

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 7, Page 1, Section TITLE, Line 4,

2 by striking "emergency"; and

3 Further amend said bill, page 9, section 190.166, line
4 85, by inserting after all of said line the following:

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

11 (1) The statements in the application are true and
12 correct;

13 (2) The facility and the operator are in substantial
14 compliance with the provisions of sections 198.003 to
15 198.096 and the standards established thereunder;

16 (3) The applicant has the financial capacity to
17 operate the facility;

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

21 (5) Neither the operator nor any principals in the
22 operation of the facility have ever been convicted of a
23 felony offense concerning the operation of a long-term
24 health care facility or other health care facility or ever
25 knowingly acted or knowingly failed to perform any duty
26 which materially and adversely affected the health, safety,

27 welfare or property of a resident, while acting in a
28 management capacity. The operator of the facility or any
29 principal in the operation of the facility shall not be
30 under exclusion from participation in the Title XVIII
31 (Medicare) or Title XIX (Medicaid) program of any state or
32 territory;

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

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

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

42 3. The department may inspect any facility and any
43 records and may make copies of records, at the facility, at
44 the department's own expense, required to be maintained by
45 sections 198.003 to 198.096 or by the rules and regulations
46 promulgated thereunder at any time if a license has been
47 issued to or an application for a license has been filed by
48 the operator of such facility. Copies of any records
49 requested by the department shall be prepared by the staff
50 of such facility within two business days or as determined
51 by the department. The department shall not remove or
52 disassemble any medical record during any inspection of the
53 facility, but may observe the photocopying or may make its
54 own copies if the facility does not have the technology to
55 make the copies. In accordance with the provisions of
56 section 198.525, the department shall make at least one
57 inspection per year, which shall be unannounced to the
58 operator. The department may make such other inspections,

59 announced or unannounced, as it deems necessary to carry out
60 the provisions of sections 198.003 to 198.136.

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

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

79 6. If a licensee of a residential care facility or
80 assisted living facility is accredited by a recognized
81 accrediting entity, then the licensee may submit to the
82 department documentation of the licensee's current
83 accreditation status. If a licensee submits to the
84 department documentation from a recognized accrediting
85 entity that the licensee is in good standing, then the
86 department shall not conduct an annual onsite inspection of
87 the licensee. Nothing in this subsection shall preclude the
88 department from conducting inspections for violations of
89 standards or requirements contained within this chapter or
90 any other applicable law or regulation. As used in this
91 subsection, the term "recognized accrediting entity" shall

92 mean the Joint Commission or another nationally-recognized
93 accrediting entity approved by the department that has
94 specific residential care facility or assisted living
95 facility program standards equivalent to the standards
96 established by the department under this chapter."; and
97 Further amend the title and enacting clause accordingly.