

SECOND REGULAR SESSION

HOUSE BILL NO. 2343

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILSON (130).

Read 1st time March 4, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4266L.03I

AN ACT

To repeal sections 198.074 and 198.075, RSMo, and to enact in lieu thereof two new sections relating to long-term care facilities.

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

Section A. Sections 198.074 and 198.075, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 198.074 and 198.075, to read as follows:

198.074. 1. Effective August 28, 2007, all new facilities licensed **under this chapter**
2 on or after August 28, 2007, or any [facilities completing a] **section of a facility licensed under**
3 **this chapter in which a** major renovation [to the facility] **has been completed** on or after
4 August 28, 2007, as defined and approved by the department, [and which are licensed under this
5 chapter] shall install and maintain an approved sprinkler system in accordance with National Fire
6 Protection Association (NFPA) 13.

7 2. Facilities that were initially licensed and had an approved sprinkler system prior to
8 August 28, 2007, shall continue to meet all laws, rules, and regulations for testing, inspection and
9 maintenance of the sprinkler system that were in effect for such facilities on August 27, 2007.

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

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.

15 safely evacuating the facility with minimal assistance shall install and maintain an approved
16 sprinkler system in accordance with NFPA 13R.

17 4. All residential care and assisted living facilities [with] **licensed for** more than twenty
18 [residents] **beds** not included in subsection 3 of this section, which are initially licensed under
19 this chapter prior to August 28, 2007, and that do not have installed an approved sprinkler system
20 in accordance with NFPA 13R prior to August 28, 2007, shall install and maintain an approved
21 sprinkler system in accordance with NFPA 13R by December 31, 2012, unless the facility meets
22 the safety requirements of Chapter 33 of existing residential board and care occupancies of
23 NFPA 101 life safety code. **Any such facilities that do not have an approved sprinkler**
24 **system in accordance with NFPA 13R by December 31, 2012, shall be required to install**
25 **and maintain an approved sprinkler system in accordance with NFPA 13 by December 13,**
26 **2013.**

27 5. All skilled nursing and intermediate care facilities not required prior to August 28,
28 2007, to install and maintain an approved sprinkler system shall install and maintain an approved
29 sprinkler system in accordance with NFPA 13 by December 31, 2012, unless the facility receives
30 an exemption from the department and presents evidence in writing from a certified sprinkler
31 system representative or licensed engineer that the facility is unable to install an approved
32 [National Fire Protection Association] **NFPA 13** system due to the unavailability of water supply
33 requirements associated with this system or the facility meets the safety requirements of Chapter
34 33 of existing residential board and care occupancies of NFPA 101 life safety code.

35 6. Facilities that [take a substantial step] **have submitted a plan for compliance**, as
36 [specified in] **required by** subsection [7] **10** of this section, to install an approved NFPA **13 or**
37 **13R** system prior to December 31, 2012, may apply to the department for a loan in accordance
38 with section 198.075 to install such system. However, such loan shall [not] **only** be available
39 [if by December 31, 2009,] **until** the average total reimbursement for the care of persons eligible
40 for Medicaid public assistance in an assisted living facility and residential care facility is equal
41 to or exceeds fifty-two dollars per day. The average total reimbursement includes room, board,
42 and care delivered by the facility, but shall not include payments to the facility for care or
43 services not provided by the facility. [If a facility under this subsection does not have an
44 approved sprinkler system installed by December 31, 2012, such facility shall be required to
45 install and maintain an approved sprinkler system in accordance with NFPA 13 by December 31,
46 2013.] Such loans received under this subsection and in accordance with section 198.075, shall
47 be paid in full as follows:

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

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

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

57 (4) No payments or interest shall be due until the average total reimbursement rate for
58 the care of persons eligible for Medicaid public assistance is equal to or greater than forty-eight
59 dollars.

60 7. (1) All facilities licensed under this chapter shall be equipped with a complete fire
61 alarm system in compliance with [NFPA 101, Life Safety Code for Detection, Alarm, and
62 Communication Systems as referenced in] NFPA 72, or shall maintain a system that was
63 approved by the department when such facility was constructed so long as such system is a
64 complete fire alarm system. A complete fire alarm system shall include, but not be limited to,
65 interconnected smoke detectors throughout the facility, automatic transmission to the fire
66 department, dispatching agency, or central monitoring company, manual pull stations at each
67 required exit and attendant's station, heat detectors, and audible and visual alarm indicators.

68 (2) In addition, each floor accessed by residents shall be divided into at least two smoke
69 sections by one-hour rated smoke partitions. No smoke section shall exceed one hundred fifty
70 feet in length. If neither the length nor the width of the floor exceeds seventy-five feet, no
71 smoke-stop partition shall be required. Facilities with a complete fire alarm system and smoke
72 sections meeting the requirements of this subsection prior to August 28, 2007, shall continue to
73 meet such requirements. Facilities initially licensed on or after August 28, 2007, shall comply
74 with such requirements beginning August 28, 2007, or on the effective date of licensure.

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

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

79 9. Fire safety inspections of facilities licensed under this chapter for compliance with this
80 section shall be conducted annually by the state fire marshal [if such inspections are not available
81 to be conducted by local fire protection districts or fire departments. The provisions of this
82 section shall be enforced by the state fire marshal or by the local fire protection district or fire
83 department, depending on which entity conducted the inspection] **or by local fire protection**
84 **districts or fire departments if such districts or departments are deemed qualified to**
85 **conduct facility inspections by the state fire marshal. The state fire marshal shall report**

86 **the results of facility inspections to the department in order for the department to make**
87 **licensure and other appropriate decisions.**

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

198.075. 1. There is hereby created in the state treasury the "Fire Safety Standards Loan
2 Fund", for implementing the provisions of subsection [3] **6** of section 198.074. Moneys
3 deposited in the fund shall be considered state funds under article IV, section 15 of the Missouri
4 Constitution. The state treasurer shall be custodian of the fund and may disburse moneys from
5 the fund in accordance with sections 30.170 and 30.180, RSMo. Any moneys remaining in the
6 fund at the end of the biennium shall revert to the credit of the general revenue fund. The state
7 treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
8 interest and moneys earned on such investments shall be credited to the fund.

9 2. Qualifying facilities shall make an application to the department of health and senior
10 services upon forms provided by the department. **Such application and loan shall be available**
11 **to facilities by January 1, 2009.** Upon receipt of an application for a loan, the department shall
12 review the application and advise the governor before state funds are allocated for a loan. For
13 purposes of this section, a "qualifying facility" shall mean a facility licensed under this chapter
14 that is in substantial compliance. "Substantial compliance" shall mean a facility that has no
15 uncorrected deficiencies and is in compliance with department of health and senior services rules
16 and regulations governing such facility.

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

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

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