

FIRST REGULAR SESSION

SENATE BILL NO. 147

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLAND.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

0138S.01I

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

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

Section A. Chapter 198, RSMo, is amended by adding thereto one new section, to be known as section 198.166, 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; and

(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. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.