

SECOND REGULAR SESSION

# SENATE BILL NO. 1190

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Read 1st time February 21, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4841S.011

## AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to continuing care retirement communities, with an emergency clause.

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

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.370, to read as follows:

**197.370. 1. As used in this section, the term "continuing care retirement community" means:**

**(1) Housing planned and operated to provide a continuum of care or accommodations for older adults and allowing residents who require higher levels of care to remain in the same location as their spouses and friends, including:**

**(a) "Congregate housing", individual apartments or single rooms in a multi-unit building which are planned and designed for older adults and which provide supportive services, such as meals, transportation, housekeeping, and social and recreational activities;**

**(b) "Independent living", a building or buildings with self-contained living units for older adults who are able to care for themselves and in which no medical services are provided. Management of such living units may facilitate minimal access to community services and provide recreational services for voluntary use by residents;**

**(c) "Intermediate care facility", as it is defined in section 198.006, RSMo;**

**(d) "Residential care facility", as it is defined in section 198.006, RSMo; and**

**(e) "Skilled nursing care facility", as it is defined in section 198.006, RSMo; and**

**(2) Contracts which provide for services for more than one year and may include significant entrance or endowment fees in addition to monthly charges; and**

**(3) A continuing care retirement community will include the following levels**

**of care:**

- (a) Either independent or congregate;**
- (b) Residential care I or II; and**
- (c) Intermediate or skilled care.**

**2. Continuing care retirement communities shall be exempt from the certificate of need process pursuant to sections 197.300 to 197.367 for the addition of long-term care beds, including the addition of residential care beds and skilled nursing beds if such beds are designated for campuses that meet the definition of continuing care retirement community, or if such beds are designated for any proposed project that meets the definition of continuing care retirement community upon completion.**

**3. Any skilled nursing facility, which has been licensed for more than three years and has failed to achieve an occupancy level, for the last six quarters of fifty-five percent or higher, shall relinquish to the department of health and senior services the excess beds over sixty-five percent of licensed beds. The skilled nursing facility may regain these beds after obtaining a ninety percent occupancy on the remaining beds for six consecutive quarters.**

**4. Any person who owns a continuing care retirement community as defined by this section may:**

- (1) Relocate beds to any other continuing care retirement community location owned by such person; or**
- (2) Change the licensure category of beds and relocate them to any other continuing care retirement community location owned by such person.**

Section B. Because immediate action is necessary to provide a continuum of care to the elderly, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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