

SECOND REGULAR SESSION

HOUSE BILL NO. 1975

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STINNETT.

4720H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 192, RSMo, by adding thereto six new sections relating to prescribed pediatric extended care facilities.

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

Section A. Chapter 192, RSMo, is amended by adding thereto six new sections, to be known as sections 192.2550, 192.2552, 192.2554, 192.2556, 192.2558, and 192.2560, to read as follows:

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

- (1) "Child", an individual who is under seventeen years of age;**
- (2) "Department", the department of health and senior services;**
- (3) "Eligible child", an individual who is under six years of age and has complex medical needs requiring continuous skilled nursing intervention of at least four hours per day, as ordered by a physician;**
- (4) "Person", any individual, firm, corporation, partnership, association, agency, incorporated or unincorporated organization, or other legal entity, regardless of the name used;**
- (5) "Prescribed pediatric extended care facility", a facility providing medically necessary multidisciplinary services to eligible children in a child care facility licensed by the department of elementary and secondary education under chapter 210. Multidisciplinary services include skilled nursing, personal care, nutritional assessment, developmental assessment, and speech, physical, and occupational therapy services, as ordered by a physician;**

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.

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

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

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

7 (1) Any prescribed pediatric extended care facility that provides care to eligible
8 children with a caregiver staffing ratio of not fewer than one licensed nurse present for
9 every one eligible child present unless such facility voluntarily applies for licensure as a
10 prescribed pediatric extended care facility;

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

13 (3) Any program licensed by the department of mental health under sections
14 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children
15 who have a primary diagnosis of mental disorder, mental illness, intellectual disability,
16 or developmental disability, as those terms are defined in section 630.005.

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

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

6 (2) To inspect the conditions of the places in which the applicant operates a
7 prescribed pediatric extended care facility; inspect their books and records, premises,
8 and children to be served; examine their officers and agents; and deny, immediately
9 suspend, place on probation, or revoke the license of such persons as fail to obey the
10 provisions of sections 192.2550 to 192.2560 or the rules and regulations promulgated by
11 the department. The director may revoke or suspend a license when the licensee
12 surrenders the license; and

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

17 (a) Staffing;

18 (b) Fire safety;

19 (c) Sanitation, including infection control;

20 (d) Equipment; and

21 (e) Record keeping.

22 2. The department shall have the right to enter the premises of an applicant for
23 or holder of a license at any time during the hours of operation of a facility to determine
24 compliance with sections 192.2550 to 192.2560 and applicable rules promulgated
25 thereunder. Entry shall also be granted for investigative purposes involving complaints
26 regarding the operations of a prescribed pediatric extended care facility. The
27 department may make inspections, announced or unannounced, as it deems necessary to
28 carry out the provisions of sections 192.2550 to 192.2560.

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

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

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

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

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

4 2. All persons employed by the prescribed pediatric extended care facility for
5 compensation, including contract employees or self-employed individuals, and
6 individuals or volunteers whose activities involve the care or supervision of children
7 for a prescribed pediatric extended care provider or unsupervised access to children
8 who are cared for or supervised by a prescribed pediatric extended care provider shall
9 be considered a child care staff member, as that term is defined in section 210.1080, and

10 shall comply with all requirements under that section and regulations promulgated
11 thereunder.

12 **192.2558. 1. If the department proposes to deny, place on probation, or revoke a**
13 **license, the department shall serve upon the applicant or licensee written notice of the**
14 **proposed action to be taken. The notice shall contain a statement of the type of action**
15 **proposed, the basis for the action, the date the action will become effective, and a**
16 **statement that the applicant or licensee shall have thirty days to request in writing a**
17 **hearing before the administrative hearing commission and that such request shall be**
18 **made to the department. If no written request for a hearing is received by the**
19 **department within thirty days of the delivery or mailing by certified mail of the notice to**
20 **the applicant or licensee, the proposed discipline shall take effect on the thirty-first day**
21 **after such delivery or mailing of the notice to the applicant or licensee. If the applicant**
22 **or licensee makes a written request for a hearing, the department shall file a complaint**
23 **with the administrative hearing commission within thirty days of receipt of the request**
24 **for a hearing.**

25 **2. The department shall immediately suspend and propose to revoke any**
26 **prescribed pediatric extended care facility license if the department of elementary and**
27 **secondary education immediately suspends the licensee's license to operate a child care**
28 **facility. The immediate suspension of the license to operate a child care facility shall be**
29 **sufficient grounds for the department of health and senior services to immediately**
30 **suspend and revoke the prescribed pediatric extended care facility license.**

31 **3. The department shall immediately suspend and propose to revoke any**
32 **prescribed pediatric extended care facility license if the department of elementary and**
33 **secondary education revokes the licensee's license to operate a child care facility. The**
34 **revocation of the license to operate a child care facility shall be sufficient grounds for the**
35 **department of health and senior services to immediately suspend and revoke the**
prescribed pediatric extended care facility license.

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

5. The notice of immediate suspension shall include the basis of the immediate
suspension and the appeal rights of the licensee under this section. The licensee may
appeal the decision to immediately suspend the license to the department. The appeal
shall be filed within ten days from the delivery or mailing by certified mail of the notice
of appeal. A hearing shall be conducted by the department within fifteen days from the
date the appeal is filed. The immediate suspension shall continue in effect until the

36 conclusion of the proceedings, including review thereof, unless sooner withdrawn by the
37 department or stayed by a court of competent jurisdiction.

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

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

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

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

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

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

13 (4) The attorney general;

14 (5) Any appropriate law enforcement agency;

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

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

18 2. Inspection reports and written reports of investigations of complaints and
19 complaints received by the department relating to the quality of care of children in the
20 care of a prescribed pediatric extended care provider shall be accessible to the public for

21 **examination and copying, provided that such reports are disclosed in a manner that**
22 **does not identify the complainant or any particular child.**

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