

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 397

94TH GENERAL ASSEMBLY

2007

1779S.02T

## 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Section A. Section 198.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 198.018, to read as follows: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 the operator upon such forms and including such information and documents as the department may reasonably require by rule or regulation for the purposes of administering sections 198.003 to 198.186, section 198.200, and sections 208.030 and 208.159, RSMo.

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

3. The application shall be accompanied by a license fee in an amount established by the department. The fee established by the department shall not exceed six hundred dollars, and shall be a graduated fee based on the licensed capacity of the applicant and the duration of the license. A fee of not more than

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

17 fifty dollars shall be charged for any amendments to a license initiated by an  
18 applicant. In addition, facilities certified to participate in the Medicaid or  
19 Medicare programs shall pay a certification fee of up to one thousand dollars  
20 annually, payable on or before October first of each year. The amount remitted  
21 for the license fee, fee for amendments to a license, or certification fee shall be  
22 deposited in the state treasury to the credit of the "Nursing Facility Quality of  
23 Care Fund", which is hereby created. All investment earnings of the nursing  
24 facility quality of care fund shall be credited to such fund. All moneys in the  
25 nursing facility quality of care fund shall, upon appropriation, be used by the  
26 division of aging for conducting inspections and surveys, and providing training  
27 and technical assistance to facilities licensed under the provisions of this  
28 chapter. The unexpended balance in the nursing facility quality of care fund at  
29 the end of the biennium is exempt from the provisions of sections 33.080,  
30 RSMo. The unexpended balance in the nursing facility quality of care fund shall  
31 not revert to the general revenue fund, but shall accumulate in the nursing  
32 facility quality of care fund from year to year.

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

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

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

52 ordinances of food service or fire safety.

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