

SECOND REGULAR SESSION

# SENATE BILL NO. 776

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 3, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5102S.011

## AN ACT

To repeal sections 197.300, 197.305, 197.310, 197.311, 197.315, 197.318, 197.325, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, and 197.367, RSMo, section 197.326 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 197.326 as enacted by senate bills nos. 573 & 634, eighty-sixth general assembly, second regular session, and to enact in lieu thereof fifteen new sections relating to certificate of need for long-term care facilities, with existing penalty provisions.

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

Section A. Sections 197.300, 197.305, 197.310, 197.311, 197.315, 197.318, 197.325, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, and 197.367, RSMo, section 197.326 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 197.326 as enacted by senate bills nos. 573 & 634, eighty-sixth general assembly, second regular session, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 197.300, 197.305, 197.310, 197.311, 197.315, 197.318, 197.325, 197.326, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, and 197.367, to read as follows:

197.300. Sections 197.300 to [197.366] **197.367** shall be known as the "Missouri **Long-term Care** Certificate of Need Law".

197.305. As used in sections 197.300 to [197.366] **197.367**, the following terms mean:

(1) "Affected persons", the person proposing the development of a new institutional [health] **long-term care** service, the public to be served, and [health] **long-term** care facilities within the service area in which the proposed

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

6 new [health] **long-term** care service is to be developed;

7 (2) "Agency", the certificate of need program of the Missouri department  
8 of health and senior services;

9 (3) "Capital expenditure", an expenditure by or on behalf of a [health  
10 care] facility which, under generally accepted accounting principles, is not  
11 properly chargeable as an expense of operation and maintenance;

12 (4) "Certificate of need", a written certificate issued by the committee  
13 setting forth the committee's affirmative finding that a proposed project  
14 sufficiently satisfies the criteria prescribed for such projects by sections 197.300  
15 to [197.366] **197.367**;

16 (5) "Develop", to undertake those activities which on their completion will  
17 result in the offering of a new institutional [health] **long-term care** service or  
18 the incurring of a financial obligation in relation to the offering of such a service;

19 (6) "Expenditure minimum" shall mean:

20 (a) For beds in existing or proposed [health care] facilities licensed  
21 pursuant to chapter 198 and long-term care beds in a hospital [as described in  
22 subdivision (3) of subsection 1 of section 198.012] **licensed under this chapter**,  
23 six hundred thousand dollars in the case of capital expenditures, or four hundred  
24 thousand dollars in the case of major medical equipment, provided, however, that  
25 prior to January 1, 2003, the expenditure minimum for beds in such a facility and  
26 long-term care beds in a hospital described in section 198.012 shall be zero,  
27 subject to the provisions of subsection 7 of section 197.318; **and**

28 (b) For beds or equipment in a long-term care hospital meeting the  
29 requirements described in 42 CFR, Section 412.23(e), the expenditure minimum  
30 shall be zero; [and

31 (c) For health care facilities, new institutional health services or beds not  
32 described in paragraph (a) or (b) of this subdivision one million dollars in the case  
33 of capital expenditures, excluding major medical equipment, and one million  
34 dollars in the case of medical equipment;]

35 (7) **"Long-term care facility" or "facility":**

36 (a) **A facility licensed under chapter 198;**

37 (b) **Long-term care beds in a hospital as described in subdivision**  
38 **(3) of subsection 1 of section 198.012; and**

39 (c) **A long-term care hospital or beds in a long-term care hospital**  
40 **meeting the requirements described in 42 CFR, section 412.23(e);**

41 (8) **"[Health] Long-term care service area"**, a geographic region

42 appropriate for the effective planning and development of [health] **long-term**  
43 **care** services, determined on the basis of factors including population and the  
44 availability of resources, consisting of a population of not less than five hundred  
45 thousand or more than three million;

46 [(8)] **(9)** "Major medical equipment", medical equipment used for the  
47 provision of medical and other health services;

48 [(9)] **(10)** "New institutional [health] **long-term care** service":

49 (a) The development of a new [health care] facility costing in excess of the  
50 applicable expenditure minimum;

51 (b) The acquisition, including acquisition by lease, of any [health care]  
52 facility, or major medical equipment costing in excess of the expenditure  
53 minimum;

54 (c) Any capital expenditure by or on behalf of a [health care] facility in  
55 excess of the expenditure minimum;

56 (d) Predevelopment activities as defined in subdivision (12) [hereof] **of**  
57 **this section** costing in excess of one hundred fifty thousand dollars;

58 (e) Any change in licensed bed capacity of a [health care] facility which  
59 increases the total number of beds by more than ten or more than ten percent of  
60 total bed capacity, whichever is less, over a two-year period;

61 (f) [Health] **Long-term care** services, excluding home health services,  
62 which are offered in a [health care] facility and which were not offered on a  
63 regular basis in such [health care] facility within the twelve-month period prior  
64 to the time such services would be offered;

65 (g) A reallocation by an existing [health care] facility of licensed beds  
66 among major types of service or reallocation of licensed beds from one physical  
67 facility or site to another by more than ten beds or more than ten percent of total  
68 licensed bed capacity, whichever is less, over a two-year period;

69 [(10)] **(11)** "Nonsubstantive projects", projects which do not involve the  
70 addition, replacement, modernization or conversion of beds or the provision of a  
71 new [health] **long-term care** service but which include a capital expenditure  
72 which exceeds the expenditure minimum and are due to an act of God or a normal  
73 consequence of maintaining [health] **long-term** care services, facility or  
74 equipment;

75 [(11)] **(12)** "Person", any individual, trust, estate, partnership,  
76 corporation, including associations and joint stock companies, state or political  
77 subdivision or instrumentality thereof, including a municipal corporation;

78            [(12)] **(13)** "Predevelopment activities", expenditures for architectural  
79 designs, plans, working drawings and specifications, and any arrangement or  
80 commitment made for financing; but excluding submission of an application for  
81 a certificate of need.

          197.310. 1. The "Missouri **[Health] Long-term Care** Facilities Review  
2 Committee" is hereby established. The agency shall provide clerical and  
3 administrative support to the committee. The committee may employ additional  
4 staff as it deems necessary.

5            2. The committee shall be composed of:

6            (1) Two members of the senate appointed by the president pro tem, who  
7 shall be from different political parties; and

8            (2) Two members of the house of representatives appointed by the  
9 speaker, who shall be from different political parties; and

10           (3) Five members appointed by the governor with the advice and consent  
11 of the senate, not more than three of whom shall be from the same political party.

12           3. No business of this committee shall be performed without a majority  
13 of the full body.

14           4. [The members shall be appointed as soon as possible after September  
15 28, 1979. One of the senate members, one of the house members and three of the  
16 members appointed by the governor shall serve until January 1, 1981, and the  
17 remaining members shall serve until January 1, 1982.] All [subsequent] members  
18 shall be appointed in the manner provided in subsection 2 of this section and  
19 shall serve terms of two years.

20           5. The committee shall elect a **[chairman] chair** at its first meeting which  
21 shall be called by the governor. The committee shall meet upon the call of the  
22 **[chairman] chair** or the governor.

23           6. The committee shall review and approve or disapprove all applications  
24 for a certificate of need made under sections 197.300 to **[197.366] 197.367**. It  
25 shall issue reasonable rules and regulations governing the submission, review  
26 and disposition of applications.

27           7. Members of the committee shall serve without compensation but shall  
28 be reimbursed for necessary expenses incurred in the performance of their duties.

29           8. Notwithstanding the provisions of subsection 4 of section 610.025, the  
30 proceedings and records of the facilities review committee shall be subject to the  
31 provisions of chapter 610.

          197.311. No member of the Missouri **[health] long-term care** facilities

2 review committee may accept a political donation from any applicant for a license.

197.315. 1. Any person who proposes to develop or offer a new  
2 institutional [health] **long-term care** service within the state must obtain a  
3 certificate of need from the committee prior to the time such services are offered.

4 2. Only those new institutional [health] **long-term care** services which  
5 are found by the committee to be needed shall be granted a certificate of  
6 need. Only those new institutional [health] **long-term care** services which are  
7 granted certificates of need shall be offered or developed within the state. No  
8 expenditures for new institutional health services in excess of the applicable  
9 expenditure minimum shall be made by any person unless a certificate of need  
10 has been granted.

11 3. After [October 1, 1980] **August 28, 2016**, no state agency charged by  
12 statute to license or certify [health care] facilities shall issue a license to or  
13 certify any such facility, or distinct part of such facility, that is developed without  
14 obtaining a certificate of need.

15 4. If any person proposes to develop any new institutional [health] **long-**  
16 **term** care service without a certificate of need as required by sections 197.300 to  
17 197.366, the committee shall notify the attorney general, and he shall apply for  
18 an injunction or other appropriate legal action in any court of this state against  
19 that person.

20 5. After [October 1, 1980] **August 28, 2016**, no agency of state  
21 government may appropriate or grant funds to or make payment of any funds to  
22 any person or [health care] facility which has not first obtained every certificate  
23 of need required pursuant to sections 197.300 to [197.366] **197.367**.

24 6. A certificate of need shall be issued only for the premises and persons  
25 named in the application and is not transferable except by consent of the  
26 committee.

27 7. Project cost increases, due to changes in the project application as  
28 approved or due to project change orders, exceeding the initial estimate by more  
29 than ten percent shall not be incurred without consent of the committee.

30 8. Periodic reports to the committee shall be required of any applicant  
31 who has been granted a certificate of need until the project has been  
32 completed. The committee may order the forfeiture of the certificate of need upon  
33 failure of the applicant to file any such report.

34 9. A certificate of need shall be subject to forfeiture for failure to incur a  
35 capital expenditure on any approved project within six months after the date of

36 the order. The applicant may request an extension from the committee of not  
37 more than six additional months based upon substantial expenditure made.

38 10. Each application for a certificate of need ~~[must]~~ **shall** be accompanied  
39 by an application fee. The time of filing commences with the receipt of the  
40 application and the application fee. The application fee is one thousand dollars,  
41 or one-tenth of one percent of the total cost of the proposed project, whichever is  
42 greater. All application fees shall be deposited in the state treasury. Because of  
43 the loss of federal funds, the general assembly will appropriate funds to the  
44 Missouri ~~[health]~~ **long-term care** facilities review committee.

45 11. In determining whether a certificate of need should be granted, no  
46 consideration shall be given to the facilities or equipment of any other ~~[health~~  
47 ~~care]~~ facility located more than a fifteen-mile radius from the applying facility.

48 12. When a ~~[nursing]~~ facility shifts from a skilled to an intermediate level  
49 of nursing care, it may return to the higher level of care if it meets the licensure  
50 requirements, without obtaining a certificate of need.

51 13. In no event shall a certificate of need be denied because the applicant  
52 refuses to provide abortion services or information.

53 14. A certificate of need shall not be required for the transfer of ownership  
54 of an existing and operational ~~[health]~~ facility in its entirety.

55 15. A certificate of need may be granted to a facility for an expansion, an  
56 addition of services, a new institutional service, or for a new ~~[hospital]~~ facility  
57 which provides for something less than that which was sought in the application.

58 16. The provisions of this section shall not apply to facilities operated by  
59 the state, and appropriation of funds to such facilities by the general assembly  
60 shall be deemed in compliance with this section, and such facilities shall be  
61 deemed to have received an appropriate certificate of need without payment of  
62 any fee or charge.

63 17. Notwithstanding other provisions of this section, a certificate of need  
64 may be issued after July 1, 1983, for an intermediate care facility operated  
65 exclusively for the intellectually disabled.

66 18. To assure the safe, appropriate, and cost-effective transfer of new  
67 medical technology throughout the state, a certificate of need shall not be  
68 required for the purchase and operation of research equipment that is to be used  
69 in a clinical trial that has received written approval from a duly constituted  
70 institutional review board of an accredited school of medicine or osteopathy  
71 located in Missouri to establish its safety and efficacy and does not increase the

72 bed complement of the institution in which the equipment is to be located. After  
73 the clinical trial has been completed, a certificate of need must be obtained for  
74 continued use in such facility.

197.318. 1. As used in this section, the term "licensed and available"  
2 means beds which are actually in place and for which a license has been issued.

3 2. The committee shall review all letters of intent and applications for  
4 long-term care hospital beds meeting the requirements described in 42 CFR,  
5 Section 412.23(e) under its criteria and standards for long-term care beds.

6 3. Sections 197.300 to [197.366] **197.367** shall not be construed to apply  
7 to litigation pending in state court on or before April 1, 1996, in which the  
8 Missouri [health] **long-term care** facilities review committee is a defendant in  
9 an action concerning the application of sections 197.300 to [197.366] **197.367** to  
10 long-term care hospital beds meeting the requirements described in 42 CFR,  
11 Section 412.23(e).

12 4. Notwithstanding any other provision of this chapter to the contrary:

13 (1) A facility licensed pursuant to chapter 198 may increase its licensed  
14 bed capacity by:

15 (a) Submitting a letter of intent to expand to the **division of regulation**  
16 **and licensure within the** department of health and senior services and the  
17 [health] **long-term care** facilities review committee;

18 (b) Certification from the **division of regulation and licensure within**  
19 **the** department of health and senior services that the facility:

20 a. Has no patient care class I deficiencies within the last eighteen months;  
21 and

22 b. Has maintained a ninety-percent average occupancy rate for the  
23 previous six quarters;

24 (c) Has made an effort to purchase beds for eighteen months following the  
25 date the letter of intent to expand is submitted pursuant to paragraph (a) of this  
26 subdivision. For purposes of this paragraph, an "effort to purchase" means a copy  
27 certified by the offeror as an offer to purchase beds from another licensed facility  
28 in the same licensure category; and

29 (d) If an agreement is reached by the selling and purchasing entities, the  
30 [health] **long-term care** facilities review committee shall issue a certificate of  
31 need for the expansion of the purchaser facility upon surrender of the seller's  
32 license; or

33 (e) If no agreement is reached by the selling and purchasing entities, the

34 [health] **long-term care** facilities review committee shall permit an expansion  
35 for:

36 a. A facility with more than forty beds may expand its licensed bed  
37 capacity within the same licensure category by twenty-five percent or thirty beds,  
38 whichever is greater, if that same licensure category in such facility has  
39 experienced an average occupancy of ninety-three percent or greater over the  
40 previous six quarters;

41 b. A facility with fewer than forty beds may expand its licensed bed  
42 capacity within the same licensure category by twenty-five percent or ten beds,  
43 whichever is greater, if that same licensure category in such facility has  
44 experienced an average occupancy of ninety-two percent or greater over the  
45 previous six quarters;

46 c. A facility adding beds pursuant to subparagraphs a. or b. of this  
47 paragraph shall not expand by more than fifty percent of its then licensed bed  
48 capacity in the qualifying licensure category;

49 (2) Any beds sold shall, for five years from the date of relicensure by the  
50 purchaser, remain unlicensed and unused for any long-term care service in the  
51 selling facility, whether they do or do not require a license;

52 (3) The beds purchased shall, for two years from the date of purchase,  
53 remain in the bed inventory attributed to the selling facility and be considered  
54 by the department of social services as licensed and available for purposes of this  
55 section;

56 (4) Any residential care facility licensed pursuant to chapter 198 may  
57 relocate any portion of such facility's current licensed beds to any other facility  
58 to be licensed within the same licensure category if both facilities are under the  
59 same licensure ownership or control, and are located within six miles of each  
60 other;

61 (5) A facility licensed pursuant to chapter 198 may transfer or sell  
62 individual long-term care licensed beds to facilities qualifying pursuant to  
63 paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which  
64 transfers or sells licensed beds shall not expand its licensed bed capacity in that  
65 licensure category for a period of five years from the date the licensure is  
66 relinquished.

67 5. Any existing licensed and operating health care facility offering  
68 long-term care services may replace one-half of its licensed beds at the same site  
69 or a site not more than thirty miles from its current location if, for at least the



70 most recent four consecutive calendar quarters, the facility operates only fifty  
71 percent of its then licensed capacity with every resident residing in a private  
72 room. In such case:

73 (1) The facility shall report to the **division of regulation and**  
74 **licensure within the department of** health and senior services vacant **long-**  
75 **term** beds as unavailable for occupancy for at least the most recent four  
76 consecutive calendar quarters;

77 (2) The replacement **long-term** beds shall be built to private room  
78 specifications and only used for single occupancy; and

79 (3) The existing facility and proposed facility shall have the same owner  
80 or owners, regardless of corporate or business structure, and such owner or  
81 owners shall stipulate in writing that the existing facility **long-term** beds to be  
82 replaced will not later be used to provide long-term care services. If the facility  
83 is being operated under a lease, both the lessee and the owner of the existing  
84 facility shall stipulate the same in writing.

85 6. Nothing in this section shall prohibit a **[health] long-term** care facility  
86 licensed pursuant to chapter 198 from being replaced in its entirety within fifteen  
87 miles of its existing site so long as the existing facility and proposed or  
88 replacement facility have the same owner or owners regardless of corporate or  
89 business structure and the **[health care]** facility being replaced remains  
90 unlicensed and unused for any long-term care services whether they do or do not  
91 require a license from the date of licensure of the replacement facility.

197.325. Any person who proposes to develop or offer a new institutional  
2 **[health] long-term care** service shall submit a letter of intent to the committee  
3 at least thirty days prior to the filing of the application.

197.326. 1. Any person who is paid either as part of his or her normal  
2 employment or as a lobbyist to support or oppose any project before the **[health]**  
3 **long-term care** facilities review committee shall register as a lobbyist pursuant  
4 to chapter 105 and shall also register with the staff of the **[health] long-term**  
5 **care** facilities review committee for every project in which such person has an  
6 interest and indicate whether such person supports or opposes the named  
7 project. The registration shall also include the names and addresses of any  
8 person, firm, corporation or association that the person registering represents in  
9 relation to the named project. Any person violating the provisions of this  
10 subsection shall be subject to the penalties specified in section 105.478.

11 2. A member of the general assembly who also serves as a member of the

12 [health] **long-term care** facilities review committee is prohibited from soliciting  
13 or accepting campaign contributions from any applicant or person speaking for  
14 an applicant or any opponent to any application or persons speaking for any  
15 opponent while such application is pending before the [health] **long-term care**  
16 facilities review committee.

17 3. Any person regulated by chapter 197 or 198 and any officer, attorney,  
18 agent and employee thereof, shall not offer to any committee member or to any  
19 person employed as staff to the committee, any office, appointment or position,  
20 or any present, gift, entertainment or gratuity of any kind or any campaign  
21 contribution while such application is pending before the [health] **long-term**  
22 **care** facilities review committee. Any person guilty of knowingly violating the  
23 provisions of this section shall be punished as follows: For the first offense, such  
24 person is guilty of a class B misdemeanor; and for the second and subsequent  
25 offenses, such person is guilty of a class E felony.

197.326. 1. Any person who is paid either as part of his normal  
2 employment or as a lobbyist to support or oppose any project before the [health]  
3 **long-term care** facilities review committee shall register as a lobbyist pursuant  
4 to chapter 105 and shall also register with the staff of the [health] **long-term**  
5 **care** facilities review committee for every project in which such person has an  
6 interest and indicate whether such person supports or opposes the named  
7 project. The registration shall also include the names and addresses of any  
8 person, firm, corporation or association that the person registering represents in  
9 relation to the named project. Any person violating the provisions of this  
10 subsection shall be subject to the penalties specified in section 105.478.

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13 or accepting campaign contributions from any applicant or person speaking for  
14 an applicant or any opponent to any application or persons speaking for any  
15 opponent while such application is pending before the [health] **long-term care**  
16 facilities review committee.

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18 agent and employee thereof, shall not offer to any committee member or to any  
19 person employed as staff to the committee, any office, appointment or position,  
20 or any present, gift, entertainment or gratuity of any kind or any campaign  
21 contribution while such application is pending before the [health] **long-term**  
22 **care** facilities review committee. Any person guilty of knowingly violating the

23 provisions of this section shall be punished as follows: For the first offense, such  
24 person is guilty of a class B misdemeanor; and for the second and subsequent  
25 offenses, such person is guilty of a class D felony.

197.330. 1. The committee shall:

2 (1) Notify the applicant within fifteen days of the date of filing of an  
3 application as to the completeness of such application;

4 (2) Provide written notification to affected persons located within this  
5 state at the beginning of a review. This notification may be given through  
6 publication of the review schedule in all newspapers of general circulation in the  
7 area to be served;

8 (3) Hold public hearings on all applications when a request in writing is  
9 filed by any affected person within thirty days from the date of publication of the  
10 notification of review;

11 (4) Within one hundred days of the filing of any application for a  
12 certificate of need, issue in writing its findings of fact, conclusions of law, and its  
13 approval or denial of the certificate of need; provided, that the committee may  
14 grant an extension of not more than thirty days on its own initiative or upon the  
15 written request of any affected person;

16 (5) Cause to be served upon the applicant, the respective health system  
17 agency, and any affected person who has filed his prior request in writing, a copy  
18 of the aforesaid findings, conclusions and decisions;

19 (6) Consider the needs and circumstances of institutions providing  
20 training programs for health personnel;

21 (7) Provide for the availability, based on demonstrated need, of both  
22 medical and osteopathic facilities and services to protect the freedom of patient  
23 choice; and

24 (8) Establish by regulation procedures to review, or grant a waiver from  
25 review, nonsubstantive projects. The term "filed" or "filing" as used in this  
26 section shall mean delivery to the staff of the [health] **long-term care** facilities  
27 review committee the document or documents the applicant believes constitute  
28 an application.

29 2. Failure by the committee to issue a written decision on an application  
30 for a certificate of need within the time required by this section shall constitute  
31 approval of and final administrative action on the application, and is subject to  
32 appeal pursuant to section 197.335 only on the question of approval by operation  
33 of law.

197.335. Within thirty days of the decision of the committee, the applicant  
2 may file an appeal to be heard de novo by the administrative hearing  
3 commissioner, the circuit court of Cole County or the circuit court in the county  
4 within which such [health] **long-term** care service or facility is proposed to be  
5 developed.

197.340. Any [health] facility providing a [health] **long-term care**  
2 service [must] **shall** notify the committee of any discontinuance of any previously  
3 provided [health] **long-term** care service, a decrease in the number of licensed  
4 beds by ten percent or more, or the change in licensure category for any such  
5 facility.

197.345. Any [health] facility with a project for facilities or services for  
2 which a binding construction or purchase contract has been executed prior to  
3 October 1, 1980, or [health care] facility which has commenced operations prior  
4 to October 1, 1980, shall be deemed to have received a certificate of need, except  
5 that such certificate of need shall be subject to forfeiture under the provisions of  
6 subsections 8 and 9 of section 197.315.

197.355. The legislature [may] **shall** not appropriate any money for  
2 capital expenditures for [health care] facilities until a certificate of need has been  
3 issued for such expenditures.

197.357. For the purposes of reimbursement under section 208.152, project  
2 costs for new institutional [health] **long-term care** services in excess of ten  
3 percent of the initial project estimate whether or not approval was obtained under  
4 subsection 7 of section 197.315 shall not be eligible for reimbursement for the  
5 first three years that a facility receives payment for services provided under  
6 section 208.152. The initial estimate shall be that amount for which the original  
7 certificate of need was obtained or, in the case of facilities for which a binding  
8 construction or purchase contract was executed prior to October 1, 1980, the  
9 amount of that contract. Reimbursement for these excess costs after the first  
10 three years shall not be made until a certificate of need has been granted for the  
11 excess project costs. The provisions of this section shall apply only to facilities  
12 which file an application for a certificate of need or make application for  
13 cost-overrun review of their original application or waiver after August 13, 1982.

197.367. Upon application for renewal by any residential care facility or  
2 assisted living facility which on [the effective date of this act] **August 28, 1999**,  
3 has been licensed for more than five years, is licensed for more than fifty beds  
4 and fails to maintain for any calendar year its occupancy level above thirty

5 percent of its then licensed beds, the **division of regulation and licensure**  
6 **within the** department of health and senior services shall license only fifty beds  
7 for such facility.

[197.366. The term "health care facilities" in sections  
2 197.300 to 197.366 shall mean:

3 (1) Facilities licensed under chapter 198;

4 (2) Long-term care beds in a hospital as described in  
5 subdivision (3) of subsection 1 of section 198.012;

6 (3) Long-term care hospitals or beds in a long-term care  
7 hospital meeting the requirements described in 42 CFR, section  
8 412.23(e); and

9 (4) Construction of a new hospital as defined in  
10 chapter 197.]

✓

Bill

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