

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 7, Page 28, Section
2 196.990, Line 88, by inserting after all of said section and line the following:

3
4 "198.009. 1. The provisions of sections 198.003 to 198.186 shall be administered by the
5 department. The department shall have authority to promulgate rules and regulations for the
6 purposes of administering sections 198.003 to 198.186. All such rules and regulations shall be
7 promulgated in accordance with this section and chapter 536. No rule or portion of a rule
8 promulgated under the authority of this chapter shall become effective unless it has been
9 promulgated pursuant to the provisions of section 536.024.

10 2. No rule or regulation shall require a prospective employee to be assessed by a physician
11 in order to be employed by an assisted living facility or residential care facility. An assisted living
12 facility or residential care facility shall ensure that the prospective employee is capable of
13 performing the job for which he or she is being hired.

14 3. All agencies of the state or any of its political subdivisions shall assist and cooperate with
15 the department whenever necessary to carry out the department's responsibility under sections
16 198.003 to 198.186.

17 198.029. The provisions of section 198.026 notwithstanding, whenever a duly authorized
18 representative of the department finds upon inspection of a licensed facility, and the director of the
19 department finds upon review, that the facility or the operator is not in substantial compliance with a
20 standard or standards the violations of which would present either an imminent danger to the health,
21 safety or welfare of any resident or a substantial probability that death or serious physical harm
22 would result and which is not immediately corrected, the department shall:

23 (1) Give immediate written notice of the noncompliance to the operator, administrator or
24 person managing or supervising the conduct of the facility at the time the noncompliance is found;

25 (2) Make public the fact that a notice of noncompliance has been issued to the facility.
26 Copies of the notice shall be sent to appropriate hospitals and social service agencies;

27 (3) Send a copy of the notice of noncompliance to the department of social services, the
28 department of mental health, and any other concerned federal, state or local government agencies.

29 The facility shall post in a conspicuous location in the facility a copy of the notice of noncompliance
30 and a copy of the most recent inspection report.

Action Taken _____ Date _____

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2 If the facility corrected the violation within twelve hours, or up to twenty-four hours if a third party
3 is required to remedy the noncompliance, and no resident experienced physical harm before the
4 correction of the noncompliance, the facility shall not be required to post the notice described in
5 subdivision (3) of this section and the department may notify the entities listed in subdivisions (1),
6 (2), and (3) of this section. The department shall promulgate rules outlining when such notification
7 shall be made to such entities when no physical harm was experienced by a resident."; and
8

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