

SECOND REGULAR SESSION

# HOUSE BILL NO. 1558

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HUBRECHT.

4410H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to nursing facilities.

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

Section A. Section 198.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 198.018, to read as follows:

198.018. 1. Applications for a license shall be made to the department by the operator upon such forms and including such information and documents as the department may reasonably require by rule or regulation for the purposes of administering sections 198.003 to 198.186, section 198.200, and sections 208.030 and 208.159.

2. The applicant shall submit all documents required by the department under this section attesting by signature that the statements contained in the application are true and correct to the best of the applicant's knowledge and belief, and that all required documents are either included with the application or are currently on file with the department.

3. The application shall be accompanied by a license fee in an amount established by the department. The fee established by the department shall not exceed six hundred dollars, and shall be a graduated fee based on the licensed capacity of the applicant and the duration of the license. A fee of not more than fifty dollars shall be charged for any amendments to a license initiated by an applicant. In addition, facilities certified to participate in the Medicaid or Medicare programs shall pay a certification fee of up to one thousand dollars annually, payable on or before October first of each year. The amount remitted for the license fee, fee for amendments to a license, or certification fee shall be deposited in the state treasury to the credit of the "Nursing Facility Quality of Care Fund", which is hereby created. All investment earnings

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.

18 of the nursing facility quality of care fund shall be credited to such fund. All moneys in the  
19 nursing facility quality of care fund shall, upon appropriation, be used by the department of  
20 health and senior services for conducting inspections and surveys, and providing training and  
21 technical assistance to facilities licensed under the provisions of this chapter. The unexpended  
22 balance in the nursing facility quality of care fund at the end of the biennium is exempt from the  
23 provisions of sections 33.080. The unexpended balance in the nursing facility quality of care  
24 fund shall not revert to the general revenue fund, but shall accumulate in the nursing facility  
25 quality of care fund from year to year.

26 4. Within ten working days of the effective date of any document that replaces, succeeds,  
27 or amends any of the documents required by the department to be filed pursuant to this section,  
28 an operator shall file with the department a copy of such document. The operator shall attest by  
29 signature that the document is true and correct. If the operator knowingly fails to file a required  
30 document or provide any information amending any document within the time provided for in  
31 this section, a circuit court may, upon application of the department or the attorney general,  
32 assess a penalty of up to fifty dollars per document for each day past the required date of filing.

33 5. If an operator fails to file documents or amendments to documents as required  
34 pursuant to this section and such failure is part of a pattern or practice of concealment, such  
35 failure shall be sufficient grounds for revocation of a license or disapproval of an application for  
36 a license.

37 6. Any facility defined in subdivision (6), (14), (22), or (23) of section 198.006 that is  
38 licensed by the state of Missouri pursuant to the provisions of section 198.015 may not be  
39 **inspected**, licensed, certified or registered by any other political subdivision of the state of  
40 Missouri whether or not it has taxing power, provided, however, that nothing in this subsection  
41 shall prohibit a county or city, otherwise empowered under law, to inspect such facility for  
42 compliance with local [ordinances of food service or] fire safety, **drainage, wastewater,**  
43 **utilities, subdivision, and zoning ordinances. The state fire marshal may authorize and**  
44 **designate a local fire safety agency to conduct all fire safety inspections for such facility.**  
45 **Such facility shall receive a safety inspection by either a local fire safety agency or the state**  
46 **fire marshal.**

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