

SECOND REGULAR SESSION

SENATE BILL NO. 1052

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 15, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6433S.01I

AN ACT

To repeal section 536.031, RSMo, and to enact in lieu thereof two new sections relating to administrative rules for the regulation of hospitals.

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

Section A. Section 536.031, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 197.065 and 536.031, to read as
3 follows:

197.065. 1. The department of health and senior services shall
2 **promulgate regulations for the construction and renovation of hospitals**
3 **that include standards for hospitals that exclusively reflect:**

4 **(1) The life safety code standards imposed by the federal**
5 **Medicare program under Title XVIII of the Social Security Act and its**
6 **conditions of participation in the Code of Federal Regulations; and**

7 **(2) The standards contained in the Facility Guidelines Institute**
8 **2014 Guidelines for the Design and Construction of Health Care**
9 **Facilities or its successor in any future promulgation of rules.**

10 **2. The department may waive enforcement of the standards for**
11 **licensed hospitals imposed by subsection 1 of this section if the**
12 **department determines that compliance with those specific standards**
13 **would result in unreasonable hardship for the facility and if the health**
14 **and safety of hospital patients would not be compromised by such**
15 **waiver or waivers.**

16 **3. Regulations promulgated by the department to establish and**
17 **enforce hospital licensure regulations under this chapter that conflict**
18 **with the standards established under subsections 1 of this section shall**
19 **lapse on and after January 1, 2018.**

20 **4. Any rule or portion of a rule, as that term is defined in section**

21 **536.010, that is created under the authority delegated in this section**
22 **shall become effective only if it complies with and is subject to all of**
23 **the provisions of chapter 536 and, if applicable, section 536.028. This**
24 **section and chapter 536 are nonseverable, and if any of the powers**
25 **vested with the general assembly pursuant to chapter 536 to review, to**
26 **delay the effective date, or to disapprove and annul a rule are**
27 **subsequently held unconstitutional, then the grant of rulemaking**
28 **authority and any rule proposed or adopted after August 28, 2016, shall**
29 **be invalid and void.**

536.031. 1. There is established a publication to be known as the "Code
2 of State Regulations", which shall be published in a format and medium as
3 prescribed and in writing upon request by the secretary of state as soon as
4 practicable after ninety days following January 1, 1976, and may be republished
5 from time to time thereafter as determined by the secretary of state.

6 2. The code of state regulations shall contain the full text of all rules of
7 state agencies in force and effect upon the effective date of the first publication
8 thereof, and effective September 1, 1990, it shall be revised no less frequently
9 than monthly thereafter so as to include all rules of state agencies subsequently
10 made, amended or rescinded. The code may also include citations, references, or
11 annotations, prepared by the state agency adopting the rule or by the secretary
12 of state, to any intraagency ruling, attorney general's opinion, determination,
13 decisions, order, or other action of the administrative hearing commission, or any
14 determination, decision, order, or other action of a court interpreting, applying,
15 discussing, distinguishing, or otherwise affecting any rule published in the code.

16 3. The code of state regulations shall be published in looseleaf form in one
17 or more volumes upon request and a format and medium as prescribed by the
18 secretary of state with an appropriate index, and revisions in the text and index
19 may be made by the secretary of state as necessary and provided in written
20 format upon request.

21 4. An agency may incorporate by reference rules, regulations, standards,
22 and guidelines of an agency of the United States or a nationally or
23 state-recognized organization or association without publishing the material in
24 full. The reference in the agency rules shall fully identify the incorporated
25 material by publisher, address, and date in order to specify how a copy of the
26 material may be obtained, and shall state that the referenced rule, regulation,
27 standard, or guideline does not include any later amendments or additions;

28 **except that, hospital licensure regulations governing life safety code**
29 **standards promulgated under this chapter and chapter 197 to**
30 **implement section 197.065 may incorporate, by reference, later**
31 **additions or amendments to such rules, regulations, standards, or**
32 **guidelines as needed to consistently apply current standards of safety**
33 **and practice.** The agency adopting a rule, regulation, standard, or guideline
34 under this section shall maintain a copy of the referenced rule, regulation,
35 standard, or guideline at the headquarters of the agency and shall make it
36 available to the public for inspection and copying at no more than the actual cost
37 of reproduction. The secretary of state may omit from the code of state
38 regulations such material incorporated by reference in any rule the publication
39 of which would be unduly cumbersome or expensive.

40 5. The courts of this state shall take judicial notice, without proof, of the
41 contents of the code of state regulations.

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Bill

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