

SECOND REGULAR SESSION

SENATE BILL NO. 1479

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

6209S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 536.031, RSMo, and to enact in lieu thereof one new section relating to the code of state regulations.

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

Section A. Section 536.031, RSMo, is repealed and one new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

536.031. 1. There is established a publication to be
2 known as the "Code of State Regulations", which shall be
3 published in a format and medium as prescribed by the
4 secretary of state from time to time as determined by the
5 secretary of state.

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12 rescinded.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

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

18 or other action of a court interpreting, applying,
19 discussing, distinguishing, or otherwise affecting any rule
20 published in the code.

21 3. The code of state regulations shall be published in
22 a format and medium as prescribed by the secretary of state.

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

33 (1) Hospital licensure regulations promulgated under
34 this chapter and chapter 197 may incorporate by reference
35 Medicare conditions of participation, as defined in section
36 197.005, and later additions or amendments to such
37 conditions of participation; [and]

38 (2) Hospital licensure regulations governing life
39 safety code standards promulgated under this chapter and
40 chapter 197 to implement section 197.065 may incorporate, by
41 reference, later additions or amendments to such rules,
42 regulations, standards, or guidelines as needed to
43 consistently apply current standards of safety and practice;

44 (3) **Medicaid regulations promulgated under this**
45 **chapter and chapter 208 may incorporate by reference**
46 **Medicare fee schedules, as defined in state regulation, and**
47 **later additions or amendments to Medicaid reimbursement**
48 **methodologies promulgated in title 13 of the code of state**
49 **regulations;**

50 **(4) Medicaid regulations promulgated under this**
51 **chapter and chapter 208 may incorporate by reference, later**
52 **additions or amendments to federal rules and regulations as**
53 **needed to administer the Missouri Medicaid program.**

54 5. The agency adopting a rule, regulation, standard,
55 or guideline under this section shall maintain a copy of the
56 referenced rule, regulation, standard, or guideline at the
57 headquarters of the agency and shall make it available to
58 the public for inspection and copying at no more than the
59 actual cost of reproduction. The secretary of state may
60 omit from the code of state regulations such material
61 incorporated by reference in any rule the publication of
62 which would be unduly cumbersome or expensive.

63 6. The courts of this state shall take judicial
64 notice, without proof, of the contents of the code of state
65 regulations.

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