

FIRST REGULAR SESSION

HOUSE BILL NO. 322

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

0931H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 198, RSMo, by adding thereto one new section relating to nursing facility inspections.

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

Section A. Chapter 198, RSMo, is amended by adding thereto one new section, to be known as section 198.529, to read as follows:

2 **198.529. 1. The department of health and senior services shall establish a pilot**
3 **program for the purpose of transferring the authority to inspect facilities licensed under**
4 **this chapter from the department to local health departments where such facilities are**
5 **located. Participation in the pilot program shall be at the option and expense of any local**
6 **health department, and any local health department that elects to participate in the pilot**
7 **program shall be allowed to do so by the department.**

8 **2. Under the pilot program, a local health department shall conduct all inspections**
9 **required and according to the provisions under this chapter in lieu of the department of**
10 **health and senior services. A participating local health department shall have access to all**
11 **facilities located within its jurisdiction and to the financial information, data, and records**
12 **of all such facilities necessary to carry out such inspections.**

13 **3. All individuals conducting inspections on behalf of local health departments shall**
14 **comply with the inspector and surveyor requirements under section 198.525.**

15 **4. The department may promulgate rules and regulations to implement the**
16 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
17 **536.010, that is created under the authority delegated in this section shall become effective**
only if it complies with and is subject to all of the provisions of chapter 536 and, if

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.

18 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of
19 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
20 the effective date, or to disapprove and annul a rule are subsequently held
21 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
22 after August 28, 2017, shall be invalid and void.

23 **5. Under section 23.253 of the Missouri sunset act:**

24 **(1) The provisions of this section shall sunset automatically six years after the**
25 **effective date of this section unless reauthorized by an act of the general assembly;**

26 **(2) If such program is reauthorized, the program authorized under this section**
27 **shall sunset automatically twelve years after the effective date of the reauthorization of this**
28 **section; and**

29 **(3) This section shall terminate on September first of the calendar year immediately**
30 **following the calendar year in which the program authorized under this section is sunset.**

✓