

FIRST REGULAR SESSION

# HOUSE BILL NO. 508

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Read 1st time January 22, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1255L.02I

### AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to hospital complaint procedures, with a penalty provision.

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

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.145, to read as follows:

**197.145. 1. As used in this section, "case review" means an investigation of the medical record and patient-specific facts regarding the care delivered to the individual on whose behalf a complaint is made, with results to include a determination on whether the care was appropriate and, if not appropriate, a plan of correction to prevent a similar problem from occurring with another patient.**

**2. Any public or private entity, including governmental agencies, that holds itself out as an entity that receives a complaint regarding the care delivered in a hospital licensed in this state shall forward such complaints received to the section for health standards and licensure within the division of regulation and licensure within the department of health and senior services. Such entity shall also report any findings made after investigation of such complaint, if any, the results of the case review, if done, and any action taken by the entity to the section for health standards and licensure and the complainant.**

**3. If, in its investigation, such a public or private entity fails to perform a case review, the entity shall:**

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.

15           **(1) Notify the complainant of the fact that no patient-specific investigation was**  
16 **conducted; and**

17           **(2) Provide the complainant with the address and telephone number of the**  
18 **appropriate state review agency for the complaint.**

19           **4. The section for health standards and licensure shall investigate any complaints**  
20 **received under this section which were not investigated by the entity forwarding the**  
21 **complaint or were investigated without a case review. The section for health standards and**  
22 **licensure may investigate any complaint which has been investigated by the forwarding**  
23 **entity. The results of such investigations shall be reported to the complainant. All**  
24 **investigations conducted under this subsection shall be made in the same manner as other**  
25 **similar investigations conducted by the section for health standards and licensure.**

26           **5. Any public or private entity subject to this section that violates the provisions of**  
27 **this section shall be subject to a fine of not more than five thousand dollars. Any second**  
28 **or subsequent violation of this section shall increase the fine by one thousand dollars for**  
29 **each successive violation.**

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