

FIRST REGULAR SESSION

HOUSE BILL NO. 1109

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRINGER.

Read 1st time March 13, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2650L.01I

AN ACT

To repeal section 198.097, RSMo, and to enact in lieu thereof one new section relating to failure to pay for nursing home care, with a penalty provision.

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

Section A. Section 198.097, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 198.097, to read as follows:

198.097. **1.** Any person who assumes the responsibility of managing the financial affairs of an elderly person who is a resident of a nursing home [shall be] **is** guilty of a class D felony if such person misappropriates the funds and fails to pay for the nursing home care of the elderly person.

2. It shall be evidence of misappropriating funds and failing to pay for the nursing home care of an elderly person if:

(1) The nursing home sends written notification of failure to pay nursing home expenses incurred by an elderly resident to the person who has assumed responsibility of managing the financial affairs of the elderly person;

(2) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the first time and the nursing home sends a second written notification of failure to pay nursing home expenses;

(3) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the second time and the nursing home sends a third and final written notification of failure to pay nursing home expenses; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(4) The nursing home does not receive payment within thirty days of such person**
17 **receiving actual notice in writing for the third and final time.**

18

19 **As used in this subsection, "actual notice in writing" means notice of the nonpayment**
20 **which is actually received by the person who has assumed responsibility of managing the**
21 **financial affairs of an elderly person. Such notice may include, but shall not be limited to,**
22 **notice by certified mail, return receipt requested.**

✓