

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1656
94TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Public Health, April 15, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4331S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 198.074, 198.075, and 208.819, RSMo, and to enact in lieu thereof three new sections relating to long-term care facilities.

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

Section A. Sections 198.074, 198.075, and 208.819, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 198.074,
3 198.075, and 208.819, to read as follows:

198.074. 1. Effective August 28, 2007, all new facilities licensed **under**
2 **this chapter** on or after August 28, 2007, or any [facilities completing a]
3 **section of a facility licensed under this chapter in which a** major
4 renovation [to the facility] **has been completed** on or after August 28, 2007, as
5 defined and approved by the department, [and which are licensed under this
6 chapter] shall install and maintain an approved sprinkler system in accordance
7 with National Fire Protection Association (NFPA) 13.

8 2. Facilities that were initially licensed and had an approved sprinkler
9 system prior to August 28, 2007, shall continue to meet all laws, rules, and
10 regulations for testing, inspection and maintenance of the sprinkler system that
11 were in effect for such facilities on August 27, 2007.

12 3. Multi-level assisted living facilities that accept or retain any individual
13 with a physical, cognitive, or other impairment that prevents the individual from
14 safely evacuating the facility with minimal assistance shall install and maintain
15 an approved sprinkler system in accordance with NFPA 13. Single-story assisted
16 living facilities that accept or retain any individual with a physical, cognitive, or
17 other impairment that prevents the individual from safely evacuating the facility

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 with minimal assistance shall install and maintain an approved sprinkler system
19 in accordance with NFPA 13R.

20 4. All residential care and assisted living facilities [with] **licensed for**
21 **more than twenty [residents] beds** not included in subsection 3 of this section,
22 which are initially licensed under this chapter prior to August 28, 2007, and that
23 do not have installed an approved sprinkler system in accordance with NFPA 13R
24 prior to August 28, 2007, shall install and maintain an approved sprinkler system
25 in accordance with NFPA 13R by December 31, 2012, unless the facility meets the
26 safety requirements of Chapter 33 of existing residential board and care
27 occupancies of NFPA 101 life safety code. **Any such facilities that do not**
28 **have an approved sprinkler system in accordance with NFPA 13R by**
29 **December 31, 2012, shall be required to install and maintain an**
30 **approved sprinkler system in accordance with NFPA 13 by December**
31 **13, 2013.**

32 5. All skilled nursing and intermediate care facilities not required prior
33 to August 28, 2007, to install and maintain an approved sprinkler system shall
34 install and maintain an approved sprinkler system in accordance with NFPA 13
35 by December 31, 2012, unless the facility receives an exemption from the
36 department and presents evidence in writing from a certified sprinkler system
37 representative or licensed engineer that the facility is unable to install an
38 approved [National Fire Protection Association] **NFPA 13** system due to the
39 unavailability of water supply requirements associated with this system or the
40 facility meets the safety requirements of Chapter 33 of existing residential board
41 and care occupancies of NFPA 101 life safety code.

42 6. Facilities that [take a substantial step] **have submitted a plan for**
43 **compliance**, as [specified in] **required by** subsection [7] **10** of this section, to
44 install an approved NFPA **13 or 13R** system prior to December 31, 2012, may
45 apply to the department for a loan in accordance with section 198.075 to install
46 such system. **All facilities described in subsections 3, 4, and 5 of this**
47 **section shall be eligible for the loan.** However, such loan shall [not] **only**
48 be available [if by December 31, 2009,] **until** the average total reimbursement for
49 the care of persons eligible for Medicaid public assistance in an assisted living
50 facility and residential care facility is equal to or exceeds fifty-two dollars per
51 day. The average total reimbursement includes room, board, and care delivered
52 by the facility, but shall not include payments to the facility for care or services
53 not provided by the facility. [If a facility under this subsection does not have an

54 approved sprinkler system installed by December 31, 2012, such facility shall be
55 required to install and maintain an approved sprinkler system in accordance with
56 NFPA 13 by December 31, 2013.] Such loans received under this subsection and
57 in accordance with section 198.075, shall be paid in full as follows:

58 (1) Ten years for those facilities approved for the loan and whose average
59 total reimbursement rate for the care of persons eligible for Medicaid public
60 assistance is equal to forty-eight and no more than forty-nine dollars per day;

61 (2) Eight years for those facilities approved for the loan and whose
62 average total reimbursement rate for the care of persons eligible for Medicaid
63 public assistance is greater than forty-nine and no more than fifty-two dollars per
64 day; or

65 (3) Five years for those facilities approved for the loan and whose average
66 total reimbursement rate for the care of persons eligible for Medicaid public
67 assistance is greater than fifty-two dollars per day.

68 (4) No payments or interest shall be due until the average total
69 reimbursement rate for the care of persons eligible for Medicaid public assistance
70 is equal to or greater than forty-eight dollars.

71 7. (1) All facilities licensed under this chapter shall be equipped with a
72 complete fire alarm system in compliance with [NFPA 101, Life Safety Code for
73 Detection, Alarm, and Communication Systems as referenced in] NFPA 72, or
74 shall maintain a system that was approved by the department when such facility
75 was constructed so long as such system is a complete fire alarm system. A
76 complete fire alarm system shall include, but not be limited to, interconnected
77 smoke detectors throughout the facility, automatic transmission to the fire
78 department, dispatching agency, or central monitoring company, manual pull
79 stations at each required exit and attendant's station, heat detectors, and audible
80 and visual alarm indicators.

81 (2) In addition, each floor accessed by residents shall be divided into at
82 least two smoke sections by one-hour rated smoke partitions. No smoke section
83 shall exceed one hundred fifty feet in length. If neither the length nor the width
84 of the floor exceeds seventy-five feet, no smoke-stop partition shall be
85 required. Facilities with a complete fire alarm system and smoke sections
86 meeting the requirements of this subsection prior to August 28, 2007, shall
87 continue to meet such requirements. Facilities initially licensed on or after
88 August 28, 2007, shall comply with such requirements beginning August 28, 2007,
89 or on the effective date of licensure.

90 (3) Except as otherwise provided in this subsection, the requirements for
91 complete fire alarm systems and smoke sections shall be enforceable on December
92 31, 2008.

93 8. The requirements of this section shall be construed to supersede the
94 provisions of section 198.058 relating to the exemption of facilities from
95 construction standards.

96 9. Fire safety inspections of facilities licensed under this chapter for
97 compliance with this section shall be conducted annually by the state fire marshal
98 [if such inspections are not available to be conducted by local fire protection
99 districts or fire departments. The provisions of this section shall be enforced by
100 the state fire marshal or by the local fire protection district or fire department,
101 depending on which entity conducted the inspection] **or by local fire
102 protection districts or fire departments if such districts or departments
103 are deemed qualified to conduct facility inspections by the state fire
104 marshal. The state fire marshal shall report the results of facility
105 inspections to the department in order for the department to make
106 licensure and other appropriate decisions.**

107 10. By July 1, [2008] **2009**, all facilities licensed under this chapter shall
108 submit a plan for compliance with the provisions of this section to the state fire
109 marshal.

198.075. 1. There is hereby created in the state treasury the "Fire Safety
2 Standards Loan Fund", for implementing the provisions of subsection [3] **6** of
3 section 198.074. Moneys deposited in the fund shall be considered state funds
4 under article IV, section 15 of the Missouri Constitution. The state treasurer
5 shall be custodian of the fund and may disburse moneys from the fund in
6 accordance with sections 30.170 and 30.180, RSMo. Any moneys remaining in the
7 fund at the end of the biennium shall revert to the credit of the general revenue
8 fund. The state treasurer shall invest moneys in the fund in the same manner
9 as other funds are invested. Any interest and moneys earned on such
10 investments shall be credited to the fund.

11 2. Qualifying facilities shall make an application to the department of
12 health and senior services upon forms provided by the department. **Such
13 application and loan shall be available to facilities by January 1,
14 2009.** Upon receipt of an application for a loan, the department shall review the
15 application and advise the governor before state funds are allocated for a
16 loan. For purposes of this section, a "qualifying facility" shall mean a facility

17 licensed under this chapter that is in substantial compliance. "Substantial
18 compliance" shall mean a facility that has no uncorrected deficiencies and is in
19 compliance with department of health and senior services rules and regulations
20 governing such facility.

21 3. The fund shall be a loan of which the interest rate shall not exceed two
22 and one-half percent.

23 4. The fund shall be administered by the department of health and senior
24 services.

208.819. 1. **Subject to appropriations**, persons institutionalized in
2 nursing homes who are [Medicaid] **MO HealthNet** eligible and who wish to move
3 back into the community shall be eligible for a one-time [Missouri] transition [to
4 independence] grant. The [Missouri] transition [to independence] grant shall be
5 limited to up to [fifteen] **twenty-four** hundred dollars to offset the initial down
6 payments [and], setup costs, **and other expenditures** associated with housing
7 a **senior or** person with disabilities **needing home and community-based**
8 **services** as such person moves out of a nursing home. Such grants shall be
9 established and administered by the division of [vocational rehabilitation] **senior**
10 **and disability services** in consultation with the department of social
11 services. The division of [vocational rehabilitation] **senior and disability**
12 **services** and the department of social services shall cooperate in actively seeking
13 federal and private grant moneys to **further** fund this program; except that, such
14 federal and private grant moneys shall not limit the general assembly's ability
15 to appropriate moneys for the [Missouri] transition [to independence] grants.

16 2. The [division of medical services within the department of social
17 services, the] department of health and senior services and the [division of
18 vocational rehabilitation within the department of elementary and secondary
19 education] **department of mental health** shall work together to develop
20 information and training on community-based service options for residents
21 transitioning into the community[. Representatives of disability-related
22 community organizations shall complete such training before initiating contact
23 with institutionalized individuals] **and shall promulgate rules as needed.**