

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 198, Page 21,
2 Section 193.265, Line 81, by inserting after all of said section and line the following:

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4 "198.022. 1. Upon receipt of an application for a license to operate a facility, the
5 department shall review the application, investigate the applicant and the statements sworn to in the
6 application for license and conduct any necessary inspections. A license shall be issued if the
7 following requirements are met:

8 (1) The statements in the application are true and correct;

9 (2) The facility and the operator are in substantial compliance with the provisions of
10 sections 198.003 to 198.096 and the standards established thereunder;

11 (3) The applicant has the financial capacity to operate the facility;

12 (4) The administrator of an assisted living facility, a skilled nursing facility, or an
13 intermediate care facility is currently licensed under the provisions of chapter 344;

14 (5) Neither the operator nor any principals in the operation of the facility have ever been
15 convicted of a felony offense concerning the operation of a long-term health care facility or other
16 health care facility or ever knowingly acted or knowingly failed to perform any duty which
17 materially and adversely affected the health, safety, welfare or property of a resident, while acting in
18 a management capacity. The operator of the facility or any principal in the operation of the facility
19 shall not be under exclusion from participation in the Title XVIII (Medicare) or Title XIX
20 (Medicaid) program of any state or territory;

21 (6) Neither the operator nor any principals involved in the operation of the facility have ever
22 been convicted of a felony in any state or federal court arising out of conduct involving either
23 management of a long-term care facility or the provision or receipt of health care;

24 (7) All fees due to the state have been paid.

25 2. Upon denial of any application for a license, the department shall so notify the applicant
26 in writing, setting forth therein the reasons and grounds for denial.

27 3. The department may inspect any facility and any records and may make copies of
28 records, at the facility, at the department's own expense, required to be maintained by sections
29 198.003 to 198.096 or by the rules and regulations promulgated thereunder at any time if a license
30 has been issued to or an application for a license has been filed by the operator of such facility.

Action Taken _____ Date _____

1 Copies of any records requested by the department shall be prepared by the staff of such facility
2 within two business days or as determined by the department. The department shall not remove or
3 disassemble any medical record during any inspection of the facility, but may observe the
4 photocopying or may make its own copies if the facility does not have the technology to make the
5 copies. In accordance with the provisions of section 198.525, the department shall make at least one
6 inspection per year, which shall be unannounced to the operator. The department may make such
7 other inspections, announced or unannounced, as it deems necessary to carry out the provisions of
8 sections 198.003 to 198.136.

9 4. Whenever the department has reasonable grounds to believe that a facility required to be
10 licensed under sections 198.003 to 198.096 is operating without a license, and the department is not
11 permitted access to inspect the facility, or when a licensed operator refuses to permit access to the
12 department to inspect the facility, the department shall apply to the circuit court of the county in
13 which the premises is located for an order authorizing entry for such inspection, and the court shall
14 issue the order if it finds reasonable grounds for inspection or if it finds that a licensed operator has
15 refused to permit the department access to inspect the facility.

16 5. Whenever the department is inspecting a facility in response to an application from an
17 operator located outside of Missouri not previously licensed by the department, the department may
18 request from the applicant the past five years compliance history of all facilities owned by the
19 applicant located outside of this state.

20 6. If a licensee of a residential care facility or assisted living facility is accredited by a
21 recognized accrediting entity, then the licensee may submit to the department documentation of the
22 licensee's current accreditation status. If a licensee submits to the department documentation from a
23 recognized accrediting entity that the licensee is in good standing, then the department shall not
24 conduct an annual onsite inspection of the licensee; provided that if a licensee does not remain in
25 good standing with a recognized accrediting entity, the department shall conduct an annual onsite
26 inspection as required by law. Nothing in this subsection shall preclude the department from
27 conducting inspections for alleged violations of standards or requirements contained within this
28 chapter or any other applicable law or regulation. As used in this subsection, the term "recognized
29 accrediting entity" shall mean the Joint Commission or another nationally-recognized accrediting
30 entity approved by the department that has specific residential care facility or assisted living facility
31 program standards equivalent to the standards established by the department under this chapter.";
32 and

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34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.