

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 89**  
95TH GENERAL ASSEMBLY

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Reported from the Committee on Health, Mental Health, Seniors and Families, February 19, 2009, with recommendation that the Senate Committee Substitute do pass.

0448S.03C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 198.525, RSMo, and to enact in lieu thereof one new section relating to inspectors or surveyors of long-term care facilities.

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

Section A. Section 198.525, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 198.525, to read as follows:

198.525. 1. Except as otherwise provided pursuant to section 198.526, in  
2 order to comply with sections 198.012 and 198.022, the department of health and  
3 senior services shall inspect residential care facilities, assisted living facilities,  
4 intermediate care facilities, and skilled nursing, including those facilities  
5 attached to acute care hospitals at least twice a year.

6 **2. The department shall not assign an individual to inspect or**  
7 **survey a long-term care facility in which the inspector or surveyor was**  
8 **an employee of such facility within the preceding five years.**

9 **3. (1) The department shall require every newly hired inspector**  
10 **or surveyor at the time of hiring or, with respect to any currently**  
11 **employed inspector or surveyor as of August 28, 2009, to disclose:**

12 **(a) The name of every Missouri licensed long-term care facility**  
13 **for which he or she has been employed;**

14 **(b) The name of any member of his or her family who has been**  
15 **employed or is currently employed at a Missouri licensed long-term**  
16 **care facility; and**

17 **(c) The name of any person with whom he or she has had a close**  
18 **friendship or personal relationship who is currently employed at a**  
19 **Missouri licensed long-term care facility.**

20 **The disclosures under paragraphs (b) and (c) of this subdivision shall**

21 be disclosed to the department whenever the event giving rise to  
22 disclosure first occurs.

23 (2) For purposes of this section, the phrase "family member" shall  
24 mean a person related to the inspector or surveyor within the third  
25 degree of consanguinity. The information called for in this subsection  
26 shall be a public record under the provisions of subdivision (6) of  
27 section 610.010, RSMo.

28 4. Any Missouri licensed long-term care facility may notify the  
29 department if there is a concern about any inspector or surveyor who  
30 has disclosed that he or she, any family member or personal friend is  
31 working for or has worked for the facility. Upon receiving that notice,  
32 the department, when assigning an inspector or surveyor to inspect or  
33 survey a facility, shall take steps to verify the information and, if the  
34 department has probable cause to believe that it is correct, shall not  
35 assign the inspector or surveyor to the notifying facility or any facility  
36 within its organization so as to avoid an appearance of prejudice to the  
37 facility or bias on the part of the inspector or surveyor.

Bill ✓

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