

# HOUSE BILL NO. 767

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PFAUTSCH.

1619H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 198.526, RSMo, and to enact in lieu thereof one new section relating to long-term care facility inspections.

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

Section A. Section 198.526, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 198.526, to read as follows:

198.526. 1. Except as provided in subsection 3 of this section, the department of health and senior services shall inspect all facilities licensed by the department at least twice each year. Such inspections shall be conducted:

(1) Without the prior notification of the facility; and

(2) At times of the day, on dates and at intervals which do not permit facilities to anticipate such inspections.

2. The department shall annually reevaluate the inspection process to ensure the requirements of subsection 1 of this section are met.

3. The department may reduce the frequency of inspections to once a year if a facility is found to be in substantial compliance. The basis for such determination shall include, but not be limited to, the following:

(1) Previous inspection reports;

(2) The facility's history of compliance with rules promulgated pursuant to this chapter;

(3) The number and severity of complaints received about the facility; and

(4) In the year subsequent to a finding of no class I violations or class II violations, the facility does not have a change in ownership, operator, or, if the department finds it significant, a change in director of nursing.

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           4. **The department may conduct an unannounced inspection of any facility for**  
19 **which it receives a complaint.**

20           5. Information regarding unannounced inspections shall be disclosed to employees of  
21 the department on a need-to-know basis only. Any employee of the department who knowingly  
22 discloses the time of an unannounced inspection in violation of this section is guilty of a class  
23 A misdemeanor and shall have his or her employment immediately terminated.

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