

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1683, Page 3, Section 191.116, Line 59,
2 by inserting after said section and line the following:

3
4 "192.2000. 1. The "Division of Aging" is hereby transferred from the department of social
5 services to the department of health and senior services by a type I transfer as defined in the
6 Omnibus State Reorganization Act of 1974. The department shall aid and assist the elderly and
7 low-income disabled adults living in the state of Missouri to secure and maintain maximum
8 economic and personal independence and dignity. The department shall regulate adult long-term
9 care facilities pursuant to the laws of this state and rules and regulations of federal and state
10 agencies, to safeguard the lives and rights of residents in these facilities.

11 2. In addition to its duties and responsibilities enumerated pursuant to other provisions of
12 law, the department shall:

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

16 (2) Assure that an information and referral system is developed and operated for the elderly,
17 including information on home and community based services;

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

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

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

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

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

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

31 (9) Provide consultation to long-term care facilities in all areas governed by state and
32 federal regulations;

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

Action Taken _____ Date _____

1 (11) Develop long-range state plans for programs, services, and activities for elderly and
 2 handicapped persons. State plans should be revised annually and should be based on area agency on
 3 aging plans, statewide priorities, and state and federal requirements;

4 (12) Receive and disburse all federal and state funds allocated to the division and solicit,
 5 accept, and administer grants, including federal grants, or gifts made to the division or to the state
 6 for the benefit of elderly persons in this state;

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

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

15 (15) Maintain and serve as a clearinghouse for up-to-date information and technical
 16 assistance related to the needs and interests of elderly persons and persons with Alzheimer's disease
 17 or related dementias, including information on the home and community based services program,
 18 dementia-specific training materials and dementia-specific trainers. Such dementia-specific
 19 information and technical assistance shall be maintained and provided in consultation with agencies,
 20 organizations and/or institutions of higher learning with expertise in dementia care;

21 (16) Provide information and support to persons with Alzheimer's disease and related
 22 dementias by establishing a family support group in every county;

23 (17) Provide area agencies on aging with assistance in applying for federal, state, and
 24 private grants and identifying new funding sources;

25 [(17)] (18) Determine area agencies on aging annual allocations for Title XX and Title III of
 26 the Older Americans Act expenditures;

27 [(18)] (19) Provide transportation services, home-delivered and congregate meals, in-home
 28 services, counseling and other services to the elderly and low-income handicapped adults as
 29 designated in the Social Services Block Grant Report, through contract with other agencies, and
 30 shall monitor such agencies to ensure that services contracted for are delivered and meet standards
 31 of quality set by the division;

32 [(19)] (20) Monitor the process pursuant to the federal Patient Self-determination Act, 42
 33 U.S.C. Section 1396a (w), in long-term care facilities by which information is provided to patients
 34 concerning durable powers of attorney and living wills.

35 3. The department may withdraw designation of an area agency on aging only when it can
 36 be shown the federal or state laws or rules have not been complied with, state or federal funds are
 37 not being expended for the purposes for which they were intended, or the elderly are not receiving
 38 appropriate services within available resources, and after consultation with the director of the area
 39 agency on aging and the area agency board. Withdrawal of any particular program of services may
 40 be appealed to the director of the department of health and senior services and the governor. In the
 41 event that the division withdraws the area agency on aging designation in accordance with the Older
 42 Americans Act, the department shall administer the services to clients previously performed by the
 43 area agency on aging until a new area agency on aging is designated.

44 4. Any person hired by the department of health and senior services after August 13, 1988,
 45 to conduct or supervise inspections, surveys or investigations pursuant to chapter 198 shall complete
 46 at least one hundred hours of basic orientation regarding the inspection process and applicable rules
 47 and statutes during the first six months of employment. Any such person shall annually, on the
 48 anniversary date of employment, present to the department evidence of having completed at least
 49 twenty hours of continuing education in at least two of the following categories: communication

1 techniques, skills development, resident care, or policy update. The department of health and senior
2 services shall by rule describe the curriculum and structure of such continuing education.

3 5. The department may issue and promulgate rules to enforce, implement and effectuate the
4 powers and duties established in this section and sections 198.070 and 198.090 and sections
5 192.2400 and 192.2475 to 192.2500. Any rule or portion of a rule, as that term is defined in section
6 536.010, that is created under the authority delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
8 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
9 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
10 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
11 rule proposed or adopted after August 28, 2001, shall be invalid and void.

12 6. Home and community based services is a program, operated and coordinated by the
13 department of health and senior services, which informs individuals of the variety of care options
14 available to them when they may need long-term care.

15 7. The division shall maintain minimum dementia-specific training requirements for
16 employees involved in the delivery of care to persons with Alzheimer's disease or related dementias
17 who are employed by skilled nursing facilities, intermediate care facilities, residential care facilities,
18 agencies providing in-home care services authorized by the division of aging, adult day-care
19 programs, independent contractors providing direct care to persons with Alzheimer's disease or
20 related dementias and the division of aging. Such training shall be incorporated into new employee
21 orientation and ongoing in-service curricula for all employees involved in the care of persons with
22 dementia. The department of health and senior services shall maintain minimum dementia-specific
23 training requirements for employees involved in the delivery of care to persons with Alzheimer's
24 disease or related dementias who are employed by home health and hospice agencies licensed by
25 chapter 197. Such training shall be incorporated into the home health and hospice agency's new
26 employee orientation and ongoing in-service curricula for all employees involved in the care of
27 persons with dementia. The dementia training need not require additional hours of orientation or
28 ongoing in-service. Training shall include at a minimum, the following:

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

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

36
37 As used in this subsection, the term "employee" includes persons hired as independent contractors.
38 The training requirements of this subsection shall not be construed as superceding any other laws or
39 rules regarding dementia-specific training."; and

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41 Further amend said bill by amending the title, enacting clause, and intersectional references
42 accordingly.