

FIRST REGULAR SESSION

# HOUSE BILL NO. 773

102ND GENERAL ASSEMBLY

---

---

INTRODUCED BY REPRESENTATIVE VEIT.

1838H.011

DANA RADEMAN MILLER, Chief Clerk

---

---

## AN ACT

To amend chapter 344, RSMo, by adding thereto three new sections relating to nursing home administrators.

---

---

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

Section A. Chapter 344, RSMo, is amended by adding thereto three new sections, to  
2 be known as sections 344.045, 344.055, and 344.102, to read as follows:

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

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

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

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.

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

20           **5. At its discretion, the board may disclose complaints and investigatory reports**  
21 **if any such 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**  
25 **within the scope of their statutory authority.**

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

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

9           **2. Notwithstanding the provisions of subsection 1 of this section, the board may**  
10 **disclose confidential information without the consent of the person involved if the**  
11 **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**  
15 **of their statutory authority.**

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

**344.102. No person shall practice as a nursing home administrator in this state**  
2 **or hold himself or herself out as a nursing home administrator if his or her license is**

**3 expired. Expired licenses shall remain subject to disciplinary action for violations of this**  
**4 chapter and the rules promulgated thereunder.**

✓