

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 70, Page 101, Section 337.1075, Line 10, by inserting after said section and line the  
3 following:  
4

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

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

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

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

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

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

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

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

27 6. Except where disclosure is specifically authorized in this section and as described in  
28 section 610.021, deliberations, votes, or minutes of closed proceedings shall not be subject to  
29 disclosure or discovery. Once a final disposition is rendered, that decision shall be made available  
30 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 or is revoked.  
19 Expired licenses shall remain subject to disciplinary action for violations of this chapter and the  
20 rules promulgated thereunder."; and

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