

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 773
102ND GENERAL ASSEMBLY

1838H.02C

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 or is revoked. Expired licenses shall remain subject to disciplinary action for
4 violations of this chapter and the rules promulgated thereunder.

✓