

FIRST REGULAR SESSION

HOUSE BILL NO. 887

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRD.

Read 1st time March 31, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2203L.011

AN ACT

To repeal section 198.532, RSMo, and to enact in lieu thereof two new sections relating to the protection of residents of long-term care facilities.

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

Section A. Section 198.532, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 198.532 and 198.601, to read as follows:

198.532. 1. Complaints filed with the department of health and senior services against a long-term care facility which allege that harm has occurred or is likely to occur to a resident or residents of the facility due to actions or the lack of actions taken by the facility shall be investigated within thirty days of receipt of such complaints. The purpose of such investigation shall be to ensure the safety, protection and care of all residents of the facility likely to be affected by the alleged action or inaction. Such investigation shall be in addition to the investigation requirements for abuse and neglect reports pursuant to section 198.070.

2. The department shall provide the results of all investigations in accordance with section 660.320, RSMo. The department shall provide the results of such investigation in writing to all parties to the complaint, and if requested, to any of the facility's residents, or their family members or guardians, **and shall publish such results on one occasion in a newspaper of general circulation distributed in the county in which the long-term care facility operates.** Complaints and written results will be readily available for public access and review at the department of health and senior services and at the long-term care facility. Personal information identifying the resident will be blanked out, except in regard to immediate family, the attorney-in-fact or the legal guardian of the resident in question. This information will

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 remain readily available for a period of time determined by the department of health and senior
18 services.

**198.601. Prior to admitting any resident, all long-term care facilities shall provide
2 to such resident, the resident's guardian, and the resident's family members a copy of the
3 following:**

4 (1) All results of all investigations relating to the facility issued by the department
5 of health and senior services under section 198.532 during the ten-year period prior to the
6 date of admission; and

7 (2) All notices or reports of deficiencies relating to the facility issued by any agent
8 or employee of the department of health and senior services or the department of social
9 services during the ten-year period prior to the date of admission; and

10 (3) Any report of any alleged deficiency or violation of any local, state, or federal
11 laws or ordinances issued during the ten-year period prior to the date of admission.

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13 The failure to provide a copy of such documents prior to any admission shall result in the
14 immediate revocation of the licensure of such facility.