

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 603**  
91ST GENERAL ASSEMBLY

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Reported from the Committee on Aging, Families and Mental Health, April 11, 2001, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

0783S.03C

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**AN ACT**

To repeal section 660.050, RSMo 2000, relating to the department of health and senior services,  
and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Section 660.050, RSMo 2000, is repealed and five new sections enacted in  
2 lieu thereof, to be known as sections 9.160, 192.002, 660.050, 660.060 and 660.062, to read as  
3 follows:

9.160. The governor shall annually issue a proclamation setting apart the  
2 second Tuesday of March as "Alzheimer's Awareness Day", and recommending to  
3 the people of the state that the day be appropriately observed through activities  
4 which will increase awareness of Alzheimer's disease and related dementias.

192.002. The department of health shall be known as the "Department of  
2 Health and Senior Services".

660.050. 1. The "Division of Aging" is hereby [created and established as a division  
2 of the department of social services] **transferred from the department of social services**  
3 **to the department of health and senior services by a type I transfer as defined in**  
4 **the Omnibus State Reorganization Act of 1974.** The division shall aid and assist the  
5 elderly and low-income handicapped adults living in the state of Missouri to secure and  
6 maintain maximum economic and personal independence and dignity. The division shall  
7 regulate adult long-term care facilities [under] **pursuant to** the laws of this state and rules  
8 and regulations of federal and state agencies, to safeguard the lives and rights of residents  
9 in these facilities.

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

10           2. In addition to its duties and responsibilities enumerated [under] **pursuant to**  
11 other provisions of law, the division shall:

12           (1) Serve as advocate for the elderly by promoting a comprehensive, coordinated  
13 service program through administration of Older Americans Act (OAA) programs (Title III)  
14 P.L. 89-73, (42 U.S.C. 3001, et seq.), as amended;

15           (2) Assure that an information and referral system is developed and operated for the  
16 elderly, including information on the Missouri care options program;

17           (3) Provide technical assistance, planning and training to local area agencies on aging;

18           (4) Contract with the federal government to conduct surveys of long-term care  
19 facilities certified for participation in the Title XVIII program;

20           (5) Serve as liaison between the department of [social services] **health and senior**  
21 **services** and the Federal Health Standards and Quality Bureau, as well as the Medicare and  
22 Medicaid portions of the United States Department of Health and Human Services;

23           (6) Conduct medical review (inspections of care) activities such as utilization reviews,  
24 independent professional reviews, and periodic medical reviews to determine medical and  
25 social needs for the purpose of eligibility for Title XIX, and for level of care determination;

26           (7) Certify long-term care facilities for participation in the Title XIX program;

27           (8) Conduct a survey and review of compliance with P.L. 96-566 Sec. 505(d) for  
28 Supplemental Security Income recipients in long-term care facilities and serve as the liaison  
29 between the Social Security Administration and the department of [social services] **health**  
30 **and senior services** concerning Supplemental Security Income beneficiaries;

31           (9) Review plans of proposed long-term care facilities before they are constructed to  
32 determine if they meet applicable state and federal construction standards;

33           (10) Provide consultation to long-term care facilities in all areas governed by state and  
34 federal regulations;

35           (11) Serve as the central state agency with primary responsibility for the planning,  
36 coordination, development, and evaluation of policy, programs, and services for elderly  
37 persons in Missouri consistent with the provisions of subsection 1 of this section and serve  
38 as the designated state unit on aging, as defined in the Older Americans Act of 1965;

39           (12) With the advice of the governor's advisory council on aging, develop long-range  
40 state plans for programs, services, and activities for elderly and handicapped persons. State  
41 plans should be revised annually and should be based on area agency on aging plans,  
42 statewide priorities, and state and federal requirements;

43           (13) Receive and disburse all federal and state funds allocated to the division and  
44 solicit, accept, and administer grants, including federal grants, or gifts made to the division  
45 or to the state for the benefit of elderly persons in this state;

46 (14) Serve, within government and in the state at large, as an advocate for elderly  
47 persons by holding hearings and conducting studies or investigations concerning matters  
48 affecting the health, safety, and welfare of elderly persons and by assisting elderly persons  
49 to assure their rights to apply for and receive services and to be given fair hearings when such  
50 services are denied;

51 (15) Provide information and technical assistance to the governor's advisory council  
52 on aging and keep the council continually informed of the activities of the division;

53 (16) After consultation with the governor's advisory council on aging, make  
54 recommendations for legislative action to the governor and to the general assembly;

55 (17) Conduct research and other appropriate activities to determine the needs of  
56 elderly persons in this state, including, but not limited to, their needs for social and health  
57 services, and to determine what existing services and facilities, private and public, are  
58 available to elderly persons to meet those needs;

59 (18) Maintain [a clearinghouse for] **and serve as a clearinghouse for up-to-date**  
60 **information and technical assistance** related to the needs and interests of elderly persons  
61 **and persons with Alzheimer's disease or related dementias**, including information on  
62 the Missouri care options program, **dementia-specific training materials and dementia-**  
63 **specific trainers. Such dementia-specific information and technical assistance**  
64 **shall be maintained and provided in consultation with agencies, organizations**  
65 **and/or institutions of higher learning with expertise in dementia care;**

66 (19) Provide area agencies on aging with assistance in applying for federal, state, and  
67 private grants and identifying new funding sources;

68 (20) Determine area agencies on aging annual allocations for Title XX and Title III  
69 of the Older Americans Act expenditures;

70 (21) Provide transportation services, home delivered and congregate meals, in-home  
71 services, counseling and other services to the elderly and low-income handicapped adults as  
72 designated in the Social Services Block Grant Report, through contract with other agencies,  
73 and shall monitor such agencies to ensure that services contracted for are delivered and meet  
74 standards of quality set by the division;

75 (22) Monitor the process pursuant to the federal Patient Self-determination Act, 42  
76 U.S.C. 1396a (w), in long-term care facilities by which information is provided to patients  
77 concerning durable powers of attorney and living wills.

78 3. The division director, subject to the supervision of the director of the department  
79 of [social services] **health and senior services**, shall be the chief administrative officer of  
80 the division and shall exercise for the division the powers and duties of an appointing  
81 authority [under] **pursuant to** chapter 36, RSMo, to employ such administrative, technical

82 and other personnel as may be necessary for the performance of the duties and  
83 responsibilities of the division.

84         4. The division may withdraw designation of an area agency on aging only when it  
85 can be shown the federal or state laws or rules have not been complied with, state or federal  
86 funds are not being expended for the purposes for which they were intended, or the elderly  
87 are not receiving appropriate services within available resources, and after consultation with  
88 the director of the area agency on aging and the area agency board. Withdrawal of any  
89 particular program of services may be appealed to the director of the department of [social  
90 services] **health and senior services** and the governor. In the event that the division  
91 withdraws the area agency on aging designation in accordance with the Older Americans Act,  
92 the division shall administer the services to clients previously performed by the area agency  
93 on aging until a new area agency on aging is designated.

94         5. Any person hired by the department of [social services] **health and senior**  
95 **services** after August 13, 1988, to conduct or supervise inspections, surveys or investigations  
96 pursuant to chapter 198, RSMo, shall complete at least one hundred hours of basic orientation  
97 regarding the inspection process and applicable rules and statutes during the first six months  
98 of employment. Any such person shall annually, on the anniversary date of employment,  
99 present to the department evidence of having completed at least twenty hours of continuing  
100 education in at least two of the following categories: communication techniques, skills  
101 development, resident care, or policy update. The department of [social services] **health and**  
102 **senior services** shall by rule describe the curriculum and structure of such continuing  
103 education.

104         6. The division may issue and promulgate rules to enforce, implement and effectuate  
105 the powers and duties established in sections 198.070 and 198.090, RSMo, and sections  
106 660.050, 660.250 and 660.300 to 660.320. [No rule or portion of a rule promulgated under the  
107 authority of this chapter and sections 198.070 and 198.090, RSMo, shall become effective  
108 unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any**  
109 **rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**  
110 **created under the authority delegated in this section shall become effective only**  
111 **if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**  
112 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
113 **nonseverable and if any of the powers vested with the general assembly pursuant**  
114 **to chapter 536, RSMo, to review, to delay the effective date or to disapprove and**  
115 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
116 **authority and any rule proposed or adopted after August 28, 2001, shall be invalid**  
117 **and void.**

118           7. Missouri care options is a program, operated and coordinated by the division of  
119 aging, which informs individuals of the variety of care options available to them when they  
120 may need long-term care.

121           8. The division shall, by January 1, 2002, establish minimum dementia-  
122 specific training requirements for employees involved in the delivery of care to  
123 persons with Alzheimer's disease or related dementias who are employed by skilled  
124 nursing facilities, intermediate care facilities, residential care facilities, agencies  
125 providing in-home care services authorized by the division of aging, adult daycare  
126 programs, independent contractors providing direct care to persons with  
127 Alzheimer's disease or related dementias and the division of aging. Such training  
128 shall be incorporated into new employee orientation and on-going in-service  
129 curricula for all employees involved in the care of persons with dementia. The  
130 department of health shall, by January 1, 2002, establish minimum dementia-  
131 specific training requirements for employees involved in the delivery of care to  
132 persons with Alzheimer's disease or related dementias who are employed by home  
133 health and hospice agencies licensed by chapter 197, RSMo. Such training shall be  
134 incorporated into the home health and hospice agency's new employee orientation  
135 and on-going in-service curricula for all employees involved in the care of persons  
136 with dementia. The dementia training need not require additional hours of  
137 orientation or on-going in-service. Training shall include at a minimum, the  
138 following:

139           (1) For employees providing direct care to persons with Alzheimer's disease  
140 or related dementias, the training shall include an overview of Alzheimer's disease  
141 and related dementias, communicating with persons with dementia, behavior  
142 management, promoting independence in activities of daily living, and  
143 understanding and dealing with family issues;

144           (2) For other employees who do not provide direct care for, but may have  
145 daily contact with, persons with Alzheimer's disease or related dementias, the  
146 training shall include an overview of dementias and communicating with persons  
147 with dementia.

148 As used in this subsection, the term "employee" includes persons hired as  
149 independent contractors. The training requirements of this subsection shall not  
150 be construed as superceding any other laws or rules regarding dementia-specific  
151 training.

          660.060. All authority, powers, duties, functions, records, personnel,  
2 property, contracts, budgets, matters pending and other pertinent vestiges of the  
3 division of aging shall be transferred to the department of health and senior

4 services.

660.062. 1. There is hereby created a "State Board of Senior Services" which  
2 shall consist of seven members, who shall be appointed by the governor, by and  
3 with the advice and consent of the senate. No member of the state board of senior  
4 services shall hold any other office or employment under the state of Missouri  
5 other than in a consulting status relevant to the member's professional status,  
6 licensure or designation. Not more than four of the members of the state board of  
7 senior services shall be from the same political party.

8 2. Each member shall be appointed for a term of four years; except that of  
9 the members first appointed, two shall be appointed for a term of one year, two for  
10 a term of two years, two for a term of three years and one for a term of four  
11 years. The successors of each shall be appointed for full terms of four years. No  
12 person may serve on the state board for senior services for more than two  
13 terms. The terms of all members shall continue until their successors have been  
14 duly appointed and qualified. One of the persons appointed to the state board for  
15 senior services shall be a person currently working in the field of gerontology. One  
16 of the persons appointed to the state board for senior services shall be a physician  
17 with expertise in geriatrics. One of the persons appointed to the state board for  
18 senior services shall be a person with expertise in nutrition. One of the persons  
19 appointed to the state board for senior services shall be a person with expertise in  
20 rehabilitation services of persons with disabilities. One of the persons appointed  
21 to the state board for senior services shall be a person with expertise in mental  
22 health issues. In making the two remaining appointments, the governor shall give  
23 consideration to individuals having a special interest in gerontology or disability-  
24 related issues, including senior citizens. Four of the seven members appointed to  
25 the state board of senior services shall be members of the governor's advisory  
26 council on aging. If a vacancy occurs in the appointed membership, the governor  
27 may appoint a member for the remaining portion of the unexpired term created by  
28 the vacancy. The members shall receive actual and necessary expenses plus  
29 twenty-five dollars per day for each day of actual attendance.

30 3. The board shall elect from among its membership a chairman and a vice  
31 chairman, who shall act as chairman in his or her absence. The board shall meet  
32 at the call of the chairman. The chairman may call meetings at such times as he or  
33 she deems advisable, and shall call a meeting when requested to do so by three or  
34 more members of the board.

35 4. The state board of senior services shall advise the department of health  
36 and senior services in the:

37           **(1) Promulgation of rules and regulations by the department of health and**  
38 **senior services;**

39           **(2) Formulation of the budget for the department of health and senior**  
40 **services; and**

41           **(3) Planning for and operation of the department of health and senior**  
42 **services.**