Adult Community Residential Settings	8/30/2021	Y	N	N	N	N	N	Y	No	N/A	0
<b>Research</b>												
9 CSR 60-1.010	Application for Client Research	2/28/2017	Y	N	N	N	N	Y	Y	N/A	N/A	
9 CSR 60-1.015	Review of Research in Progress	2/28/2017	Y	N	N	N	N	Y	Y	N/A	N/A	
<b>Division of Comprehensive Psychiatric Services</b>												
9 CSR 80-1.005	Civil Outpatient Detention and Treatment Program	4/30/1998	Y	N	N	N	N	Y	Y	N/A	N/A	

## APPENDIX A

### DEPARTMENT OF MENTAL HEALTH

Section 536.175, RSMo, Administrative Rule Review

July 1, 2021 – June 30, 2022

#### Comment Appendix

#### **9 CSR 30-3.032 Certification of Substance Use Disorder Prevention and Treatment Programs**

**COMMENT #1:** A staff member requested that paragraph (4)(A)1. to 4. be removed and subsection (4)(A) be amended to state, “Organizations requesting certification must comply with 9 CSR 10-7.130, Procedures to Obtain Certification, by submitting a fully completed application to the department.”

**RESPONSE AND EXPLANATION OF CHANGE:** The rule has been amended as requested.

#### **9 CSR 30-3.100 General Requirements for Substance Use Disorder Treatment Programs**

**COMMENT #1:** A staff member requested that Qualified Addiction “Specialist” in subsection (2)(B) be changed to Qualified Addiction “Professional”.

**RESPONSE AND EXPLANATION OF CHANGE:** The language has been changed as requested.

#### **9 CSR 30-3.110 Service Definitions, Staff Qualifications, and Documentation Requirements for Substance Use Disorder Treatment Programs**

**COMMENT #1:** George Oestreich, Pharm.D., MPA, Principal, G.L.O. & Associates, provided comments regarding subsection (1)(O) medication services, and subsection (1)(P) medication services support.

Dr. Oestreich commented that pharmacists are, by education and training, drug experts. Missouri citizens should be allowed access to pharmacists when participating in the key service functions such as screening for and educating on medication side effects, changing medication orders, and consulting on medication monitoring and management, as included in this service.

As promulgated by the Missouri Pharmacy Practice Act (RSMo, 338.010) and defined by the Missouri Board of Pharmacy in 20 CSR 20-2220-6.070 and 20 CSR 2220-6.080, pharmacists can work under a collaborating practice agreement, referred to as a medication therapeutic plan or medication therapy services (MTS) by pharmacists, to make necessary therapy changes similar to an APRN. Pharmacists are highly qualified healthcare professionals capable of performing the key services listed above.

There is specialized training that many Missouri pharmacists have acquired in managing psychotropic medications. The Department of Mental Health already recognizes and lists, "A psychiatric pharmacist as defined in 9 CSR 30-4.030" as a Qualified Mental Health Professional (QMHP) in 9 CSR 10-7.140

We recommend that pharmacists be included in the list of providers who are qualified and can provide medication services and medication services support.

**RESPONSE AND EXPLANATION OF CHANGE:** The department appreciates the comments from Dr. Oestreich. Due to staff requirements included in the current Medicaid State Plan Amendment for the Comprehensive Substance Treatment and Rehabilitation (CSTAR) Program,

pharmacists cannot be added at this time. When the CSTAR State Plan is opened in the future to make necessary program changes, the department will consider the addition of pharmacists as qualified practitioners of the CSTAR agency to provide medication services and medication services support. This will be subject to approval by the Centers for Medicare and Medicaid. Not all certified CSTAR programs employ or have a contractual relationship with a pharmacist(s) to provide services, therefore, their addition as a qualified provider may benefit a limited number of programs throughout the state.

**COMMENT #2:** A staff member requested that “Inc.” be removed from “Missouri Credentialing Board” in section (3), as that is incorrect.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and made this change

### **9 CSR 30-3.132 Opioid Treatment Programs**

**COMMENT #1:** A department staff member requested “antagonist” be added to the types of medications included in subsection (2)(A).

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and will add “antagonist” to section (2)(A).

**COMMENT #2:** A department staff member requested “licensed physician” be changed to “qualified prescriber” in paragraph (2)(B)1.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and will change the language as requested.

**COMMENT #3:** A department staff member requested “program physician” be changed to “qualified prescriber” in the second sentence of paragraph (2)(B)3.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and will change the language as requested.

### **9 CSR 30-3.150 Comprehensive Substance Treatment and Rehabilitation (CSTAR)**

**COMMENT #1:** A staff member requested that “and credentialing” be added to the end of the sentence in subparagraph (1)(D)1.D.

**RESPONSE AND EXPLANATION OF CHANGE:** The rule has been amended as requested.

**COMMENT #2:** A staff member requested an apostrophe be added to “individual” before “record” in paragraph (3)(B)2. so it reads, “individual’s record”.

**RESPONSE AND EXPLANATION OF CHANGE:** The rule has been amended as requested.

### **9 CSR 30-3.195 Outpatient Substance Use Disorder Treatment Programs**

**COMMENT #1:** A staff member requested the following be added to section (3): “Each individual served or parent/guardian must provide informed, written consent to treatment prior to delivery of services, and a copy of the consent form must be retained in the individual’s record. Consent to treat documentation shall be updated annually, as applicable.”

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and will add this language to section (3).

**COMMENT #2:** A staff member requested paragraph (3)(B)1. be revised to state, “Each individual shall participate in the development of his/her treatment plan.” The remaining language regarding the signature of individuals served or that of their parent/guardian on the treatment plan should be removed as that is no longer required.



**RESPONSE AND EXPLANATION OF CHANGE:** The department will make this change to paragraph (3)(B)1.

### **9 CSR 30-4.035 Eligibility Determination, Assessment, and Treatment Planning in Community Psychiatric Rehabilitation Programs**

**COMMENT #1:** A department staff member commented that “mental health” should not be removed from subsection (2)(A).

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and made this change.

**COMMENT #2:** A department staff member requested that “or date of admission if eligibility determination was not completed” be added to the end of the sentence in section (4).

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and added this language.

**COMMENT #3:** A department staff member requested that “or date of admission to CPR if eligibility determination was not completed” be added to the end of the sentence in section (6), and remove the word “for” from the sentence.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and added this language as requested.

### **9 CSR 30-4.043 Service Provision, Staff Qualifications, and Documentation Requirements for Community Psychiatric Rehabilitation Programs**

**COMMENT #1:** Department staff requested that licensed mental health professional (LMHP), qualified addiction professional (QAP), and community support specialist with population-specific experience providing community support services in accordance with the key service functions for community support services as specified in 9 CSR 30-4.047(5)(B) be added to subsection (2)(F).

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and made this change.

**COMMENT #2:** Department staff requested that “which may include review of the health screen information, healthcare concerns discussed, and health and wellness goals included in the individual’s treatment plan” be removed from paragraph (2)(J)3. because it is not applicable to this program.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and removed the language as requested.

**COMMENT #3:** Department staff requested the following changes be made to part (3)(G)2.B.(I): the year of publication of the incorporated by reference document be changed to the 2021 edition; Version 2.0 be added after DC:0-5<sup>TM</sup>; the word “Development” be changed to “Developmental” in the document title; and the address be changed to 2445 M Street NW, Suite 600, Washington, DC 20037.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and made the requested changes.

**COMMENT #4:** Department staff requested the date of the incorporated by reference document in paragraph (3)(N)1. be changed to 2018 and December be removed.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and made the requested change.

## **9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation (ICPR)**

**COMMENT #1:** In reviewing this proposed amendment, department staff determined that additional information is necessary in subsection (1)(B) to clarify the process for interested service providers to submit a proposal to provide ICPR.

**RESPONSE AND EXPLANATION OF CHANGE:** The sentence in subsection (1)(B), “Written proposals shall be submitted to the department in accordance with established protocol” has been changed to, “Written proposals shall be submitted to the department and must include the following:” The department also modified the amendment by adding new paragraph (1)(B)1. through 9. which includes information that must be submitted with a proposal to provide ICPR.

**COMMENT #2:** Department staff requested that “at the individual’s place of residence” be added to the end of the first sentence in paragraph (3)(B)1.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and added the language as requested.

**COMMENT #3:** Department staff requested that “Regular treatment plan reviews” be removed from subsection (4)(F) and the sentence be revised to state, “At a minimum, quarterly treatment plan reviews shall occur to ensure individuals are receiving the appropriate level of services to meet needs and goals; and”

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and made this change.

**COMMENT #4:** Department staff requested that “comprehensive behavioral health assessment” be changed to “intake evaluation” in subsection (5)(B).

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and made this change.

**COMMENT #5:** Department staff requested that paragraph (5)(B)3. be revised to state, “Treatment plans shall be developed upon admission and be updated at least quarterly, or more frequently if clinically indicated.”

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and made this change.

**COMMENT #6:** Department staff requested that “must be supervised by a psychiatrist” be removed from subsection (6)(C).

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and removed this language.

**COMMENT #7:** Department staff requested that “physician assistant” and “assistant physician” be added to paragraph (6)(C)1.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and made this change.

**COMMENT #8:** Department staff requested that staff ratios be added to section (12) as follows: There shall be one (1) staff person for every two (2) individuals served during waking hours. The ratio for staff to individuals served may decrease to one (1) staff to six (6) individuals during sleeping hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees and added staff ratios as new subsection (6)(F).

**9 CSR 30-4.046 Psychosocial Rehabilitation (PSR) in Community Psychiatric Rehabilitation**

***COMMENT #1:*** Department staff requested that “until accreditation is obtained” be added to the end of the last sentence in section (1).

***RESPONSE AND EXPLANATION OF CHANGE:*** The department concurs and added this language.

**9 CSR 30-4.190 Outpatient Mental Health Treatment Programs**

***COMMENT #1:*** Department staff requested the following changes be made to subsection (4)(E): “mental health professional” be added back into the sentence; “diagnostician” be deleted; and 9 CSR 10-7.140 be changed to 9 CSR 30-4.035(2)(A).

***RESPONSE AND EXPLANATION OF CHANGE:*** Department staff concur and made these changes.