

SENATE BILL NO. 685

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

2676S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 198.022, RSMo, and to enact in lieu thereof one new section relating to inspections of certain long term care facilities.

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

Section A. Section 198.022, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 198.022,
3 to read as follows:

198.022. 1. Upon receipt of an application for a
2 license to operate a facility, the department shall review
3 the application, investigate the applicant and the
4 statements sworn to in the application for license and
5 conduct any necessary inspections. A license shall be
6 issued if the following requirements are met:

7 (1) The statements in the application are true and
8 correct;

9 (2) The facility and the operator are in substantial
10 compliance with the provisions of sections 198.003 to
11 198.096 and the standards established thereunder;

12 (3) The applicant has the financial capacity to
13 operate the facility;

14 (4) The administrator of an assisted living facility,
15 a skilled nursing facility, or an intermediate care facility
16 is currently licensed under the provisions of chapter 344;

17 (5) Neither the operator nor any principals in the
18 operation of the facility have ever been convicted of a

19 felony offense concerning the operation of a long-term
20 health care facility or other health care facility or ever
21 knowingly acted or knowingly failed to perform any duty
22 which materially and adversely affected the health, safety,
23 welfare or property of a resident, while acting in a
24 management capacity. The operator of the facility or any
25 principal in the operation of the facility shall not be
26 under exclusion from participation in the Title XVIII
27 (Medicare) or Title XIX (Medicaid) program of any state or
28 territory;

29 (6) Neither the operator nor any principals involved
30 in the operation of the facility have ever been convicted of
31 a felony in any state or federal court arising out of
32 conduct involving either management of a long-term care
33 facility or the provision or receipt of health care;

34 (7) All fees due to the state have been paid.

35 2. Upon denial of any application for a license, the
36 department shall so notify the applicant in writing, setting
37 forth therein the reasons and grounds for denial.

38 3. The department may inspect any facility and any
39 records and may make copies of records, at the facility, at
40 the department's own expense, required to be maintained by
41 sections 198.003 to 198.096 or by the rules and regulations
42 promulgated thereunder at any time if a license has been
43 issued to or an application for a license has been filed by
44 the operator of such facility. Copies of any records
45 requested by the department shall be prepared by the staff
46 of such facility within two business days or as determined
47 by the department. The department shall not remove or
48 disassemble any medical record during any inspection of the
49 facility, but may observe the photocopying or may make its
50 own copies if the facility does not have the technology to

51 make the copies. In accordance with the provisions of
52 section 198.525, the department shall make at least one
53 inspection per year, which shall be unannounced to the
54 operator. The department may make such other inspections,
55 announced or unannounced, as it deems necessary to carry out
56 the provisions of sections 198.003 to 198.136.

57 4. Whenever the department has reasonable grounds to
58 believe that a facility required to be licensed under
59 sections 198.003 to 198.096 is operating without a license,
60 and the department is not permitted access to inspect the
61 facility, or when a licensed operator refuses to permit
62 access to the department to inspect the facility, the
63 department shall apply to the circuit court of the county in
64 which the premises is located for an order authorizing entry
65 for such inspection, and the court shall issue the order if
66 it finds reasonable grounds for inspection or if it finds
67 that a licensed operator has refused to permit the
68 department access to inspect the facility.

69 5. Whenever the department is inspecting a facility in
70 response to an application from an operator located outside
71 of Missouri not previously licensed by the department, the
72 department may request from the applicant the past five
73 years compliance history of all facilities owned by the
74 applicant located outside of this state.

75 **6. If a licensee of a residential care facility or**
76 **assisted living facility is accredited by a recognized**
77 **accrediting entity, then the licensee may submit to the**
78 **department documentation of the licensee's current**
79 **accreditation status. If a licensee submits to the**
80 **department documentation from a recognized accrediting**
81 **entity that the licensee is in good standing, then the**
82 **department shall not conduct an annual onsite inspection of**

83 the licensee. Nothing in this subsection shall preclude the
84 department from conducting inspections for violations of
85 standards or requirements contained within this chapter or
86 any other applicable law or regulation. As used in this
87 subsection, the term "recognized accrediting entity" shall
88 mean the Joint Commission or another nationally-recognized
89 accrediting entity approved by the department that has
90 specific residential care facility or assisted living
91 facility program standards equivalent to the standards
92 established by the department under this chapter.

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