

SECOND REGULAR SESSION

HOUSE BILL NO. 2826

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHEY.

5873H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 206.110, RSMo, and to enact in lieu thereof one new section relating to the powers of a hospital district board of trustees, with an emergency clause.

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

Section A. Section 206.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 206.110, to read as follows:

206.110. 1. A hospital district, both within and outside such district, except in counties of the third or fourth classification (other than within the district boundaries) where there already exists a hospital organized pursuant to chapters 96, 205 or this chapter; provided, however, that this exception shall not prohibit the continuation or expansion of existing activities otherwise allowed by law, shall have and exercise the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain a hospital or hospitals and hospital facilities, and to construct, acquire, develop, expand, extend and improve any such hospital or hospital facility including medical office buildings to provide offices for rental to physicians and dentists on the district hospital's medical or dental staff, and the providing of sites therefor, including offstreet parking space for motor vehicles;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interest in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of any hospital or hospital facility. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession or by condemnation;

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.

18 (3) To operate, maintain and manage a hospital and hospital facilities, and to make
19 and enter into contracts, for the use, operation or management of a hospital or hospital
20 facilities; to engage in health care activities; and to make and enter into leases of equipment
21 and real property, a hospital or hospital facilities, as lessor or lessee, regardless of the duration
22 of such lease; and to provide rules and regulations for the operation, management or use of a
23 hospital or hospital facilities. Any agreement entered into pursuant to this subsection
24 pertaining to the lease of the hospital shall have a definite termination date as negotiated by
25 the parties, but this shall not preclude the trustees from entering into a renewal of the
26 agreement with the same or other parties pertaining to the same or other subjects upon such
27 terms and conditions as the parties may agree. **No agreement shall be entered into**
28 **pursuant to this subsection or any other provision of law for the general operations or**
29 **management of a hospital or hospital facilities, or any merger with, an academic,**
30 **nonprofit medical system operated by, affiliated with, or originally established by a**
31 **public institution of higher education that is chartered outside of this state;**

32 (4) To fix, charge and collect reasonable fees and compensation for the use or
33 occupancy of the hospital or any part thereof, or any hospital facility, and for nursing care,
34 medicine, attendance, or other services furnished by the hospital or hospital facilities,
35 according to the rules and regulations prescribed by the board from time to time;

36 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of
37 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
38 compliance with any condition or limitation set forth in this chapter or otherwise provided by
39 the Constitution of the state of Missouri;

40 (6) To employ or enter into contracts for the employment of any person, firm, or
41 corporation, and for professional services, necessary or desirable for the accomplishment of
42 the corporate objects of the district or the proper administration, management, protection or
43 control of its property;

44 (7) To maintain the hospital for the benefit of the inhabitants of the area comprising
45 the district who are sick, injured, or maimed regardless of race, creed or color, and to adopt
46 such reasonable rules and regulations as may be necessary to render the use of the hospital of
47 the greatest benefit to the greatest number; to exclude from the use of the hospital all persons
48 who willfully disregard any of the rules and regulations so established; to extend the
49 privileges and use of the hospital to persons residing outside the area of the district upon such
50 terms and conditions as the board of directors prescribes by its rules and regulations;

51 (8) To police its property and to exercise police powers in respect thereto or in respect
52 to the enforcement of any rule or regulation provided by the ordinances of the district and to
53 employ and commission police officers and other qualified persons to enforce the same;

54 (9) To lease to or allow for any institution of higher education to use or occupy the
55 hospital, any real estate or facility owned or leased by the district or any part thereof for the
56 purpose of health care-related and general education or training.

57 2. The use of any hospital or hospital facility of a district shall be subject to the
58 reasonable regulation and control of the district and upon such reasonable terms and
59 conditions as shall be established by its board of directors.

60 3. A regulatory ordinance of a district adopted under any provision of this section
61 may provide for a suspension or revocation of any rights or privileges within the control of
62 the district for a violation of any such regulatory ordinance.

63 4. Nothing in this section or in other provisions of this chapter shall be construed to
64 authorize the district or board to establish or enforce any regulation or rule in respect to
65 hospitalization or the operation or maintenance of such hospital or any hospital facilities
66 within its jurisdiction which is in conflict with any federal or state law or regulation
67 applicable to the same subject matter.

Section B. Because of the importance of maintaining the stability of Missouri's health
2 care system, section A of this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon
5 its passage and approval.

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