

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for
2 Senate Committee Substitute for Senate Bill No. 157, Page 1, Line 11, by deleting said line and
3 inserting in lieu thereof the following:
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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

Action Taken _____ Date _____

1 disclosure or discovery. Once a final disposition is rendered, that decision shall be made available
2 to the parties and the public.

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

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

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

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

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

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

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

23 Section 1. The department of health and senior services shall include on its website an
24 advance"; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.

28
29 THIS AMENDMENT AMENDS 0779H05.17H.