

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2402
98TH GENERAL ASSEMBLY

5988H.02C

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 536.031, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 197.065 and 536.031, to read as follows:

197.065. 1. The department of health and senior services shall promulgate regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations.

2. The department shall not require a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals shall not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines.

3. The department may waive enforcement of the standards for licensed hospitals imposed by this section if the department determines that:

(1) Compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by such waiver or waivers; or

(2) The hospital has used other standards that provide for equivalent design criteria.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

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

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