

SECOND REGULAR SESSION

# SENATE BILL NO. 755

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3607S.011

## AN ACT

To repeal sections 198.087 and 198.527, RSMo, and to enact in lieu thereof one new section relating to regulation of inspectors or surveyors of long-term care facilities.

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

Section A. Sections 198.087 and 198.527, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 198.087, to read as follows:

198.087. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of **[social] health and senior** services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position;

(2) **Require, in the absence of prior experience working in a long-term care facility, newly hired inspectors or surveyors to be assigned to a licensed long-term care facility for at least two days within a seven-day period to observe the facility operation outside of the survey process before the inspector or surveyor begins survey responsibilities. Such observations shall not be the sole basis of a deficiency citation against the facility. The department shall not assign an individual to survey a long-term care facility in which the surveyor was an employee within the preceding five years.**

Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

~~(2)~~ (3) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies

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

19 in regulation application. At a minimum, the Missouri on-site surveyor  
20 evaluation process, and the number and type of actions overturned by the  
21 informal dispute resolution process and formal appeal shall be used in the  
22 evaluation. Based on such evaluation, the department shall develop standards  
23 and a retraining process for the region, state, or individual inspector or surveyor,  
24 as needed;

25       **[(3)] (4) Develop**, in addition to the provisions of subdivisions (1) and  
26 (2) of this section, [the department shall develop] a single uniform comprehensive  
27 and mandatory course of instruction for inspectors/surveyors on the practical  
28 application of enforcement of statutes, rules and regulations. Such course shall  
29 also be open to attendance by administrators and staff of facilities licensed  
30 pursuant to this chapter;

31       **[(4) With the full cooperation of and in conjunction with the department**  
32 **of health and senior services,]**

33       **(5) Evaluate** the implementation and compliance of the provisions of  
34 subdivision (3) of subsection 1 of section 198.012 in which rules, requirements,  
35 regulations and standards pursuant to section 197.080, RSMo, for assisted living  
36 facilities, intermediate care facilities and skilled nursing facilities attached to an  
37 acute care hospital are consistent with the intent of this chapter. A report of the  
38 differences found in the evaluation conducted pursuant to this subdivision shall  
39 be made [jointly by the departments of social services and health and senior  
40 services] to the governor and members of the general assembly by January 1,  
41 2008; and

42       **[(5) With the full cooperation and in conjunction with the department of**  
43 **health and senior services,]**

44       **(6) Develop** rules and regulations requiring the exchange of information,  
45 including regulatory violations, between the departments to ensure the protection  
46 of individuals who are served by health care providers regulated by either the  
47 department of health and senior services or the department of social services.

      [198.527. To ensure uniformity of application of regulation  
2 standards in long-term care facilities throughout the state, the  
3 department of social services shall:

4           (1) Evaluate the requirements for inspectors or surveyors  
5 of facilities, including the eligibility, training and testing  
6 requirements for the position.

7       Based on the evaluation, the department shall develop and

8 implement additional training and knowledge standards for  
9 inspectors and surveyors;

10 (2) Periodically evaluate the performance of the inspectors  
11 or surveyors regionally and statewide to identify any deviations or  
12 inconsistencies in regulation application. At a minimum, the  
13 Missouri on-site surveyor evaluation process, and the number and  
14 type of actions overturned by the informal dispute resolution  
15 process and formal appeal shall be used in the evaluation. Based  
16 on such evaluation, the department shall develop standards and a  
17 retraining process for the region, state, or individual inspector or  
18 surveyor, as needed;

19 (3) In addition to the provisions of subdivisions (1) and (2)  
20 of this section, the department shall develop a single uniform  
21 comprehensive and mandatory course of instruction for  
22 inspectors/surveyors on the practical application of enforcement of  
23 statutes, rules and regulations. Such course shall also be open to  
24 attendance by administrators and staff of facilities licensed  
25 pursuant to this chapter.]

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