

SECOND REGULAR SESSION

SENATE BILL NO. 1081

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOWARD.

Read 1st time March 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4663S.011

AN ACT

To amend chapters 198 and 660, RSMo, by adding thereto two new sections relating to nursing homes.

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

Section A. Chapters 198 and 660, RSMo, are amended by adding thereto two new sections, to be known as sections 198.166 and 660.083, to read as follows:

198.166. 1. Every skilled nursing facility licensed pursuant to this chapter shall maintain, at a minimum, the following persons on its staff:

(1) A full-time registered nurse licensed pursuant to chapter 335, RSMo, to serve as director of nursing;

(2) A full-time registered nurse licensed pursuant to chapter 335, RSMo, to serve as assistant director of nursing in skilled nursing facilities licensed pursuant to this chapter with one hundred licensed beds or more;

(3) A full-time director of in-service education in skilled nursing facilities licensed pursuant to this chapter with one hundred licensed beds or more.

2. Every skilled nursing facility licensed pursuant to this chapter shall maintain a staff to resident ratio, which shall include registered nurses licensed pursuant to chapter 335, RSMo, and licensed practical nurses licensed pursuant to chapter 335, RSMo, of no less than:

(1) One staff person for every fifteen residents during the morning shift;

(2) One staff person for every twenty-five residents during the evening shift; and

(3) One staff person for every thirty-five residents during the night-time shift.

3. Every skilled nursing facility licensed pursuant to this chapter shall maintain a staff to resident ratio of direct care providers which shall include certified

nurse's aides, licensed practical nurses licensed pursuant to chapter 335, RSMo, and registered nurses licensed pursuant to chapter 335, RSMo, of no less than:

- (1) One staff person for every five residents during the morning shift;
- (2) One staff person for every ten residents during the evening shift; and
- (3) One staff person for every fifteen residents during the night-time shift.

4. An employee designated as a member of the nursing staff shall not provide services such as food preparation, housekeeping, laundry or maintenance services. A person employed to provide such services should not provide nursing care to residents and should not be counted in determining the ratios as required in subsections 2 and 3 of this section.

5. The division of aging shall promulgate rules pursuant to chapter 536, RSMo, to impose a penalty upon any facility that fails to meet the staffing requirements set forth in this section.

6. Any skilled nursing facility that fails to meet the minimum staffing requirements as established in this section shall be fined at least twenty-five thousand dollars per violation and up to one hundred thousand dollars.

660.083. 1. Prior to hiring any employee, any agency, including the division of aging, the department of mental health, the division of family services and the department of health, shall check the employee disqualification lists as administered by the division of aging and the department of mental health and shall check the central registry of child abuse and neglect as administered by the department of health for such potential employee's name. If such potential employee is listed on any employee disqualification list or central registry of child abuse and neglect, such potential employee shall not be employed by such agency. Any employer who hires an employee listed on any employee disqualification list or central registry of child abuse and neglect shall be fined at least twenty-five thousand dollars per violation and up to one hundred thousand dollars.

2. Skilled nursing facilities licensed pursuant to chapter 198, RSMo, shall pay all fines and penalties for reported violations as determined by the division of aging before the division reinspects such skilled nursing facilities. The division shall define such fines and penalties by rule pursuant to chapter 536, RSMo.