

FIRST REGULAR SESSION

HOUSE BILL NO. 815

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

1136H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 198.009 and 198.029, RSMo, and to enact in lieu thereof two new sections relating to long-term care facilities.

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

Section A. Sections 198.009 and 198.029, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 198.009 and 198.029, to read as follows:

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

7 2. **No rule or regulation shall require a prospective employee to be assessed by a**
8 **physician in order to be employed by an assisted living facility or residential care**
9 **facility.**

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

198.029. 1. The provisions of section 198.026 notwithstanding, whenever a duly
2 authorized representative of the department finds upon inspection of a licensed facility, and
3 the director of the department finds upon review, that the facility or the operator is not in
4 substantial compliance with a standard or standards the violations of which would present
5 either an imminent danger to the health, safety or welfare of any resident or a substantial

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.

6 probability that death or serious physical harm would result and which is not immediately
7 corrected, the department shall:

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

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

13 (3) Send a copy of the notice of noncompliance to the department of social services,
14 the department of mental health, and any other concerned federal, state or local government
15 agencies. The facility shall post in a conspicuous location in the facility a copy of the notice
16 of noncompliance and a copy of the most recent inspection report.

17 **2. Notwithstanding the provisions of subsection 1 of this section to the contrary,**
18 **the department shall not take any action under subdivision (2) or (3) of subsection 1 of**
19 **this section, and the facility shall not be required to take any action under subdivision**
20 **(3) of subsection 1 of this section, if the noncompliance is corrected within twenty-four**
21 **hours of receipt of the notice of noncompliance under subdivision (1) of subsection 1 of**
22 **this section and no resident experienced physical harm before the correction of the**
23 **noncompliance.**

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