

SECOND REGULAR SESSION

# HOUSE BILL NO. 1309

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BOUCHER, HOLLINGSWORTH, SELBY,  
HOSMER (Co-sponsors) AND LADD BAKER.

Pre-filed December 19, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2827L.02I

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### AN ACT

To repeal sections 198.029, 210.903, and 210.909, RSMo, and to enact in lieu thereof three new sections relating to nursing homes.

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

Section A. Sections 198.029, 210.903, and 210.909, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 198.029, 210.903, and 210.909, to read  
3 as follows:

198.029. **1.** The provisions of section 198.026 notwithstanding, whenever a duly  
2 authorized representative of the department finds upon inspection of a licensed facility, and the  
3 director of the department finds upon review, that the facility or the operator is not in substantial  
4 compliance with a standard or standards the violations of which would present either an  
5 imminent danger to the health, safety or welfare of any resident or a substantial probability that  
6 death or serious physical harm would result and which is not immediately corrected, the  
7 department shall:

8 (1) Give immediate written notice of the noncompliance to the operator, administrator  
9 or person managing or supervising the conduct of the facility at the time the noncompliance is  
10 found;

11 (2) Make public the fact that a notice of noncompliance has been issued to the facility.  
12 Copies of the notice shall be sent to appropriate hospitals [and], social service agencies, **and**  
13 **nursing home advocate agencies listed with the division of aging. The general public shall**  
14 **have access to such information by a news release from the department to all newspapers**  
15 **in the state with a minimum circulation of ten thousand and to all radio and television**

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

16 **stations that broadcast from this state. The news release shall contain the specific class I**  
17 **standard violation, the date of the occurrence, the facility in which the violation occurred,**  
18 **and a listing of other facilities administered, managed, or owned by the same health care**  
19 **provider. News releases required to be made pursuant to this subdivision shall be made**  
20 **by the department within thirty days of the substantiation of noncompliance pursuant to**  
21 **this section;**

22 (3) Send a copy of the notice of noncompliance to the division of family services of the  
23 department of social services, the department of mental health, and any other concerned federal,  
24 state or local government agencies. The facility shall post in a conspicuous location in the  
25 facility a copy of the notice of noncompliance and a copy of the most recent inspection report.

26 **2. Any person, official, institution, newspaper, radio station or television station**  
27 **which makes public the fact that a notice of noncompliance has been issued to a facility**  
28 **pursuant to this section shall have immunity from civil or criminal liability that otherwise**  
29 **might result by reason of such action.**

210.903. 1. To protect children, the elderly, and disabled individuals in this state, and  
2 to promote family and community safety by providing information concerning family caregivers,  
3 there is hereby established within the department of health and senior services a "Family Care  
4 Safety Registry and Access Line" which shall be available by January 1, 2001.

5 2. The family care safety registry shall contain information on child-care workers',  
6 elder-care workers', and personal-care workers' background and on child-care, elder-care and  
7 personal-care providers through:

8 (1) The patrol's criminal record check system pursuant to section 43.540, RSMo,  
9 including state and national information, to the extent possible;

10 (2) Probable cause findings of abuse and neglect pursuant to sections 210.109 to 210.183  
11 and, as of January 1, 2003, financial exploitation of the elderly or disabled, pursuant to section  
12 570.145, RSMo;

13 (3) The division of aging's employee disqualification list pursuant to section 660.315,  
14 RSMo;

15 (4) As of January 1, 2003, the department of mental health's employee disqualification  
16 registry;

17 (5) Foster parent licensure denials, revocations and involuntary suspensions pursuant to  
18 section 210.496;

19 (6) Child-care facility license denials, revocations and suspensions pursuant to sections  
20 210.201 to 210.259; and

21 (7) Residential living facility and nursing home license denials, revocations, suspensions  
22 and probationary status pursuant to chapter 198, RSMo, **and as of January 1, 2003, notices of**

23 **noncompliance issued pursuant to section 198.029, RSMo.**

210.909. 1. Upon submission of a completed registration form by a child-care worker,  
2 elder-care worker or personal-care attendant, the department shall:

3 (1) Determine if a probable cause finding of child abuse or neglect involving the  
4 applicant has been recorded pursuant to sections 210.109 to 210.183 and, as of January 1, 2003,  
5 if there is a probable cause finding of financial exploitation of the elderly or disabled pursuant  
6 to section 570.145, RSMo;

7 (2) Determine if the applicant has been refused licensure or has experienced involuntary  
8 licensure suspension or revocation pursuant to section 210.496;

9 (3) Determine if the applicant has been placed on the employee disqualification list  
10 pursuant to section 660.315, RSMo;

11 (4) As of January 1, 2003, determine if the applicant is listed on the department of  
12 mental health's employee disqualification registry;

13 (5) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether  
14 the applicant has any conviction, plea of guilty or nolo contendere, or a suspended execution of  
15 sentence to a charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573,  
16 575 and 578, RSMo; and

17 (6) If the background check involves a provider, determine if a facility has been refused  
18 licensure or has experienced licensure suspension, revocation or probationary status pursuant to  
19 sections 210.201 to 210.259 or chapter 198, RSMo, **and as of January 1, 2003, determine if**  
20 **a facility has been issued a notice of noncompliance pursuant to section 198.029, RSMo.**

21 2. Upon completion of the background check described in subsection 1 of this section,  
22 the department shall include information in the registry for each registrant as to whether any  
23 convictions, employee disqualification listings, registry listings, probable cause findings, pleas  
24 of guilty or nolo contendere, **notices of noncompliance**, or license denial, revocation or  
25 suspension have been documented through the records checks authorized pursuant to the  
26 provisions of sections 210.900 to 210.936.

27 3. The department shall notify such registrant in writing of the results of the  
28 determination recorded on the registry pursuant to this section.