

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 45 & 1066, Page 5, Section 329.280,
2 Line 32, by inserting after all of said section and line the following:

3
4 "344.045. 1. The board shall receive complaints concerning its licensees' professional
5 practices. The board shall establish by rule a procedure for the handling of such complaints prior to
6 the filing of formal complaints before the administrative hearing commission. The rule shall
7 provide, at a minimum, for the logging of each complaint received, the recording of the licensee's
8 name, the name of the complaining party, the date of the complaint, and a brief statement of the
9 complaint and its ultimate disposition. The rule shall provide for informing the complaining party
10 of the progress of the investigation, the dismissal of the charges, or the filing of a complaint before
11 the administrative hearing commission.

12 2. Notwithstanding any other provision of law, no complaint, investigatory report, or
13 information received from any source shall be disclosed prior to its review by the board.

14 3. At its discretion, the board may disclose complaints, completed investigatory reports, and
15 information obtained from state administrative and law enforcement agencies to a licensee or license
16 applicant in order to further an investigation or to facilitate settlement negotiations.

17 4. Information obtained from a federal administrative or law enforcement agency shall be
18 disclosed only upon receipt of written consent to the disclosure from the federal administrative or
19 law enforcement agency.

20 5. At its discretion, the board may disclose complaints and investigatory reports if any such
21 disclosure is:

22 (1) In the course of voluntary interstate exchange of information;

23 (2) In accordance with a lawful request; or

24 (3) To other state or federal administrative or law enforcement agencies acting within the
25 scope of their statutory authority.

26 6. Except where disclosure is specifically authorized in this section and as described in
27 section 610.021, deliberations, votes, or minutes of closed proceedings shall not be subject to
28 disclosure or discovery. Once a final disposition is rendered, that decision shall be made available
29 to the parties and the public.

Action Taken _____ Date _____

1 344.055. 1. All educational transcripts, test scores, complaints, investigatory reports, and
2 information pertaining to any person who is an applicant or licensee of the board are confidential
3 and shall not be disclosed to the public or any member of the public, except with the written consent
4 of the person whose records are involved. The board shall disclose the records or information if the
5 person whose records or information is involved has consented to the disclosure. The board is
6 entitled to the attorney-client privilege and work-product privilege to the same extent as any other
7 person.

8 2. Notwithstanding the provisions of subsection 1 of this section, the board may disclose
9 confidential information without the consent of the person involved if the disclosure is:

10 (1) In the course of voluntary interstate exchange of information;

11 (2) In accordance with a lawful request; or

12 (3) To other administrative or law enforcement agencies acting within the scope of their
13 statutory authority.

14 3. Information regarding identity, including names and addresses, registration, and currency
15 of the license of the persons possessing nursing home administrator licenses and the names and
16 addresses of applicants for nursing home administrator licenses, is not confidential information.

17 344.102. No person shall practice as a nursing home administrator in this state or hold
18 himself or herself out as a nursing home administrator if his or her license is expired. Expired
19 licenses shall remain subject to disciplinary action for violations of this chapter and the rules
20 promulgated thereunder."; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.