

HCS SS SCS SB 469 -- STATE ADMINISTRATIVE RULES REVIEW

SPONSOR: Dixon (Smith, 150)

COMMITTEE ACTION: Voted "do pass" by the Committee on Downsizing State Government by a vote of 12 to 0.

This substitute requires the Department of Health and Senior Services to review and revise its regulations governing hospital licensure and enforcement as to promote hospital and regulatory efficiency and eliminate duplicative regulation and inspections by or on behalf of state and federal agencies. The substitute specifies the minimum standards for the hospital licensure regulations.

The department is authorized to accept, in lieu of the required annual hospital inspection by the department, licensed hospital inspection reports from other governmental and recognized accrediting organizations that have deemed status conferred by the Centers for Medicare and Medicaid Services (CMS) to take the place of direct CMS oversight and enforcement. The department must make any other inspections and investigations as it deems necessary for good cause shown but the scope of a departmental investigation of a complaint must be limited to the specific regulatory standard or standards raised by the complaint unless a specified documented immediate and serious threat is observed or identified during the investigation.

The department must accept reports of hospital inspections from governmental agencies and recognized accrediting organizations for licensure purposes if the accreditation inspection was conducted within three years of the date of license renewal.

Upon the request by a state agency to the Joint Committee on Administrative Rules and the Secretary of State and after publication in the Missouri Register, the Secretary of State is authorized to make nonsubstantive changes to the Code of State Regulations to update an agency's name, address, phone, or website information which are needed because of statutory changes or executive orders.

Within 60 days after receipt by an agency of a written petition filed by an individual requesting it to adopt, amend, or repeal a rule, the substitute requires the agency to submit a written response to the petitioner and a copy of the response to the joint committee and the Commissioner of the Office of Administration containing its determination, along with a concise summary of the basis for its determination. If the agency determines that the rule merits amendment or rescission, it must initiate the applicable proceedings. The joint committee may

refer comments or recommendations regarding the rule to the General Assembly for further action.

Each state agency must periodically review all of its rules according to the following review schedule:

(1) Rules contained in titles 1 through 6 of the Code of State Regulations must begin the review process no later than July 1, 2015, and every five years thereafter;

(2) Rules contained in titles 7 through 10 of the code must begin the review process no later than July 1, 2016, and every five years thereafter;

(3) Rules contained in titles 11 through 14 of the code must begin the review process no later than July 1, 2017, and every five years thereafter;

(4) Rules contained in titles 15 through 19 of the code must begin the review process no later than July 1, 2018, and every five years thereafter; and

(5) Rules contained in titles 20 and higher of the code must begin the review process no later than July 1, 2019, and every five years thereafter.

The joint committee must cause a notification of agency review to be published in the Missouri Register indicating rules being reviewed under these provisions. Each agency with rules being reviewed must prepare and file a report containing specified information with the joint committee and the Small Business Regulatory Fairness Board by June 30 of the year after publication of agency review in the Missouri Register. If a state agency does not file the report as required for any rule, in the absence of an extension for good cause from the joint committee, the joint committee must notify the Secretary of State to publish a notice as soon as practicable in the Missouri Register regarding the delinquency. The rule must be void and of no further effect after the first 60 legislative days of the next Regular Session of the General Assembly if the delinquency is not corrected within 90 days after publication.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of an income of \$0 in FY 2013, and income of \$0 in FY 2014, and an income of \$0 or a cost of Unknown in FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that instead of sunseting regulations, the bill establishes a process for the periodic review of the rules and requires a report to the committee.

Failure to file the report in a timely manner would result in a termination of the rule by the joint committee. The bill merges existing reporting requirements of the Small Business Regulatory Fairness Board.

Testifying for the bill were Senator Dixon; National Federation of Independent Business; Associated Industries of Missouri; Missouri Restaurant Association; and Missouri Propane Gas Association.

OPPONENTS: There was no opposition voiced to the committee.