

HCS HB 815 -- LONG-TERM CARE FACILITIES

SPONSOR: Van Schoiack

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Intergovernmental Affairs by a vote of 9 to 4, with 1 voting present.

The following is a summary of the House Committee Substitute for HB 815.

EMPLOYEE PHYSICALS (Section 198.009)

This bill prohibits any rule or regulation relating to assisted living or residential care facilities from requiring a prospective employee to be assessed by a physician in order to be employed by the facility. An assisted living facility or residential care facility is required to ensure that the prospective employee is capable of performing the job for which he or she is being hired.

NOTICE OF NONCOMPLIANCE (Section 198.029)

Current law prescribes the process that must be followed when it has been determined that an assisted living or residential care facility is not in substantial compliance with a standard or standards. This bill provides that the Department of Health and Senior Services does not need to make public the noncompliance, and the facility does not need to post any notice of noncompliance, if after receipt of the notice, the noncompliance is corrected within 12 hours, or 24 hours, if a third party is required to remedy the noncompliance, and no resident experienced physical harm before the noncompliance's correction.

REFERRAL AGENCIES (198.700)

This bill requires referral agencies, defined as individuals or entities that provide referrals to independent living facilities or long-term care facilities for fees that are collected from either the prospective resident or the facility, to disclose to prospective residents or their representative documentation of the existence of any relationships between the referral agency and the facility, as specified in the bill; that the referral agency receives a fee from the facility for the referral; and written documentation of the agreement between the referral agency and the prospective resident or representative thereof, with requirements to be included for the agreement that are specified in the bill.

The facility is: prohibited from paying fees to the referral agency unless certain conditions are met, as specified in the bill;

required to maintain a written or electronic copy of the aforementioned agreement between the referral agency and the prospective resident or resident's representative; and prohibited from selling or transferring contact information of the prospective resident or the resident's representative to a third party without obtaining written consent of the resident or representative.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that people working in these facilities are not wealthy and have to wait for months saving up to get a physical to even try to get hired. It is very difficult to find people for employment in these facilities, as they are not highly paid positions. However, they are very important. The physicals are an unnecessary requirement. Hospitals don't have the requirement for their employees, and these positions don't include heavy lifting or dangerous equipment. Supporters further say, when there's a violation, the Department of Health and Senior Services requires facilities to post on their doors and send notifications to families whether its resolved or not. This causes reputational and recruiting issues over what can be very minor violations that don't result in harm to anyone. If there are multiple violations, this bill won't stop procedures to investigate problem facilities.

Testifying in person for the bill were Representative Van Schoiack; Joyce Furnell, Bristol Care, Inc.; Jorgen Schlemeier, Missouri Assisted Living Association.

OPPOSERS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.