

**COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION**

FISCAL NOTE

L.R. No.: 1089-01
Bill No.: SB 311
Subject: Certificate of Need; Disabilities; Elderly; Health Care; Health Care Professionals;
Health Department; Health, Public; Hospitals; Law Enforcement Officers and
Agencies; Medicaid; Mental Health Department; Nursing and Boarding Homes
Type: Original
Date: February 25, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(Unknown greater than \$338,477)*	(Unknown greater than \$213,007)*	(Unknown greater than \$215,880*)
Total Estimated Net Effect on General Revenue Fund	(Unknown greater than \$338,477)*	(Unknown greater than \$213,007)*	(Unknown greater than \$218,880)*

* Does not include cost avoidance of over \$38,530

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Elderly Home-Delivered Meals Trust Fund	Unknown	Unknown	Unknown
Nursing Facility quality of Care	Unknown	Unknown	Unknown
Total Estimated Net Effect on Other State Funds	Unknown	Unknown	Unknown

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 17 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Federal*	\$0	\$0	\$0
Unemployment Compensation Administration Fund	(\$13,782)	\$0	\$0
Unemployment Compensation Trust Fund	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> Federal Funds	(Unknown greater than \$13,782)	(Unknown)	(Unknown)

***Income and expenses which are unknown but greater than \$61,470 would net to \$0**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **State Courts Administrator**, the **Office of Prosecution Services**, and the **State Public Defender**, assume this proposal would not fiscally impact their agencies.

Officials from the **Secretary of State Office (SOS)** state this proposal modifies various provisions relating to the protection of the elderly. Based on experience with other divisions the rules, regulations and forms issued by the Department of Health, Senior Services and the Department of Social Services, Department of Public Safety, and the Department of Mental

Health could require approximately 116 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are ASSUMPTION (continued)

published in the Code because of cost statements, fiscal notes and notices that are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23. The estimated cost of a page in the *Code of State Regulations* is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, and withdrawn. SOS estimates the cost for FY 04 only to be \$7,134 [(116 pages x \$27) + (174 pages x \$23)].

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Attorney General's Office (AGO)** assume one additional investigator would be needed to handle referrals pursuant to section 198.093. AGA estimates salary and fringe benefits would be \$ 32,191 in FY 04, \$39,595 in FY 05, and \$40,585 in FY 06.

Officials from the **Missouri Health Facilities Review Committee (MHFRC)** state that this proposal would reinstate the long term care moratorium until January 1, 2007. MHFRC states the fiscal impact on General Revenue is minimal at this point in time because the moratorium expired December 31, 2002.

Officials from the **Department of Mental Health (DMH)** state that the DMH currently has the same level of licensing and investigations as that required in this proposal. Therefore, DMH assumes no fiscal impact.

Officials from the **Department of Labor and Industrial Relations (DOL)** assume the proposal provides contributing employers, who are currently charged for benefit payment because an individual was not discharged for misconduct connected with the work, will not be charged for benefit payment if the employer was required by law to discharge the individual, because the individual was placed on a disqualification list after being hired.

DOL states unemployment benefits are paid from the Unemployment Compensation Trust Fund (UCTF). The UCTF is funded by all contributing employers and by employer payments for benefit charges. Although the proposal would not change the amount of benefits paid, it no longer provides the charging mechanism for replenishing the fund. The cost of benefits would

reduce the balance of the UCTF, which would contribute to future rate increases to all contributing employers if the balance reaches certain levels

ASSUMPTION (continued)

The Division of Employment Security (DES) is not able to identify current claims (that meet the proposed conditions) to estimate and project the amount of impact to the UCTF. The negative impact would also depend on the weekly benefit amounts payable, number of weeks claimed and other unknown factors.

Information Systems estimates the change to the benefit charging provisions would require 280 hours of computer programming to the nonmonetary and charging process in the existing system at \$49.22 per hour. This would be an estimated one-time start up cost of \$13,782, which would have a negative impact on Federal Funding. The DES assumes the cost for changing and printing notices and pamphlets would be part of the normal cost of operations.

The DES states that allowing the Department of Health and Senior Services to provide investigative information relating to the circumstances of an individual's separation could better equip the DES when investigating misconduct connected with the work, when subject employers are not in a position to provide the information at the time of DES's investigation. The DES is not able to predict what impact this may have.

Officials from the **Department of Social Services - Division of Medical Services (DMS)** state this proposal addresses section 197.317. DMS states since the moratorium has expired, nothing would prevent a certificate of need (CON) from being issued for additional beds in existing facilities or new beds from being constructed, provided construction does not begin prior to January 1, 2004. DMS estimates that this proposed legislation would generate a cost avoidance to the Medicaid program. DMS estimates this cost avoidance is unknown, but greater than \$100,000. DMS assumes that new construction and facilities with new additions receive a higher per diem. DMS states current regulations allow for a rate adjustment because of addition of beds.

DMS assumes no fiscal impact for section 208.159 since the proposal does not mandate rebasing of nursing home per diem rates. Since the items listed in this proposal are currently covered and allowed under the reimbursement regulation, reclassifying them from the ancillary cost component to the patient care cost component would result in a change in the composition of the expenditures only. DMS states while the ceilings and the per diem rate for these cost components would be affected, there would not be a significant change in the total Medicaid per diem payments.

Officials from the **Department of Health and Senior Services (DOH)** state:

Section 187.024 expands the Employee Disqualification List to include names of persons
ASSUMPTION (continued)

employed by any long-term care facility, hospital, ambulatory surgical center, in-home service provider, home health agency or hospice. This increases the potential number of persons that may be entitled to due process that may include a hearing conducted by the DOH. To ensure the DOH is able to conduct hearings in a timely manner, we believe an additional hearing officer is needed. However, we feel the savings generated from eliminating a facility surveyor position due to a reduction in frequency of inspections in 198.526 will offset the cost. Because we plan to eliminate an existing facility surveyor position, we have not asked for expenses or equipment for the hearing officer.

Section 187.028 expands the authority of the DOH to remove an individual from his/her home as necessary to protect from ongoing abuse/neglect. Currently, there is no system to support out-of-home placement for seniors and adults with disabilities; abuse centers are not generally equipped to accept this population. The cost of alternative placement is an issue because not all individuals who are victims of abuse/neglect are eligible for or in need of nursing facility or hospital placement. If the cost associated with out-of-home placement is supposed to be borne by the DOH, there would be a fiscal impact. However, for purposes of this fiscal note, the DOH has assumed that the cost of alternative placement would not be funded through the DOH.

Section 187.030.1 requires the DOH to promptly refer all suspected cases of elder abuse to appropriate law enforcement agencies and determine the need for adult protective services. The DOH assumes the prosecutors' office and law enforcement agencies will determine the fiscal impact associated with additional referrals resulting from the language requiring the division to refer all cases of "suspected" elder abuse. There were 12,976 investigations completed in FY02; 55.7% (7,228 cases) have investigative findings of reason to believe and 19.4% (2,517 cases) have findings in which the allegations were suspected to have occurred.

DOH states although the previous law requires that all "substantiated cases" be referred to law enforcement or the prosecutors, current policy (Policy 1703.30) requires joint-investigation with law enforcement any time report allegations indicate or an investigation reveals information that: "Emergency entry of the premises is needed; Emergency removal of the eligible adult from the premises is needed; Caregiver or other party will (allegedly) refuse to allow the investigation to be conducted; The life of the eligible adult may be in danger upon (subsequent) investigation by division; The eligible adult faces the likelihood of serious physical harm if not placed in a medical treatment facility; Abuse or Neglect meeting the statutory definition of the Crime of

Elder Abuse has occurred (Policy 1702.40); Report indicates physical evidence needs to be professionally gathered or preserved and information indicates the eligible adult is being held against his/her will. Other circumstances which suggest that the worker may need to involve law enforcement prior to a face-to-face visit with the reported adult include: to obtain background ASSUMPTION (continued)

information about subjects in the report (e.g. past law enforcement involvement, potential threat to the worker, reported adult, etc.); the report indicates an unrelated serious crime may have been committed; there is reason to believe the alleged perpetrator will flee if you are not accompanied by law enforcement; notification of law enforcement is needed to preserve the peace; it is believed that law enforcement may have relevant information about the situation (for example a past involvement in disputes, a party having been previously been jailed, etc.).”

DOH staff are required to “cooperate with law enforcement during the investigation as requested. The degree of staff involvement in the gathering of evidence shall be at the discretion of the law enforcement agency.” The DOH assumes that the policy as described meets the legislative intent of the proposal and would require no change in operation. The DOH anticipates no fiscal impact.

Section 187.030.2 requires the DOH and law enforcement to train and cross-train personnel to ensure the proper handling of cases involving elder abuse and neglect; mandates all volunteers and employees of AAA's to be instructed on the identification and reporting procedures of abuse and neglect cases and requires the department, in cooperation with law enforcement to promulgate rules for a checklist for law enforcement and department personnel to follow when investigating cases. Fiscal impact will include one staff person, related E&E and training costs listed as follows:

The DOH assumes the intent of the proposal is that DOH staff and law enforcement officials statewide will require training on the proper handling of cases involving elder abuse. The state will have to bring 500 division of senior services staff (formerly division of aging, home and community services) and 300 division of health standards licensure staff (formerly division of aging, institutional services) and approximately 29,000 law enforcement officials (representing over 1,200 law enforcement agencies) into compliance with the training requirements of the legislation.

The DOH assumes that law enforcement agencies will absorb the cost of training law enforcement officials. Once existing law enforcement officers receive the training, the curriculum will be incorporated into the required training for state certification in Missouri. There are 18 law enforcement training academies located throughout the state which offer the

required 470 hours of training for all law enforcement officials to become certified.

The DOH will need one Social Services Manager B1 position to oversee the administrative responsibilities outlined in the bill. The administrator will work with the Highway Patrol, Sheriff's Association, Law Enforcement Training Academies, and other such agencies and ASSUMPTION (continued)

associations to fulfill the requirements of joint training, developing accurate curriculum including the mandated checklist to ensure thorough investigations of elder abuse cases and under Section 660.252 RSMo, to develop a proficiency exam for use with in-home providers for new applicants. Once the proficiency exam and the law enforcement curriculum has been developed, the administrator will act as the liaison for law enforcement agencies (over 1,200) to ensure that elder abuse training is accurate and revisions are made as necessary in accordance with state laws.

The DOH will conduct training for 800+ employees within two divisions in six to eight sessions across the state (depending on attendance by law enforcement personnel). The division estimates that 16 hours of training across three days will be sufficient, requiring two overnights for approximately 50% of the staff. All staff will require meal allowances and some travel reimbursement. Anticipating maximum carpool and state cars usage, mileage is based on an average of 75 miles per car per round trip. The division estimates the cost of training as follows (no cost for "trainers" included):

Total DHSS/Division of Senior Services Staff/Personnel to be trained is estimated at 500
Approximate number requiring two overnight accommodations (50%) 250
Average Hotel Accommodations: \$75.00 per overnight two nights (250 x \$75 x 2) \$37,500
Average Meal Allowance: \$38.00 per day; two days (500 x \$38 x 2.5) \$47,500
Approximate Mileage: (1 car per 3 employees = 500/3 = 167 cars)
75 average miles round-trip per car (167 x 75 x \$0.335) \$4,196
Total Estimated Cost of Training Division of Senior Services Staff \$89,196

Total DHSS/Division of Health Standards and Licensure Staff/Personnel to be trained is estimated at 300
Approximate number requiring two overnight accommodations (50%) 150
Average Hotel Accommodations: \$75.00 per overnight two nights (150 x \$75 x 2) \$22,500
Average Meal Allowance: \$38.00 per day; two days (300 x \$38 x 2.5) \$28,500
Approximate Mileage: (1 car per 3 employees = 300/3 = 100 cars)
75 average miles round-trip per car (100 x 75 x \$0.335) \$2,513
Total Estimated Cost of Training Division of Health Standards and Licensure Staff would be

\$53,513

Total Estimated Cost of Training Department Staff would be \$142,709 (\$89,196 + \$53,513).

Section 198.019 - The DOH assumes current staff in the Compliance Unit will be sufficient to document and forward to the appropriate units within the DOH a listing of those facilities whose ASSUMPTION (continued)

compliance history should be considered when issuing or renewing a license. The DOH believes the fiscal impact of this requirement would not be significant, however, dependent on the criteria that are established for not licensing a facility, a future request for FTE for the Compliance Unit may be needed.

Section 198.067 significantly increases the dollar amount of penalties for certain violations regardless of whether they are later corrected. These changes in the penalty provisions are likely to increase state revenue (Elderly Home-Delivered Meals Trust Fund and the Nursing Facility Quality Care Fund). However an estimate of the possible increase in state revenue is indeterminate since facility compliance with minimum standards is solely dependent on the operator's actions.

Section 198.526 allows the DOH to reduce the frequency of inspections to once a year under certain circumstances. This could eliminate one Facility Surveyor II position. The potential cost savings related to fewer inspections could be used to offset the cost of additional hearing officer as required in 187.024.

Section 660.252 requires all Medicaid participation agreements to include language requiring all in-home services provider employees receive training on elder abuse and neglect. Medicaid participation agreements entered into between the DOH and long-term care facilities shall include requirements for facilities to comply with provisions of sections 660.600 to 660.608 regarding access to facilities by ombudsmen or representatives of the office of the state ombudsmen for long-term care facility residents.

The DOH assumes the impact of this requirement should be assessed by the Department of Social Services, Division of Medical Services, regarding current training requirements which are mandated for all contracted in-home services providers in accordance with 13 CSR 15-7.021 (19). Included in the Division of Senior Services required training topics is the recognizing and reporting abuse, neglect, and/or exploitation of the elderly or disabled clients and Alzheimer's disease. The cost of staff providing training upon request as an in-service for providers will be absorbed by the DOH. The DOH anticipates no significant fiscal impact.

Officials from the **Department of Corrections** did not respond to our fiscal note request. Due to the multiple violations in this proposal, **Oversight** assumes the cost would be unknown, greater than \$100,000.

Oversight estimates an unknown cost greater than \$100,000 to local law enforcement for ASSUMPTION (continued)

training and additional enforcement duties.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE			
<u>Savings - Department of Health and Senior Services</u>			
Personal Services (1 FTE)	\$34,778	\$42,777	\$43,847
Fringe Benefits	<u>\$12,753</u>	<u>\$15,686</u>	<u>\$16,079</u>
<u>Total Savings - Department of Health and Senior Services</u>	\$47,531	\$58,463	\$59,926
<u>Cost Avoidance - Department of Social Services - Division of Medical Services</u>			
Program costs	Unknown greater than \$38,530	Unknown greater than \$38,530	Unknown greater than \$38,530
<u>Costs -Attorney General Office</u>			
Personal Service (1 FTE)	(\$22,917)	(\$28,188)	(\$28,892)
Fringe Benefits	<u>(\$9,274)</u>	<u>(\$11,407)</u>	<u>(\$11,693)</u>
<u>Total Costs - Attorney General Office</u>	(\$32,191)	(\$39,595)	(\$40,585)
<u>Costs - Department of Health and Senior Services</u>			
Personal Service (2 FTE)	(\$72,744)	(\$89,475)	(\$91,712)
Fringe Benefits	(\$26,675)	(\$32,810)	(\$33,631)
Equipment and expense	(\$11,689)	(\$9,590)	(\$9,878)
Training	<u>(\$142,709)</u>	<u>\$0</u>	<u>\$0</u>

<u>Total Costs - Department of Health and Senior Services</u>	(\$253,817)	(\$131,875)	(\$135,221)
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<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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<u>Costs - Department of Corrections</u>			
Incarceration and probations costs	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>

ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown greater than \$338,477)*</u>	<u>(Unknown greater than \$213,007)*</u>	<u>(Unknown greater than \$215,880)*</u>
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*Does not include cost avoidance of greater than \$38,530.

ELDERLY HOME-DELIVERED MEALS TRUST

<u>Income - Department of Health and Senior Services</u>			
Income from violations	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

ESTIMATED NET EFFECT ON ELDERLY HOME-DELIVERED MEALS TRUST	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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NURSING FACILITY QUALITY OF CARE

<u>Income - Department of Health and Senior Services</u>			
Income from violations	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

**ESTIMATED NET EFFECT ON
 NURSING FACILITY QUALITY OF
 CARE**

Unknown

Unknown

Unknown

FISCAL IMPACT - State Government

FY 2004
 (10 Mo.)

FY 2005

FY 2006

FEDERAL FUNDS

Income - Department of Social Services -
 Division of Medical Services

Federal Assistance

(Unknown
 greater than
 \$61,470)

(Unknown
 greater than
 \$61,470)

(Unknown
 greater than
 \$61,470)

Costs - Department of Social Services -
 Division of Medical Services

Program Expense

Unknown
greater than
\$61,470

Unknown
greater than
\$61,470

Unknown
greater than
\$61,470

**ESTIMATED NET EFFECT ON
 FEDERAL FUNDS**

\$0

\$0

\$0

**UNEMPLOYMENT
 COMPENSATION
 ADMINISTRATION FUND**

Cost - Department of Labor and Industrial
 Relations

Programming costs

(\$13,782)

\$0

\$0

**ESTIMATED NET EFFECT ON
 UNEMPLOYMENT
 COMPENSATION FUND**

(\$13,782) **\$0** **\$0**

FISCAL IMPACT - State Government

FY 2004
(10 Mo.)

FY 2005

FY 2006

**UNEMPLOYMENT
 COMPENSATION TRUST FUND**

Costs - Department of Labor and
 Industrial Relations

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
 UNEMPLOYMENT
 COMPENSATION TRUST FUND**

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Local Government

FY 2004
(10 Mo.)

FY 2005

FY 2006

LOCAL GOVERNMENTS

Costs - Local law enforcement

Training costs and additional enforcement
 costs

(Unknown
greater than
\$100,000)

(Unknown
greater than
\$100,000)

(Unknown
greater than
\$100,000)

**ESTIMATED NET EFFECT ON
 LOCAL LAW ENFORCEMENT**

**(Unknown
greater than
\$100,000)**

**(Unknown
greater than
\$100,000)**

**(Unknown
greater than
\$100,000)**

FISCAL IMPACT - Small Business

Administrative penalties may affect small businesses.

DESCRIPTION

This proposal modifies various provisions relating to the protection of the elderly. Section 187.010 provides the necessary definitions relating to long-term care facilities and elder abuse.

Certain mandated reporters must report suspected abuse and neglect of eligible adults or persons sixty years of age and older to the Department within 24 hours. Any required person failing to make a report within a reasonable time will be guilty of a Class A misdemeanor. Any person purposefully filing a false report of elder abuse and neglect will be guilty of a Class A

Description (continued)

misdemeanor (Section 187.020).

Reports involving the abuse and neglect of residents of long-term care facilities must contain the name and address of the facility, the name of the resident, the nature of the abuse and neglect, and the name of the complainant. Any person who knowingly abuses or neglects a resident of a facility will be guilty of a Class D felony (Section 187.024).

Reports involving the abuse and neglect of eligible adults not residing in a facility must contain the name and address of the facility, the name of the resident, the nature of the abuse and neglect, and the name of the complainant. Any person who knowingly abuses or neglects an eligible adult not residing in a facility will be guilty of a Class D felony (Section 187.028).

The Department must promptly refer all cases of suspected abuse to the appropriate law enforcement agency. The Department and law enforcement must share resources for training

(Section 187.030). Subject to conditions, any statement made by a person sixty years or older or a disabled person shall be admissible in a criminal, civil, or administrative proceeding (Section 187.032).

Any person or institution making a report pursuant to Section 187.020 to Section 187.050 shall be immune from any civil or criminal liability (Section 187.034). Any person, who has reasonable cause to believe that the misappropriation of property or funds of an eligible adult not residing in a facility has occurred, must report such information to the Department. Retaliation

against an eligible adult not residing in a facility for reporting any violations of standards is prohibited (Section 187.050).

Section 187.080 details the requirements of the employee disqualification list. Providers must request a criminal background check prior to allowing any full-time, part-time, or temporary employee to have contact with a patient or resident. Providers may have a private investigator, rather than the highway patrol, conduct the criminal background check (Section 187.084).

Section 187.087 specifies that confidential reports filed pursuant to Sections 187.020 to 187.034 and Sections 187.050 to 187.080 will not be deemed public records.

The Director has the authority to require answers to written interrogatories and require production of any papers or records that are relevant to an inspection and investigation (Section 187.090). The Departments of Social Services, Health and Senior Services, and Mental Health shall work together in the investigation of abuse, neglect, and financial exploitation (Section

Description (continued)

187.102).

Section 197.317 and Section 197.318 restore the moratorium on the certificate of need expenditure minimum until January 1, 2007.

Section 197.416 details requirements for the Department when issuing or renewing the license of a home health agency. Applications for a license must include an affidavit regarding the exercise of due diligence in observing the condition and operation of the facility (Section 198.018).

Section 198.019 details requirements for the Department when issuing or renewing the license of a facility. Section 198.022 requires the Department to make two inspections of a facility per year, except as provided in Section 198.526.

The Department must promulgate rules requiring facilities to submit information as to their actual staffing and staff retention patterns. The information shall be available to the public by July 1, 2004 (Section 198.024).

Every residential care facility I or II, intermediate care facility, or skilled nursing facility shall post the most recent inspection report in conspicuous location in a facility (Section 198.031).

The Department of Social Services may access the records of Medicaid patients in order to

perform constitutional and statutory duties. The use of unsubstantiated inspection reports by insurance carriers for the purpose of underwriting is prohibited (Section 198.032).

Section 198.036 allows the Department to revoke a license if a facility fails to comply with class I standards on two occasions within a 24-month period. The Department may revoke the license of an operator for any of the reasons that an application for a license is denied pursuant to Section 198.022.

An operator of a facility that has been cited for violations shall be liable for up to \$75,000 for each day the violations existed, regardless of whether the violations were corrected. The Elderly Home-Delivered Meals Trust Fund will receive 25% of the penalties collected and the remaining 75% of penalties collected will be deposited into the Nursing Facility Quality of Care Fund. Civil penalties cannot be sold, transferred, or otherwise assigned. The General Assembly specifically intends for the civil penalties specified to be imposed, regardless of any subsequent correction (Section 198.067).

The administrator of a facility must contact the local coroner immediately upon the death of a

Description (continued)

resident. The Department must receive a written report containing the information provided to the coroner within one business day of the resident's death. Hospitals must immediately notify the administrator of a facility upon the death of a resident that was transferred to the emergency room or inpatient unit (Section 198.071).

Section 198.093 allows residents to file written complaints regarding the deprivation of rights or estates within two years of the alleged violation.

Nursing home districts are prohibited from evicting, harassing, or retaliating against a resident or employee because of any reported violations made by the resident, resident's family, or employee of the facility. Residents and employees of a facility may obtain information regarding their rights and protections from the Department's telephone referral and information line (Section 198.301).

Section 198.525 requires facility inspections twice per year, unless otherwise provided pursuant to Section 198.526. The frequency of inspections will be reduced to once a year, provided that during an 18-month period the facility had no class I deficiencies or class II violations and had no substantiated complaints or changes in ownership in the preceding year. Any employee of the Department that discloses an inspection time to a facility will be immediately terminated and

guilty of a Class A misdemeanor (Section 198.526).

The patient care expenditure component of the nursing facility Medicaid per diem rate will include salaries and supplies for physical, occupational, speech and inhalation therapy (Section 208.159).

The Department shall have access to all financial, medical, mental health and judicial records with restrictions (Section 660.251).

All Medicaid participation agreements entered into by the Department and an in-home services agency shall include training on abuse and neglect (Section 660.252).

Section 660.270 allows the Department to petition the court to enjoin interference with an investigation. Section 660.310 requires the Department to give written notice of any proposed suspension, probation or termination. The Administrative Hearing Commission will have the authority to hear complaints and appeals.

The Department must not disclose any personally identifiable medical, social, personal or financial records of an eligible adult being served by the Division of Senior Services (Section

Description (continued)

660.321).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Office of State Courts Administrator
Department of Mental Health
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Social Services
Missouri Health Facilities Review Committee
Office of Prosecution Services
Secretary of State
State Public Defender

CAM:LR:OD (12/02)

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Bill No. SB 311
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NOT RESPONDING: Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

MICKEY WILSON, CPA
DIRECTOR
FEBRUARY 25, 2003