

FIRST REGULAR SESSION

HOUSE BILL NO. 966

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHOELLER.

2089L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 198.527, RSMo, and to enact in lieu thereof two new sections relating to dispute resolution in long-term care facilities.

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

Section A. Section 198.527, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 198.527 and 198.545, to read as follows:

198.527. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of [social] **health and senior** services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position.

Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process, and the number and type of actions overturned by the informal dispute resolution process **under section 198.545** and formal appeal shall be used [in] **as part of** the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes, rules and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter.

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.

198.545. 1. Any facility licensed under this chapter shall have the opportunity to contest any deficiency received during an inspection or complaint investigation conducted under sections 198.026 and 198.532 by requesting an informed dispute resolution conference with a representative peer review committee. For purposes of this section, a "representative peer review committee" means an examination and evaluation of the performance of a professional person or business by a committee consisting of persons in the same occupation or field. If the facility chooses a committee of nondepartmental personnel to perform the peer review, the facility shall pay for any costs associated with such review.

2. The director of the department of health and senior services shall designate a representative peer review committee to hold an informal dispute resolution conference within thirty days of the request submitted by a facility, unless a facility requests a continuance to gather information for such conference. Within twenty business days of the conclusion of such conference, the representative peer review committee shall report in writing to the department the committee's determination on whether to affirm, modify, or dismiss the deficiencies in dispute and the specific reasons for such determination. The department shall provide a copy of the peer review committee's report to the facility.

3. Upon receipt of the peer review committee's report, the department shall, within ten business days of such receipt, consider the determination set forth in the report and make a decision whether to affirm, modify, or dismiss the deficiencies in dispute. The department shall prepare a final report on the deficiencies in dispute which shall state the specific reasons for the results of the deficiencies in dispute, including, if applicable, the specific reasons for not adopting the determination of the representative peer review committee. The department shall provide a copy of the final report to the facility.

4. If a facility successfully demonstrates during an informal dispute resolution conference that the deficiencies should not have been cited, the deficiencies shall be removed from the statement of deficiency and any sanction imposed solely as a result of such deficiencies shall be rescinded.

5. Until the expiration of the period of time for a facility to request from the department an information dispute resolution conference, no report of deficiency shall be reported to any other agency of government. If a facility requests such a conference, no report of deficiency shall be reported to any other agency of government until the informal dispute resolution process set forth in this section is complete and a final report is issued and acted upon by the department.

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