

## SENATE SUBSTITUTE

FOR

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## HOUSE BILL NOS. 952 &amp; 674

## AN ACT

To repeal sections 198.073, 198.076, 198.079, 198.086, and 320.202, RSMo, and to enact in lieu thereof eight new sections relating to protection of vulnerable persons in long-term care facilities, with a termination date for a certain section.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 198.073, 198.076, 198.079, 198.086, and  
2           320.202, RSMo, are repealed and eight new sections enacted in  
3           lieu thereof, to be known as sections 198.073, 198.074, 198.075,  
4           198.076, 198.079, 198.086, 320.202, and 1, to read as follows:

5           198.073. 1. A residential care facility shall admit or  
6           retain only those persons who are capable mentally and physically  
7           of negotiating a normal path to safety using assistive devices or  
8           aids when necessary, and who may need assisted personal care  
9           within the limitations of such facilities, and who do not require  
10          hospitalization or skilled nursing care.

11          2. Notwithstanding the provisions of subsection 1 of this  
12          section, those persons previously qualified for residence who may  
13          have a temporary period of incapacity due to illness, surgery, or

1 injury, which period does not exceed forty-five days, may be  
2 allowed to remain in a residential care facility or assisted  
3 living facility if approved by a physician.

4 3. Any facility licensed as a residential care facility II  
5 on August 27, 2006, shall be granted a license as an assisted  
6 living facility, as defined in section 198.006, on August 28,  
7 2006, regardless of the laws, rules, and regulations for  
8 licensure as an assisted living facility as long as such facility  
9 continues to meet all laws, rules, and regulations that were in  
10 place on August 27, 2006, for a residential care facility II. At  
11 such time that the average total reimbursement, not including  
12 residents' cost-of-living increases in their benefits from the  
13 Social Security Administration after August 28, 2006, for the  
14 care of persons eligible for Medicaid in an assisted living  
15 facility is equal to or exceeds forty-one dollars per day, all  
16 facilities with a license as an assisted living facility shall  
17 meet all laws, rules, and regulations for licensure as an  
18 assisted living facility. Nothing in this section shall be  
19 construed to allow any facility that has not met the requirements  
20 of subsections 4 and 6 of this section to care for any individual  
21 with a physical, cognitive, or other impairment that prevents the  
22 individual from safely evacuating the facility.

23 4. Any facility licensed as an assisted living facility, as  
24 defined in section 198.006, except for facilities licensed under  
25 subsection 3 of this section, may admit or retain an individual  
26 for residency in an assisted living facility only if the  
27 individual does not require hospitalization or skilled nursing  
28 placement, and only if the facility:

1           (1) Provides for or coordinates oversight and services to  
2 meet the needs of the resident as documented in a written  
3 contract signed by the resident, or legal representative of the  
4 resident;

5           (2) Has twenty-four-hour staff appropriate in numbers and  
6 with appropriate skills to provide such services;

7           (3) Has a written plan for the protection of all residents  
8 in the event of a disaster, including keeping residents in place,  
9 evacuating residents to areas of refuge, evacuating residents  
10 from the building if necessary, or other methods of protection  
11 based on the disaster and the individual building design;

12           (4) Completes a pre-move-in screening with participation of  
13 the prospective resident;

14           (5) Completes for each resident a community-based  
15 assessment, as defined in subdivision (7) of section 198.006:

16           (a) Upon admission;

17           (b) At least semiannually; and

18           (c) Whenever a significant change has occurred in the  
19 resident's condition which may require a change in services;

20           (6) Based on the assessment in subsection 7 of this section  
21 and subdivision (5) of this subsection, develops an  
22 individualized service plan in partnership with the resident, or  
23 legal representative of the resident, that outlines the needs and  
24 preferences of the resident. The individualized service plan  
25 will be reviewed with the resident, or legal representative of  
26 the resident, at least annually, or when there is a significant  
27 change in the resident's condition which may require a change in  
28 services. The signatures of an authorized representative of the

1 facility and the resident, or the resident's legal  
2 representative, shall be contained on the individualized service  
3 plan to acknowledge that the service plan has been reviewed and  
4 understood by the resident or legal representative;

5 (7) Makes available and implements self-care, productive  
6 and leisure activity programs which maximize and encourage the  
7 resident's optimal functional ability;

8 (8) Ensures that the residence does not accept or retain a  
9 resident who:

10 (a) Has exhibited behaviors that present a reasonable  
11 likelihood of serious harm to himself or herself or others;

12 (b) Requires physical restraint;

13 (c) Requires chemical restraint. As used in this  
14 paragraph, the following terms mean:

15 a. "Chemical restraint", a psychopharmacologic drug that is  
16 used for discipline or convenience and not required to treat  
17 medical symptoms;

18 b. "Convenience", any action taken by the facility to  
19 control resident behavior or maintain residents with a lesser  
20 amount of effort by the facility and not in the resident's best  
21 interest;

22 c. "Discipline", any action taken by the facility for the  
23 purpose of punishing or penalizing residents;

24 (d) Requires skilled nursing services as defined in  
25 subdivision (23) of section 198.006 for which the facility is not  
26 licensed or able to provide;

27 (e) Requires more than one person to simultaneously  
28 physically assist the resident with any activity of daily living,

1 with the exception of bathing and transferring;

2 (f) Is bed-bound or similarly immobilized due to a  
3 debilitating or chronic condition; and

4 (9) Develops and implements a plan to protect the rights,  
5 privacy, and safety of all residents and to protect against the  
6 financial exploitation of all residents;

7 (10) Complies with the training requirements of subsection  
8 8 of section 660.050, RSMo.

9 5. Exceptions to paragraphs (d) to (f) of subdivision (8)  
10 of subsection 4 of this section shall be made for residents on  
11 hospice, provided the resident, designated representative, or  
12 both, and the assisted living provider, physician, and licensed  
13 hospice provider all agree that such program of care is  
14 appropriate for the resident.

15 6. If an assisted living facility accepts or retains any  
16 individual with a physical, cognitive, or other impairment that  
17 prevents the individual from safely evacuating the facility with  
18 minimal assistance, the facility shall:

19 (1) Have sufficient staff present and awake twenty-four  
20 hours a day to assist in the evacuation;

21 (2) Include an individualized evacuation plan in the  
22 service plan of the resident; and

23 (3) [Be equipped with an automatic sprinkler system in  
24 compliance with National Fire Protection Association Code 13 or  
25 National Fire Protection Association Code 13R, and an automated  
26 fire door system and smoke alarms in compliance with 13-3.4 of  
27 the 1997 Life Safety Codes for Existing Health Care Occupancy, or  
28 for multilevel facilities, be equipped with an automatic

1     sprinkler system in compliance with National Fire Protection  
2     Association Code 13 and each floor shall be divided into at least  
3     two smoke sections and fire alarms in compliance with 13-3.4 of  
4     the 1997 Life Safety Codes for Existing Health Care Occupancy;

5             (4)] Take necessary measures to provide residents with the  
6     opportunity to explore the facility and, if appropriate, its  
7     grounds; and

8             [(5)] (4) Use a personal electronic monitoring device for  
9     any resident whose physician recommends the use of such device.

10            7. An individual admitted or readmitted to the facility  
11     shall have an admission physical examination by a licensed  
12     physician. Documentation should be obtained prior to admission  
13     but shall be on file not later than ten days after admission and  
14     shall contain information regarding the individual's current  
15     medical status and any special orders or procedures that should  
16     be followed. If the individual is admitted directly from a  
17     hospital or another long-term care facility and is accompanied on  
18     admission by a report that reflects his or her current medical  
19     status, an admission physical shall not be required.

20            8. Facilities licensed as an assisted living facility shall  
21     disclose to a prospective resident, or legal representative of  
22     the resident, information regarding the services the facility is  
23     able to provide or coordinate, the costs of such services to the  
24     resident, and the resident conditions that will require discharge  
25     or transfer, including the provisions of subdivision (8) of  
26     subsection 4 of this section.

27            9. After January 1, 2008, no entity shall hold itself out  
28     as an assisted living facility or advertise itself as an assisted

1 living facility without obtaining a license from the department  
2 to operate as an assisted living facility. Any residential care  
3 facility II licensed under this chapter that does not use the  
4 term assisted living in the name of its licensed facility on or  
5 before May 1, 2006, shall be prohibited from using such term  
6 after August 28, 2006, unless such facility meets the  
7 requirements for an assisted living facility in subsection 4 of  
8 this section. Any facility licensed as an intermediate care  
9 facility prior to August 28, 2006, that provides the services of  
10 an assisted living facility, as described in paragraphs (a), (b),  
11 and (c) of subdivision (6) of section 198.006, utilizing the  
12 social model of care, may advertise itself as an assisted living  
13 facility without obtaining a license from the department to  
14 operate as an assisted living facility.

15 10. [For assisted living facilities built after August 28,  
16 2006, or which have major renovations after August 27, 2006, such  
17 single-level assisted living facilities or the major renovation  
18 portion shall be equipped with an automatic sprinkler system in  
19 compliance with National Fire Protection Association Code 13 or  
20 13R of the 1997 Life Safety Codes for Existing Health Care  
21 Occupancy, or for such multilevel assisted living facilities or  
22 the major renovation portion shall be equipped with an automatic  
23 sprinkler system in compliance with National Fire Protection  
24 Association Code 13 and each floor shall be divided into two  
25 smoke sections and fire alarms in compliance with 13-3.4 of the  
26 1997 Life Safety Codes for Existing Health Care Occupancy.  
27 Existing facilities seeking to be licensed as assisted living  
28 facilities shall meet the fire safety standards for residential

1 care facilities II in effect on August 28, 2006, unless such  
2 facilities seek to admit one or more individuals with physical,  
3 cognitive, or other impairments that prevent the individuals from  
4 safely evacuating the facility with minimal assistance, in which  
5 case such facilities shall comply with subsection 6 of this  
6 section.

7 11.] The department of health and senior services shall  
8 promulgate rules to ensure compliance with this section. Any  
9 rule or portion of a rule, as that term is defined in section  
10 536.010, RSMo, that is created under the authority delegated in  
11 this section shall become effective only if it complies with and  
12 is subject to all of the provisions of chapter 536, RSMo, and, if  
13 applicable, section 536.028, RSMo. This section and chapter 536,  
14 RSMo, are nonseverable and if any of the powers vested with the  
15 general assembly pursuant to chapter 536, RSMo, to review, to  
16 delay the effective date, or to disapprove and annul a rule are  
17 subsequently held unconstitutional, then the grant of rulemaking  
18 authority and any rule proposed or adopted after August 28, 2006,  
19 shall be invalid and void.

20 198.074. 1. Effective August 28, 2007, all new facilities  
21 licensed on or after August 28, 2007, or any facilities  
22 completing a major renovation to the facility on or after August  
23 28, 2007, as defined and approved by the department, and which  
24 are licensed under this chapter shall install and maintain an  
25 approved sprinkler system in accordance with National Fire  
26 Protection Association (NFPA) 13.

27 2. Facilities that were initially licensed and had an  
28 approved sprinkler system prior to August 28, 2007, shall



1 continue to meet all laws, rules, and regulations for testing,  
2 inspection and maintenance of the sprinkler system that were in  
3 effect for such facilities on August 27, 2007.

4 3. Multi-level assisted living facilities that accept or  
5 retain any individual with a physical, cognitive, or other  
6 impairment that prevents the individual from safely evacuating  
7 the facility with minimal assistance shall install and maintain  
8 an approved sprinkler system in accordance with NFPA 13. Single-  
9 story assisted living facilities that accept or retain any  
10 individual with a physical, cognitive, or other impairment that  
11 prevents the individual from safely evacuating the facility with  
12 minimal assistance shall install and maintain an approved  
13 sprinkler system in accordance with NFPA 13R.

14 4. All residential care and assisted living facilities not  
15 included in subsection 3 of this section, which are initially  
16 licensed under this chapter prior to August 28, 2007, and that do  
17 not have installed an approved sprinkler system in accordance  
18 with NFPA 13R prior to August 28, 2007, shall install and  
19 maintain an approved sprinkler system in accordance with NFPA 13R  
20 by December 31, 2012, unless the facility meets the safety  
21 requirements of Chapter 33 of existing residential board and care  
22 occupancies of NFPA 101 life safety code.

23 5. All skilled nursing and intermediate care facilities not  
24 required prior to August 28, 2007, to install and maintain an  
25 approved sprinkler system shall install and maintain an approved  
26 sprinkler system in accordance with NFPA 13 by December 31, 2012,  
27 unless the facility receives an exemption from the department and  
28 presents evidence in writing from a certified sprinkler system

representative or licensed engineer that the facility is unable to install an approved National Fire Protection Association 13 system due to the unavailability of water supply requirements associated with this system or the facility meets the safety requirements of Chapter 33 of existing residential board and care occupancies of NFPA 101 life safety code.

6. Facilities that take a substantial step, as specified in subsection 7 of this section, to install an approved NFPA 13R system prior to December 31, 2012, may apply to the department for a loan in accordance with section 198.075, to install such system. However, such loan shall not be available if by December 31, 2009, the average total reimbursement for the care of persons eligible for Medicaid public assistance in an assisted living facility and residential care facility is equal to or exceeds fifty-two dollars per day. The average total reimbursement includes room, board, and care delivered by the facility, but shall not include payments to the facility for care or services not provided by the facility. If a facility under this subsection does not have an approved sprinkler system installed by December 31, 2012, such facility shall be required to install and maintain an approved sprinkler system in accordance with NFPA 13 by December 31, 2013. Such loans received under this subsection and in accordance with section 198.075, shall be paid in full as follows:

(1) Ten years for those facilities approved for the loan and whose average total reimbursement rate for the care of persons eligible for Medicaid public assistance is equal to forty-eight and no more than forty-nine dollars per day;

1       (2) Eight years for those facilities approved for the loan  
2 and whose average total reimbursement rate for the care of  
3 persons eligible for Medicaid public assistance is greater than  
4 forty-nine and no more than fifty-two dollars per day; or

5       (3) Five years for those facilities approved for the loan  
6 and whose average total reimbursement rate for the care of  
7 persons eligible for Medicaid public assistance is greater than  
8 fifty-two dollars per day.

9       7. (1) All facilities licensed under this chapter shall be  
10 equipped with a complete fire alarm system in compliance with  
11 NFPA 101, Life Safety Code for Detection, Alarm, and  
12 Communication Systems as referenced in NFPA 72, or shall maintain  
13 a system that was approved by the department when such facility  
14 was constructed so long as such system is a complete fire alarm  
15 system. A complete fire alarm system shall include, but not be  
16 limited to, interconnected smoke detectors throughout the  
17 facility, automatic transmission to the fire department,  
18 dispatching agency, or central monitoring company, manual pull  
19 stations at each required exit and attendant's station, heat  
20 detectors, and audible and visual alarm indicators.

21       (2) In addition, each floor accessed by residents shall be  
22 divided into at least two smoke sections by one-hour rated smoke  
23 partitions. No smoke section shall exceed one hundred fifty feet  
24 in length. If neither the length nor the width of the floor  
25 exceeds seventy-five feet, no smoke-stop partition shall be  
26 required. Facilities with a complete fire alarm system and smoke  
27 sections meeting the requirements of this subsection prior to  
28 August 28, 2007, shall continue to meet such requirements.

1 Facilities initially licensed on or after August 28, 2007, shall  
2 comply with such requirements beginning August 28, 2007, or on  
3 the effective date of licensure.

4 (3) Except as otherwise provided in this subsection, the  
5 requirements for complete fire alarm systems and smoke sections  
6 shall be enforceable on December 31, 2008.

7 8. The requirements of this section shall be construed to  
8 supersede the provisions of section 198.058 relating to the  
9 exemption of facilities from construction standards.

10 9. Fire safety inspections of facilities licensed under  
11 this chapter for compliance with this section shall be conducted  
12 annually by the state fire marshal if such inspections are not  
13 available to be conducted by local fire protection districts or  
14 fire departments. The provisions of this section shall be  
15 enforced by the state fire marshal or by the local fire  
16 protection district or fire department, depending on which entity  
17 conducted the inspection.

18 10. By July 1, 2008, all facilities licensed under this  
19 chapter shall submit a plan for compliance with the provisions of  
20 this section to the state fire marshal.

21 198.075. 1. There is hereby created in the state treasury  
22 the "Fire Safety Standards Loan Fund", for implementing the  
23 provisions of subsection 3 of section 198.074. Moneys deposited  
24 in the fund shall be considered state funds under article IV,  
25 section 15 of the Missouri constitution. The state treasurer  
26 shall be custodian of the fund and may disburse moneys from the  
27 fund in accordance with sections 30.170 and 30.180, RSMo. Any  
28 moneys remaining in the fund at the end of the biennium shall

1 revert to the credit of the general revenue fund. The state  
2 treasurer shall invest moneys in the fund in the same manner as  
3 other funds are invested. Any interest and moneys earned on such  
4 investments shall be credited to the fund.

5 2. Qualifying facilities shall make an application to the  
6 department of health and senior services upon forms provided by  
7 the department. Upon receipt of an application for a loan, the  
8 department shall review the application and advise the governor  
9 before state funds are allocated for a loan. For purposes of  
10 this section, a "qualifying facility" shall mean a facility  
11 licensed under this chapter that is in substantial compliance.  
12 "Substantial compliance" shall mean a facility that has no  
13 uncorrected deficiencies and is in compliance with department of  
14 health and senior services rules and regulations governing such  
15 facility.

16 3. The fund shall be a loan of which the interest rate  
17 shall not exceed two and one half percent.

18 4. The fund shall be administered by the department of  
19 health and senior services.

20 198.076. The department shall promulgate reasonable  
21 standards and regulations for all residential care facilities and  
22 all assisted living facilities. The standards and regulations  
23 shall take into account the level of care provided and the number  
24 and type of residents served by the facility to insure maximum  
25 flexibility. These standards and regulations shall relate to:

26 (1) The number and qualifications of employed and contract  
27 personnel having responsibility for any of the services provided  
28 for residents;

1           (2) The equipment, facilities, services and supplies  
2 essential to the health and welfare of the residents;

3           (3) Fire safety [and], including resident smoking in  
4 designated areas only, unannounced fire drills, fire safety  
5 training, and notification to the department of fires and fire  
6 watches;

7           (4) Sanitation in the facility;

8           [(4)] (5) Diet, which shall be based on good nutritional  
9 practice;

10          [(5)] (6) Personal funds and property of residents;

11          [(6)] (7) Resident rights and resident grievance procedures  
12 appropriate to the levels of care, size and type of facility;

13          [(7)] (8) Record keeping appropriate to the levels of care,  
14 size and type of facility;

15          [(8)] (9) Construction of the facility;

16          [(9)] (10) Care of residents;

17          (11) Emergency/disaster preparedness plans, including  
18 individual emergency plans for residents at particular risk in  
19 the event of an emergency.

20          198.079. The department shall promulgate reasonable  
21 standards and regulations for all intermediate care facilities  
22 and all skilled nursing facilities. The standards and  
23 regulations shall take into account the level of care provided  
24 and the type of residents served by the facility. These  
25 standards and regulations shall relate to:

26          (1) The number and qualifications of employed and contract  
27 personnel having responsibility for any of the services provided  
28 for residents;

1           (2) The equipment, facilities, services and supplies  
2 essential to the health and welfare of the residents;

3           (3) Fire safety [and], including resident smoking in  
4 designated areas only, unannounced fire drills, fire safety  
5 training, and notification to the department of fires and fire  
6 watches;

7           (4) Sanitation in the facility;

8           [(4)] (5) Diet, which shall be related to the needs of each  
9 resident and based on good nutritional practice and on  
10 recommendations which may be made by the physician attending the  
11 resident;

12           [(5)] (6) Personal funds and property of residents;

13           [(6)] (7) Resident rights and resident grievance  
14 procedures;

15           [(7)] (8) Record keeping, including clinical and personnel  
16 records;

17           [(8)] (9) The construction of the facility, including  
18 plumbing, heating, ventilation and other housing conditions which  
19 shall insure the health, safety and comfort of residents and  
20 protection from fire hazards;

21           [(9)] (10) Care of residents;

22           [(10)] (11) Social and rehabilitative service;

23           [(11)] (12) Staff training and continuing education;

24           (13) Emergency/disaster preparedness plans, including  
25 individual emergency plans for residents at particular risk in  
26 the event of an emergency.

27           198.086. 1. The department of health and senior services  
28 shall develop and implement a demonstration project designed to

1 establish a licensure category for health care facilities that  
2 wish to provide treatment to persons with Alzheimer's disease or  
3 Alzheimer's-related dementia. The division shall also:

4 (1) Inform potential providers of the demonstration project  
5 and seek letters of intent;

6 (2) Review letters of intent and select provider  
7 organizations to participate in the demonstration project. Ten  
8 such organizations may develop such projects using an existing  
9 license and additional organizations shall be newly licensed  
10 facilities with no more than thirty beds per project. One  
11 demonstration project shall be at a stand-alone facility of no  
12 more than one hundred twenty beds designed and operated  
13 exclusively for the care of residents with Alzheimer's disease or  
14 dementia within a county of the first classification with a  
15 charter form of government with a population over nine hundred  
16 thousand. A total of not more than three hundred beds may be  
17 newly licensed through the demonstration projects. All projects  
18 shall maintain their pilot status until a complete evaluation is  
19 completed by the division of aging, in conjunction with a  
20 qualified Missouri school or university, and a written  
21 determination is made from such evaluation that the pilot project  
22 is successful;

23 (3) Monitor the participants' compliance with the criteria  
24 established in this section;

25 (4) Recommend legislation regarding the licensure of  
26 dementia-specific residential care based on the results of the  
27 demonstration project; and

28 (5) Submit a report regarding the division's activities and



1 recommendations for administrative or legislative action on or  
2 before November fifteenth of each year to the governor, the  
3 president pro tem of the senate and the speaker of the house of  
4 representatives.

5 2. The director of the division [of aging] shall:

6 (1) Develop a reimbursement methodology to reasonably and  
7 adequately compensate the pilot projects for the costs of  
8 operation of the project, and require the filing of annual cost  
9 reports by each participating facility which shall include, but  
10 not be limited to, the cost equivalent of unpaid volunteer or  
11 donated labor;

12 (2) Process the license applications of project  
13 participants;

14 (3) Monitor each participant to assure its compliance with  
15 the requirements and that the life, health and safety of  
16 residents are assured;

17 (4) Require each participating facility to complete a  
18 minimum data set form for each resident occupying a pilot bed;

19 (5) Require the division of aging to assign a single team  
20 of the same surveyors to inspect and survey all participating  
21 facilities at least twice a year for the entire period of the  
22 project; and

23 (6) Submit to the president pro tem of the senate and  
24 speaker of the house of representatives copies of any statements  
25 of deficiencies, plans of correction and complaint investigation  
26 reports applying to project participants.

27 3. Project participants shall:

28 (1) Be licensed by the division [of aging];

1           (2) Provide care only to persons who have been diagnosed  
2 with Alzheimer's disease or Alzheimer's-related dementia;

3           (3) Have buildings and furnishings that are designed to  
4 provide for the resident's safety. Facilities shall have indoor  
5 and outdoor activity areas, and electronically controlled exits  
6 from the buildings and grounds to allow residents the ability to  
7 explore while preventing them from exiting the facility's grounds  
8 unattended;

9           (4) Be staffed twenty-four hours a day by the appropriate  
10 number and type of personnel necessary for the proper care of  
11 residents and upkeep of the facility;

12           (5) Conduct special staff training relating to the needs,  
13 care and safety of persons with Alzheimer's disease or  
14 Alzheimer's-related dementia within the first thirty days of  
15 employment;

16           (6) Utilize personal electronic monitoring devices for any  
17 resident whose physician recommends use of such device;

18           (7) Permit the resident's physician, in consultation with  
19 the family members or health care advocates of the resident, to  
20 determine whether the facility meets the needs of the resident;  
21 and

22           (8) [Be equipped with an automatic sprinkler system, in  
23 compliance with the National Fire Protection Association Code 13  
24 or National Fire Protection Association Code 13R, and an  
25 automated fire alarm system and smoke barriers in compliance with  
26 the 1997 Life Safety Codes for Existing Health Care Occupancy;  
27 and

28           (9)] Implement a social model for the residential

1 environment rather than an institutional medical model.

2 4. For purposes of this section, "health care facilities  
3 for persons with Alzheimer's disease or Alzheimer's-related  
4 dementia" means facilities that are specifically designed and  
5 operated to provide elderly individuals who have chronic  
6 confusion or dementia illness, or both, with a safe, structured  
7 but flexible environment that encourages physical activity  
8 through a well-developed recreational and aging-in-place and  
9 activity program. Such program shall continually strive to  
10 promote the highest practicable physical and mental abilities and  
11 functioning of each resident.

12 5. Nothing in this section shall be construed to prohibit  
13 project participants from accommodating a family member or other  
14 caregiver from residing with the resident in accordance with all  
15 life, health, and safety standards of the facility.

16 320.202. 1. There is hereby established within the  
17 department of public safety a "Division of Fire Safety", which  
18 shall have as its chief executive officer the fire marshal  
19 appointed under section 320.205. The fire marshal and the  
20 division shall be responsible for:

21 (1) The voluntary training of firefighters, investigators,  
22 inspectors, and public or private employees or volunteers in the  
23 field of emergency response, rescue, fire prevention or  
24 preparedness;

25 (2) Establishing and maintaining a statewide reporting  
26 system, which shall, as a minimum, include the records required  
27 by section 320.235 and a record of all fires occurring in  
28 Missouri showing:

1           (a) The name of all owners of personal and real property  
2 affected by the fire;

3           (b) The name of each occupant of each building in which a  
4 fire occurred;

5           (c) The total amount of insurance carried by, the total  
6 amount of insurance collected by, and the total amount of loss to  
7 each owner of property affected by the fire; and

8           (d) All the facts, statistics and circumstances, including,  
9 but not limited to, the origin of the fire, which are or may be  
10 determined by any investigation conducted by the division or any  
11 local firefighting agency under the laws of this state. All  
12 records maintained under this subdivision shall be open to public  
13 inspections during all normal business hours of the division;

14           (3) Conducting all investigations of fires mandated by  
15 sections 320.200 to 320.270;

16           (4) Conducting all fire inspections required of any private  
17 premises in order for any license relating to such private  
18 premises to be issued under any licensing law of this state,  
19 except those organizations and institutions licensed pursuant to  
20 **[chapters 197 and 198]** chapter 197, RSMo;

21           (5) Establishing and maintaining a voluntary training and  
22 certification program based upon nationally recognized standards.  
23 A certification testing fee and recertification fee shall be  
24 established by promulgated rules and regulations by the state  
25 fire marshal under the provisions of section 536.024, RSMo. Fees  
26 collected shall be deposited into the general revenue fund.

27           2. The state fire marshal shall exercise and perform all  
28 powers and duties necessary to carry out the responsibilities

1 imposed by subsection 1 of this section, including, but not  
2 limited to, the power to contract with any person, firm,  
3 corporation, state agency, or political subdivision for services  
4 necessary to accomplish any of the responsibilities imposed by  
5 subsection 1 of this section.

6 3. The state fire marshal shall have the authority to  
7 promulgate rules and regulations under the provisions of section  
8 536.024, RSMo, to carry out the provisions of this section.

9 Section 1. 1. There is hereby established the "Fire  
10 Mitigation System Installer Statewide Qualification Commission".  
11 The commission shall study and review the development of a  
12 statewide standard for persons installing and inspecting fire  
13 mitigation systems. The commission shall be comprised of the  
14 following members:

15 (1) The directors of the departments of health and senior  
16 services, economic development, and public safety, or the  
17 directors' designees;

18 (2) The following members to be appointed by the governor:

19 (a) Two individuals who have been practicing as fire  
20 mitigation system installers/inspectors for the preceding five  
21 years;

22 (b) A member of a local jurisdiction with current standards  
23 and qualifications for fire mitigation system installers  
24 practicing in the jurisdiction;

25 (c) One representative from the relevant skill trade  
26 organizations; and

27 (d) One public citizen.

28 2. The members of the commission shall select a chair of

1 the commission from among its membership.

2 3. The commission shall meet as necessary.

3 4. Commission members shall serve without compensation but  
4 shall be reimbursed for their actual and necessary expenses  
5 incurred in the performance of their official duties as members  
6 of the commission.

7 5. The commission shall submit a report to the governor and  
8 general assembly by July 1, 2008. The report shall contain  
9 recommendations either in support of or in opposition to such a  
10 statewide standard. If the commission is in support of a  
11 statewide standard, the report shall also contain the recommended  
12 requirements for the statewide standard, the estimated costs of  
13 implementing a statewide standard, and a recommended time line  
14 for compliance with the statewide standard.

15 6. This section shall terminate on July 1, 2008.