

FIRST REGULAR SESSION

HOUSE BILL NO. 1400

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUSH.

2943H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 197.415, RSMo, and to enact in lieu thereof one new section relating to home health agencies, with penalty provisions.

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

Section A. Section 197.415, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 197.415, to read as follows:

197.415. 1. The department shall review the applications and shall issue a license to applicants who have complied with the requirements of sections 197.400 to 197.475 and have received approval of the department.

2. A license shall be renewed annually upon approval of the department when the following conditions have been met:

(1) The application for renewal is accompanied by a six-hundred-dollar license fee;

(2) The home health agency is in compliance with the requirements established pursuant to the provisions of sections 197.400 to 197.475 as evidenced by an inspection by the department which shall occur in accordance with Title XVIII of the Social Security Act;

and

(3) The application is accompanied by a statement of any changes in the information previously filed with the department pursuant to section 197.410.

3. **A license shall not be issued or renewed unless the home health agency has a policy that requires each in-home health care provider to be employed by the home health agency to sign a noncompete agreement in which the employee agrees to refrain from competition with the home health agency for the six-month period immediately following the employment start date upon any termination or conclusion of the**

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 **employment that occurs within such six-month period. Notwithstanding the provisions**
19 **of chapter 416 or 431 or any other provision of law to the contrary, such a noncompet**
20 **agreement shall be valid and enforceable.**

21 **4.** Each license shall be issued only for the home health agency listed in the
22 application. Licenses shall be posted in a conspicuous place in the main offices of the
23 licensed home health agency.

24 ~~4.~~ **5.** In lieu of any survey required by sections 197.400 to 197.475, the department
25 may accept in whole or in part written reports of the survey of any state or federal agency, or
26 of any professional accrediting agency, if such survey:

27 (1) Is comparable in scope and method to the department's surveys; and

28 (2) Is conducted in accordance with Title XVIII of the Social Security Act as required
29 by subdivision (2) of subsection 2 of this section.

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