

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 2824 & 1723, Page 8, Section 191.1145,
2 Line 52, by inserting after all of said section and line the following:

3
4 192.2550. As used in sections 192.2550 to 192.2560, the following terms mean:

5 (1) "Child", an individual who is under the age of seventeen;

6 (2) "Department", the department of health and senior services;

7 (3) "Eligible child", an individual who is under the age of six years and has complex
8 medical needs requiring continuous skilled nursing intervention of at least four hours per day, as
9 ordered by a physician;

10 (4) "Person", any individual, firm, corporation, partnership, association, agency,
11 incorporated or unincorporated organization, or other legal entity, regardless of the name used;

12 (5) "Prescribed pediatric extended care facility", a facility providing medically necessary
13 multidisciplinary services to eligible children in a child care facility licensed by the department of
14 elementary and secondary education under chapter 210. Multidisciplinary services include skilled
15 nursing, personal care, nutritional assessment, developmental assessment, and speech, physical, and
16 occupational therapy services, as ordered by a physician;

17 (6) "Prescribed pediatric extended care provider" or "provider", the person or persons
18 licensed or required to be licensed under sections 192.2550 to 192.2560 to establish, conduct, or
19 maintain, a prescribed pediatric extended care facility.

20 192.2552. 1. Beginning on August 28, 2025, it shall be unlawful for any person to establish,
21 maintain, or operate a prescribed pediatric extended care facility, or to advertise or hold himself or
22 herself out as being able to perform any of the services of a prescribed pediatric extended care
23 facility, without having in effect a written license granted by the department.

24 2. Nothing in sections 192.2550 to 192.2560 shall be construed to apply to:

25 (1) Any child care facility that provides care to eligible children with a caregiver staffing
26 ratio of not fewer than one licensed nurse present for every one eligible child present, unless said
27 facility voluntarily applies for licensure as a prescribed pediatric extended care facility;

28 (2) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide
29 medical treatment or nursing or convalescent care for children; or

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1 (3) Any program licensed by the department of mental health under sections 630.705 to
2 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary
3 diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as
4 those terms are defined in section 630.005.

5 192.2554. 1. The department shall have the following powers and duties:

6 (1) After inspection, to grant licenses to persons to operate prescribed pediatric extended
7 care facilities if satisfied as to the good character and intent of the applicant and that such applicant
8 is qualified and equipped to render care or service conducive to the welfare of children;

9 (2) To inspect the conditions of the places in which the applicant operates a prescribed
10 pediatric extended care facility; inspect their books and records, premises, and numbers of children
11 to be served, provided that the department shall not interview a child without the consent of the
12 child's parents or guardian; examine their officers and agents; and deny, immediately suspend, place
13 on probation, or revoke the license of such persons as fail to obey the provisions of sections
14 192.2550 to 192.2560. The director may revoke or suspend a license when the licensee surrenders
15 the license; and

16 (3) To promulgate rules and regulations the department deems necessary or proper in order
17 to establish standards of service and care to be rendered by such licensees to children. Such rules
18 and regulations shall include, at a minimum, requirements related to the following:

19 (a) Staffing;

20 (b) Fire safety;

21 (c) Sanitation, including infection control;

22 (d) Equipment; and

23 (e) Record keeping.

24 2. (1) The department shall have the right to enter the premises of any prescribed pediatric
25 extended care facility or potential facility pursuant to an announced inspection at any time during
26 the hours of operation of a facility to determine compliance with sections 192.2550 to 192.2560 and
27 applicable rules promulgated pursuant thereto. Entry shall also be granted for investigative
28 purposes involving complaints regarding the operations of a prescribed pediatric extended care
29 facility. The department may make inspections, announced to the applicant for or holder of a
30 license twenty-four hours in advance of the inspection, as it deems necessary to carry out the
31 provisions of sections 192.2550 to 192.2560.

32 (2) Notwithstanding the provisions of subdivision (1) of this subsection, the department may
33 make unannounced inspections as necessary to investigate allegations of abuse or neglect of a child
34 served by the facility.

35 3. The applicant for or holder of a license shall cooperate with the investigation and
36 inspection.

37 4. Failure to comply with any lawful request of the department in connection with the
38 investigation and inspection is a ground for refusal to issue a license or for the revocation of a
39 license.

1 5. Any prescribed pediatric extended care facility may request a variance from a rule or
2 regulation promulgated pursuant to sections 192.2550 to 192.2560. The request for a variance shall
3 be made in writing to the department and shall include the reasons the facility is requesting the
4 variance. The department shall not approve any variance request that endangers the health or safety
5 of the children served by the facility.

6 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
7 under the authority delegated in sections 192.2550 to 192.2560 shall become effective only if it
8 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
9 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
10 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
11 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
12 rule proposed or adopted after August 28, 2024, shall be invalid and void.

13 192.2556. 1. All applicants for or holders of a license to operate a prescribed pediatric
14 extended care facility shall have an active, nonsuspended license to operate a child care facility
15 issued by the department of elementary and secondary education.

16 2. All persons employed by the prescribed pediatric extended care facility for compensation,
17 including contract employees or self-employed individuals, and individuals or volunteers whose
18 activities involve the care or supervision of children for a prescribed pediatric extended care
19 provider or unsupervised access to children who are cared for or supervised by a prescribed
20 pediatric extended care provider shall be considered a child care staff member, as that term is
21 defined in section 210.1080, and shall comply with all requirements under that section and
22 regulations promulgated pursuant thereto.

23 192.2558. 1. If the department proposes to deny, place on probation, or revoke a license, the
24 department shall serve upon the applicant or licensee written notice of the proposed action to be
25 taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date
26 the action will become effective, and a statement that the applicant or licensee shall have thirty days
27 to request in writing a hearing before the administrative hearing commission and that such request
28 shall be made to the department. If no written request for a hearing is received by the department
29 within thirty days of the delivery or mailing by certified mail of the notice to the applicant or
30 licensee, then the proposed discipline shall take effect on the thirty-first day after such delivery or
31 mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written
32 request for a hearing, the department shall file a complaint with the administrative hearing
33 commission within thirty days of receipt of the request for a hearing.

34 2. The department shall immediately suspend and propose to revoke any prescribed
35 pediatric extended care facility license if the department of elementary and secondary education
36 immediately suspends the licensee's license to operate a child care facility. The immediate
37 suspension of the license to operate a child care facility shall be sufficient grounds for the
38 department of health and senior services to immediately suspend and revoke the prescribed pediatric
39 extended care license.

1 3. The department shall immediately suspend and propose to revoke any prescribed
2 pediatric extended care license if the department of elementary and secondary education revokes the
3 licensee's license to operate a child care facility. The revocation of the license to operate a child
4 care facility shall be sufficient grounds for the department of health and senior services to
5 immediately suspend and revoke the prescribed pediatric extended care license.

6 4. The department may immediately suspend any license simultaneously with the notice of
7 the proposed action to be taken in subsection 1 of this section if the department finds that there is a
8 threat of imminent bodily harm to the children in the care of the prescribed pediatric extended care
9 facility.

10 5. The notice of immediate suspension shall include the basis of the immediate suspension
11 and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision
12 to immediately suspend the license to the department. The appeal shall be filed within ten days
13 from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted
14 by the department within fifteen days from the date the appeal is filed. The immediate suspension
15 shall continue in effect until the conclusion of the proceedings, including review thereof, unless
16 sooner withdrawn by the department or stayed by a court of competent jurisdiction.

17 6. Any person aggrieved by a final decision of the department made in the administration of
18 sections 192.2550 to 192.2560 shall be entitled to judicial review thereof as provided in chapter 536.

19 7. In cases of imminent bodily harm to children in the care of a prescribed pediatric
20 extended care facility, including an unlicensed facility not exempt under section 192.2552, the
21 department may file suit in the circuit court of the county in which the prescribed pediatric extended
22 care facility is located for injunctive relief, which may include removing children from the facility,
23 overseeing the operation of the facility, or closing the facility. The department may request that the
24 attorney general bring the action in place of the department. Failure by the department to file suit
25 under the provisions of this subsection shall not be construed as creating any civil liability or
26 incurring other obligations or duties, except as otherwise specified.

27 192.2560. 1. Nothing contained in sections 192.2550 to 192.2560 shall permit the public
28 disclosure by the department of confidential medical, social, personal, or financial records of any
29 child in the care of any prescribed pediatric extended care facility, except when disclosed in a
30 manner which does not identify any child or when ordered to do so by a court of competent
31 jurisdiction. Such records shall be accessible without court order for examination and copying only
32 to the following persons or offices, or to their designees:

33 (1) The department or any person or agency designated by the department;

34 (2) The department of elementary and secondary education or any person or agency
35 designated by the department of elementary and secondary education;

36 (3) The department of social services or any person or agency designated by the department
37 of social services;

38 (4) The attorney general;

39 (5) Any appropriate law enforcement agency;

1 (6) Any appropriate prosecutor's office; and

2 (7) The child's parent or guardian, or any other person designated by the child's parent or
3 guardian.

4 2. Inspection reports and written reports of investigations of complaints and complaints
5 received by the department relating to the quality of care of children in the care of a prescribed
6 pediatric extended care provider shall be accessible to the public for examination and copying,
7 provided that such reports are disclosed in a manner which does not identify the complainant or any
8 particular child."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.