

HCS SCS SB 567 -- ADULT DAY CARE PROGRAMS

SPONSOR: Chappelle-Nadal (Swan)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Children, Families, and Persons with Disabilities by a vote of 8 to 0.

This bill requires the Department of Health and Senior Services to create an adult day care program manual in partnership with the provider association to establish uniformity across the state and to offer regional training sessions in order to provide technical assistance or consultation to assist applicants for or holders of licenses or provisional licenses in meeting the requirements of staff qualifications and other aspects involving the operation of an adult day care program. The program manual and regional training sessions required under this act shall be made available to adult day care programs by January 1, 2015.

This bill modifies provisions relating to standard practices, inspections, disciplinary actions, informal dispute resolutions, license revocations, and adult day care programs operational manuals and information that is to be provided on the department website with respect to adult day care programs.

The department may contract with an independent third party to conduct an informal dispute resolution (IDR) for programs licensed under the chapter. An IDR process will constitute an informal administrative process, must not be construed to be a formal evidentiary hearing and will not waive the program's right to pursue further or additional legal actions.

The department must establish an IDR process to determine whether a cited deficiency as evidenced by a statement of deficiencies against a program should be upheld. The minimum requirements for the process are specified in the bill.

A licensed adult day care program must evaluate the program rate structure in FY 2015 and determine a cost-based uniform rate for services to be presented as a budget line item in the Department of Health and Senior Services FY 2016 budget request for adult day care programs which provide care, treatment rehabilitation, and habilitation exclusively to adults and seniors with physical disabilities, mental, neurological, and cognitive disorders such as brain injuries, dementia, and other intellectual impairments, excluding in the budget request, the cost for individuals already funded by a Department of Mental Health waiver.

PROPONENTS: Supporters say that the rules for a nursing home may not be the same rules you would have for an adult day care center

or an assisted living facility. This bill allows the department to deny an application if the application requirements are not met.

Testifying for the bill were Senator Chappelle-Nadal; Donna Gunning; Janet Chenoworth; Shannon Sykes, Sun Valley Adult Care Center; and LeadingAge Missouri.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say there is currently only one licensure level; the providers can determine what services they provide. This bill allows the frequency of inspections to decrease to one a year. It also establishes the IDR dispute resolution process to resolve disputes. Historically, there has been two sets of rules, one for Department of Social Services and one for Department of Health and Senior Services. Department of Social Services has rescinded their rules so the only rules will be the ones with Department of Health and Senior Services.

Testifying on the bill was Shelly Williamson, Department of Health and Senior Services.