

FIRST REGULAR SESSION

SENATE BILL NO. 397

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 29, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1779S.011

AN ACT

To repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to applications for long-term care facilities.

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

Section A. Section 198.018, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 198.018, to read as follows:

198.018. 1. Applications for a license shall be made to the department by
2 the operator upon such forms and including such information and documents as
3 the department may reasonably require by rule or regulation for the purposes of
4 administering sections 198.003 to 198.186, section 198.200, and sections 208.030
5 and 208.159, RSMo.

6 2. The applicant shall submit [an affidavit under oath that] all documents
7 required by the department [to be filed pursuant to] **under** this section [are true
8 and correct to the best of his knowledge and belief] **attesting by signature**, that
9 the statements contained in the application are true and correct to the best of
10 [his] **the applicant's** knowledge and belief, and that all required documents are
11 either included with the application or are currently on file with the department.

12 3. The application shall be accompanied by a license fee in an amount
13 established by the department. The fee established by the department shall not
14 exceed six hundred dollars, and shall be a graduated fee based on the licensed
15 capacity of the applicant and the duration of the license. A fee of not more than
16 fifty dollars shall be charged for any amendments to a license initiated by an
17 applicant. In addition, facilities certified to participate in the Medicaid or
18 Medicare programs shall pay a certification fee of up to one thousand dollars
19 annually, payable on or before October first of each year. The amount remitted

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 for the license fee, fee for amendments to a license, or certification fee shall be
21 deposited in the state treasury to the credit of the "Nursing Facility Quality of
22 Care Fund", which is hereby created. All investment earnings of the nursing
23 facility quality of care fund shall be credited to such fund. All moneys in the
24 nursing facility quality of care fund shall, upon appropriation, be used by the
25 division of aging for conducting inspections and surveys, and providing training
26 and technical assistance to facilities licensed under the provisions of this
27 chapter. The unexpended balance in the nursing facility quality of care fund at
28 the end of the biennium is exempt from the provisions of sections 33.080,
29 RSMo. The unexpended balance in the nursing facility quality of care fund shall
30 not revert to the general revenue fund, but shall accumulate in the nursing
31 facility quality of care fund from year to year.

32 4. Within ten working days of the effective date of any document that
33 replaces, succeeds, or amends any of the documents required by the department
34 to be filed pursuant to this section, an operator shall file with the department a
35 [certified] copy of such document. **The operator shall attest by signature**
36 **that the document is true and correct.** If the operator knowingly fails to file
37 a required document or provide any information amending any document within
38 the time provided for in this section, a circuit court may, upon application of the
39 department or the attorney general, assess a penalty of up to fifty dollars per
40 document for each day past the required date of filing.

41 5. If an operator fails to file documents or amendments to documents as
42 required pursuant to this section and such failure is part of a pattern or practice
43 of concealment, such failure shall be sufficient grounds for revocation of a license
44 or disapproval of an application for a license.

45 6. Any facility defined in subdivision (8), (15), (16) or (17) of section
46 198.006 that is licensed by the state of Missouri pursuant to the provisions of
47 section 198.015 may not be licensed, certified or registered by any other political
48 subdivision of the state of Missouri whether or not it has taxing power, provided,
49 however, that nothing in this subsection shall prohibit a county or city, otherwise
50 empowered under law, to inspect such facility for compliance with local
51 ordinances of food service or fire safety.

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