

SECOND REGULAR SESSION

# SENATE BILL NO. 763

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 22, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5554S.011

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## AN ACT

To repeal section 205.190, RSMo, and to enact in lieu thereof one new section relating to county hospital trustees.

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

Section A. Section 205.190, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 205.190, to read as follows:

205.190. 1. The trustees shall, within ten days after their appointment  
2 or election, qualify by taking the oath of civil officers and organize as a board of  
3 hospital trustees by the election of one of their number as chairman, one as  
4 secretary, one as treasurer, and by the election of such other officers as they may  
5 deem necessary.

6 2. No trustee shall receive any compensation for his or her services  
7 performed, but a trustee may receive reimbursement for any cash expenditures  
8 actually made for personal expenses incurred as such trustee, and an itemized  
9 statement of all such expenses and money paid out shall be made under oath by  
10 each of such trustees and filed with the secretary and allowed only by the  
11 affirmative vote of all of the trustees present at a meeting of the board.

12 3. The board of hospital trustees shall make and adopt such bylaws, rules  
13 and regulations for its own guidance and for the government of the hospital as  
14 may be deemed expedient for the economic and equitable conduct thereof, not  
15 inconsistent with sections 205.160 to 205.340 and the ordinances of the city or  
16 town wherein such public hospital is located. The board shall provide by  
17 regulation for the bonding of the chief executive officer and may require a bond  
18 of the treasurer of the board and of any employee of the hospital as it deems  
19 necessary. The costs of all bonds required shall be paid out of the hospital  
20 fund. Except as provided in subsection 4 of this section, it shall have the

21 exclusive control of the deposit, investment, and expenditure of all moneys  
22 collected to the credit of the hospital fund, and of the purchase of site or sites, the  
23 purchase or construction of any hospital buildings, and of the supervision, care  
24 and custody of the grounds, rooms or buildings purchased, constructed, leased or  
25 set apart for that purpose; provided, that all moneys received for such hospital  
26 shall be credited to the hospital and deposited into the depository thereof for the  
27 sole use of such hospital in accordance with the provisions of sections 205.160 to  
28 205.340. All funds received by each such hospital shall be paid out only upon  
29 warrants ordered drawn by the treasurer of the board of trustees of said county  
30 upon the properly authenticated vouchers of the hospital board.

31 4. The trustees shall have authority, both within and outside the county,  
32 except in counties of the third or fourth classification (other than the county in  
33 which the hospital is located) where there already exists a hospital organized  
34 pursuant to chapters 96, 205 or 206; provided that this exception shall not  
35 prohibit the continuation of existing activities otherwise allowed by law, to  
36 operate, maintain and manage a hospital and hospital facilities, and to make and  
37 enter into contracts, for the use, operation or management of a hospital or  
38 hospital facilities; to engage in health care activities; to make and enter into  
39 leases of equipment and real property, a hospital or hospital facilities, as lessor  
40 or lessee, regardless of the duration of such lease; provided that any lease of  
41 substantially all of the hospital, as the term "hospital" is defined in section  
42 197.020, wherein the board of trustees is lessor shall be entered into only with  
43 the approval of the county commission wherein such hospital is located and  
44 provided that in a county of the second, third or fourth classification, the income  
45 to such county from such lease of substantially all of the hospital shall be  
46 appropriated to provide health care services in the county; and further to provide  
47 rules and regulations for the operation, management or use of a hospital or  
48 hospital facilities. Any agreement entered into pursuant to this subsection  
49 pertaining to the lease of the hospital, as herein defined, shall have a definite  
50 termination date as negotiated by the parties, but this shall not preclude the  
51 trustees from entering into a renewal of the agreement with the same or other  
52 parties pertaining to the same or other subjects upon such terms and conditions  
53 as the parties may agree. Notwithstanding any other law to the contrary, the  
54 county commission in any noncharter county of the first classification wherein  
55 such hospital is located may separately negotiate and enter into contractual  
56 agreements with the lessee as a condition of approval of any lease authorized

57 pursuant to this subsection.

58           5. The board of hospital trustees shall have power to appoint a suitable  
59 chief executive officer and necessary assistants and fix their compensation, and  
60 shall also have power to remove such appointees; and shall in general carry out  
61 the spirit and intent of sections 205.160 to 205.340 in establishing and  
62 maintaining a county public hospital.

63           6. The board of hospital trustees may establish and operate a day care  
64 center to provide care exclusively for the children of the hospital's employees. A  
65 day care center established by the board shall be licensed pursuant to the  
66 provisions of sections 210.201 to 210.245. The operation of a day care center shall  
67 be paid for by fees or charges, established by the board, and collected from the  
68 hospital employees who use its services. The board, however, is authorized to  
69 receive any private donations or grants from agencies of the federal government  
70 intended for the support of the day care center.

71           7. The board of hospital trustees shall hold meetings at least once each  
72 month, shall keep a complete record of all its proceedings; and three members of  
73 the board shall constitute a quorum for the transaction of business.

74           8. One of the trustees shall visit and examine the hospital at least twice  
75 each month and the board shall, during the first week in January of each year,  
76 file with the county commission of the county a report of its proceedings with  
77 reference to such hospital and a statement of all receipts and expenditures during  
78 the year; and shall at such time certify the amount necessary to maintain and  
79 improve the hospital for the ensuing year.

80           **9. Notwithstanding subsection 4 of this section with respect to**  
81 **trustees both within and outside a county where there already exists**  
82 **a hospital organized under chapter 96, 205 or 206, and so long as the**  
83 **trustees in both counties consent, trustees in any county of the first**  
84 **classification with more than one hundred fifty thousand but fewer**  
85 **than two hundred thousand inhabitants and any county of the third**  
86 **classification without a township form of government and with more**  
87 **than sixteen thousand but fewer than eighteen thousand inhabitants**  
88 **and with a city of the third classification with more than eight**  
89 **thousand but fewer than nine thousand inhabitants as the county seat**  
90 **shall be allowed to:**

91           **(1) Operate, maintain, and manage a hospital and hospital**  
92 **facilities, and to make and enter into contracts, for the use, operation,**

93 or management of a hospital or hospital facilities;

94 (2) Engage in health care activities; or

95 (3) Make and enter into leases of equipment and real property,

96 a hospital or hospital facilities, as lessor or lessee, regardless of the

97 duration of such lease.

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Unofficial

Bill

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