

SECOND REGULAR SESSION

SENATE BILL NO. 951

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time January 23, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6092S.011

AN ACT

To repeal sections 197.052 and 536.031, RSMo, and to enact in lieu thereof two new sections relating to hospital regulations.

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

Section A. Sections 197.052 and 536.031, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 197.052 and 536.031, to
3 read as follows:

197.052. An applicant for or holder of a hospital license may define or
2 revise the premises of a hospital campus to include tracts of property which are
3 adjacent but for a common street or highway **or single intersection**, as **such**
4 **terms are** defined in section 300.010, and its accompanying public right-of-way.

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10 made, amended or rescinded.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,

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

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; except
28 that[,]:

29 **(1) Hospital licensure regulations promulgated under this**
30 **chapter and chapter 197 may incorporate by reference Medicare**
31 **conditions of participation, as defined in section 197.005, and later**
32 **additions or amendments to such conditions of participation; and**

33 **(2) Hospital licensure regulations governing life safety code standards**
34 **promulgated under this chapter and chapter 197 to implement section 197.065**
35 **may incorporate, by reference, later additions or amendments to such rules,**
36 **regulations, standards, or guidelines as needed to consistently apply current**
37 **standards of safety and practice.**

38 5. The agency adopting a rule, regulation, standard, or guideline under
39 this section shall maintain a copy of the referenced rule, regulation, standard, or
40 guideline at the headquarters of the agency and shall make it available to the
41 public for inspection and copying at no more than the actual cost of
42 reproduction. The secretary of state may omit from the code of state regulations
43 such material incorporated by reference in any rule the publication of which
44 would be unduly cumbersome or expensive.

45 [5.] 6. The courts of this state shall take judicial notice, without proof,
46 of the contents of the code of state regulations.

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