

FIRST REGULAR SESSION

# HOUSE BILL NO. 540

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHNEIDER, DEEKEN, FARES, JOHNSON (47), WALLACE, COOPER (155), SCHAAF (Co-sponsors), BAKER, BOUGH, JACKSON, HOBBS, EMERY, BIVINS, WOOD, SANDER, CUNNINGHAM (145), VIEBROCK, BROWN, BEAN, THRELKELD, RUESTMAN, DAVIS (19), WASSON, RICHARD, ENGLER, SMITH (14), DIXON, PARKER, GREEN, HAMPTON, SCHLOTTACH, GEORGE, VILLA, HENKE, CORCORAN, HOSKINS, WARD, BLAND, CAMPBELL, MUCKLER, GRAHAM, HARRIS (23), KRATKY, HUBBARD, STEFANICK, BEARDEN, WILSON (119), PHILLIPS, SHOEMAKER (8), STEVENSON, KINGERY, ERVIN, ICET, DEMPSEY, AVERY, LEMBKE (85), NIEVES AND WILSON (42).

Read 1<sup>st</sup> time February 20, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1550L.011

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## AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to nonhospital certificates of need, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.369, to read as follows:

**197.369. 1. As used in this section, the term "continuing care retirement community" means:**

**(1) Housing planned and operated to provide a continuum of care or accommodations for older adults allowing residents who require higher levels of care to remain in the same location as spouses and friends, including:**

**(a) "Congregate housing", individual apartments or single rooms in a multi-unit building planned and designed for older adults and which provide supportive services, such as meals, transportation, and housekeeping, and social and recreational activities;**

**(b) "Independent living", a building or buildings with self-contained living units for older adults who are able to care for themselves and no medical services are provided. Management of such living units may facilitate minimal access to community services and provide recreational services for voluntary use by residents;**

**(c) "Intermediate care" and "skilled nursing care", care licensed pursuant to this chapter to provide regular medical supervision and rehabilitation therapy, and general**

15 care for convalescent patients and persons with long-term or chronic illnesses; and

16 (d) "Residential care", care licensed pursuant to this chapter to provide custodial  
17 services such as housekeeping, meals, transportation, social and recreational activities, and  
18 nursing and nurses' aides assistance with activities of daily living, such as getting out of  
19 bed, dressing, grooming, toileting and bathing, mobility, taking medications, and other  
20 household tasks; and

21 (2) Services provided through contracts which provide for services for more than  
22 one year and may include significant entrance or endowment fees in addition to monthly  
23 charges.

24 2. Continuing care retirement communities shall be exempt from the certificate of  
25 need process pursuant to sections 197.300 to 197.367 for the addition of long-term care  
26 beds, including the addition of residential care beds and skilled nursing beds to campuses  
27 that are planned to meet the definition of continuing care retirement community upon  
28 completion. Completion shall be achieved in a reasonable time frame with uninterrupted  
29 construction. To qualify under this section, a facility shall meet the definition of continuing  
30 care retirement community upon completion of construction.

31 3. Any person who owns a continuing care retirement community may:

32 (1) Relocate beds to any other continuing care retirement community location  
33 owned by such person; or

34 (2) Change the licensure category of beds and relocate them to any other continuing  
35 care retirement community location owned by such person.

Section B. Because immediate action is necessary to provide a continuum of care to the  
2 elderly, section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
5 passage and approval.