

SENATE BILL NO. 1111

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

4268S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 192, RSMo, by adding thereto six new sections relating to prescribed pediatric extended care facilities.

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

Section A. Chapter 192, RSMo, is amended by adding thereto
2 six new sections, to be known as sections 192.2550, 192.2552,
3 192.2554, 192.2556, 192.2558, and 192.2560, to read as follows:

**192.2550. As used in sections 192.2550 to 192.2560,
2 the following terms mean:**

3 (1) "Child", an individual who is under the age of
4 seventeen;

5 (2) "Department", the department of health and senior
6 services;

7 (3) "Eligible child", an individual who is under the
8 age of six years and has complex medical needs requiring
9 continuous skilled nursing intervention of at least four
10 hours per day, as ordered by a physician;

11 (4) "Person", any individual, firm, corporation,
12 partnership, association, agency, incorporated or
13 unincorporated organization, or other legal entity,
14 regardless of the name used;

15 (5) "Prescribed pediatric extended care facility", a
16 facility providing medically necessary multidisciplinary
17 services to eligible children in a child care facility
18 licensed by the department of elementary and secondary

19 education under chapter 210. Multidisciplinary services
20 include skilled nursing, personal care, nutritional
21 assessment, developmental assessment, and speech, physical,
22 and occupational therapy services, as ordered by a physician;

23 (6) "Prescribed pediatric extended care provider" or
24 "provider", the person or persons licensed or required to be
25 licensed under sections 192.2550 to 192.2560 to establish,
26 conduct, or maintain, a prescribed pediatric extended care
27 facility.

192.2552. 1. Beginning on August 28, 2025, it shall
2 be unlawful for any person to establish, maintain, or
3 operate a prescribed pediatric extended care facility, or to
4 advertise or hold himself or herself out as being able to
5 perform any of the services of a prescribed pediatric
6 extended care facility, without having in effect a written
7 license granted by the department.

8 2. Nothing in sections 192.2550 to 192.2560 shall be
9 construed to apply to:

10 (1) Any prescribed pediatric extended care facility
11 that provides care to eligible children with a caregiver
12 staffing ratio of not fewer than one licensed nurse present
13 for every one eligible child present, unless said facility
14 voluntarily applies for licensure as a prescribed pediatric
15 extended care facility;

16 (2) Any hospital, sanitarium, or home that is
17 conducted in good faith primarily to provide medical
18 treatment or nursing or convalescent care for children; or

19 (3) Any program licensed by the department of mental
20 health under sections 630.705 to 630.760 that provides care,
21 treatment, and habilitation exclusively to children who have
22 a primary diagnosis of mental disorder, mental illness,

23 intellectual disability, or developmental disability, as
24 those terms are defined in section 630.005.

192.2554. 1. The department shall have the following
2 powers and duties:

3 (1) After inspection, to grant licenses to persons to
4 operate prescribed pediatric extended care facilities if
5 satisfied as to the good character and intent of the
6 applicant and that such applicant is qualified and equipped
7 to render care or service conducive to the welfare of
8 children;

9 (2) To inspect the conditions of the places in which
10 the applicant operates a prescribed pediatric extended care
11 facility; inspect their books and records, premises, and
12 children to be served; examine their officers and agents;
13 and deny, immediately suspend, place on probation, or revoke
14 the license of such persons as fail to obey the provisions
15 of sections 192.2550 to 192.2560 or the rules and
16 regulations promulgated by the department. The director may
17 revoke or suspend a license when the licensee surrenders the
18 license; and

19 (3) To promulgate rules and regulations the department
20 deems necessary or proper in order to establish standards of
21 service and care to be rendered by such licensees to
22 children. Such rules and regulations shall include, at a
23 minimum, requirements related to the following:

- 24 (a) Staffing;
25 (b) Fire safety;
26 (c) Sanitation, including infection control;
27 (d) Equipment; and
28 (e) Record keeping.

29 2. The department shall have the right to enter the
30 premises of an applicant for or holder of a license at any

31 time during the hours of operation of a facility to
32 determine compliance with sections 192.2550 to 192.2560 and
33 applicable rules promulgated pursuant thereto. Entry shall
34 also be granted for investigative purposes involving
35 complaints regarding the operations of a prescribed
36 pediatric extended care facility. The department may make
37 inspections, announced or unannounced, as it deems necessary
38 to carry out the provisions of sections 192.2550 to 192.2560.

39 3. The applicant for or holder of a license shall
40 cooperate with the investigation and inspection.

41 4. Failure to comply with any lawful request of the
42 department in connection with the investigation and
43 inspection is a ground for refusal to issue a license or for
44 the revocation of a license.

45 5. Any prescribed pediatric extended care facility may
46 request a variance from a rule or regulation promulgated
47 pursuant to sections 192.2550 to 192.2560. The request for
48 a variance shall be made in writing to the department and
49 shall include the reasons the facility is requesting the
50 variance. The department shall not approve any variance
51 request that endangers the health or safety of the children
52 served by the facility.

53 6. Any rule or portion of a rule, as that term is
54 defined in section 536.010, that is created under the
55 authority delegated in sections 192.2550 to 192.2560 shall
56 become effective only if it complies with and is subject to
57 all of the provisions of chapter 536 and, if applicable,
58 section 536.028. This section and chapter 536 are
59 nonseverable and if any of the powers vested with the
60 general assembly pursuant to chapter 536 to review, to delay
61 the effective date, or to disapprove and annul a rule are
62 subsequently held unconstitutional, then the grant of

63 rulemaking authority and any rule proposed or adopted after
64 August 28, 2024, shall be invalid and void.

192.2556. 1. All applicants for or holders of a
2 license to operate a prescribed pediatric extended care
3 facility shall have an active, nonsuspended license to
4 operate a child care facility issued by the department of
5 elementary and secondary education.

6 2. All persons employed by the prescribed pediatric
7 extended care facility for compensation, including contract
8 employees or self-employed individuals, and individuals or
9 volunteers whose activities involve the care or supervision
10 of children for a prescribed pediatric extended care
11 provider or unsupervised access to children who are cared
12 for or supervised by a prescribed pediatric extended care
13 provider shall be considered a child care staff member, as
14 that term is defined in section 210.1080, and shall comply
15 with all requirements under that section and regulations
16 promulgated pursuant thereto.

192.2558. 1. If the department proposes to deny,
2 place on probation, or revoke a license, the department
3 shall serve upon the applicant or licensee written notice of
4 the proposed action to be taken. The notice shall contain a
5 statement of the type of action proposed, the basis for it,
6 the date the action will become effective, and a statement
7 that the applicant or licensee shall have thirty days to
8 request in writing a hearing before the administrative
9 hearing commission and that such request shall be made to
10 the department. If no written request for a hearing is
11 received by the department within thirty days of the
12 delivery or mailing by certified mail of the notice to the
13 applicant or licensee, then the proposed discipline shall
14 take effect on the thirty-first day after such delivery or

15 mailing of the notice to the applicant or licensee. If the
16 applicant or licensee makes a written request for a hearing,
17 the department shall file a complaint with the
18 administrative hearing commission within thirty days of
19 receipt of the request for a hearing.

20 2. The department shall immediately suspend and
21 propose to revoke any prescribed pediatric extended care
22 facility license if the department of elementary and
23 secondary education immediately suspends the licensee's
24 license to operate a child care facility. The immediate
25 suspension of the license to operate a child care facility
26 shall be sufficient grounds for the department of health and
27 senior services to immediately suspend and revoke the
28 prescribed pediatric extended care license.

29 3. The department shall immediately suspend and
30 propose to revoke any prescribed pediatric extended care
31 license if the department of elementary and secondary
32 education revokes the licensee's license to operate a child
33 care facility. The revocation of the license to operate a
34 child care facility shall be sufficient grounds for the
35 department of health and senior services to immediately
36 suspend and revoke the prescribed pediatric extended care
37 license.

38 4. The department may immediately suspend any license
39 simultaneously with the notice of the proposed action to be
40 taken in subsection 1 of this section if the department
41 finds that there is a threat of imminent bodily harm to the
42 children in the care of the prescribed pediatric extended
43 care facility.

44 5. The notice of immediate suspension shall include
45 the basis of the immediate suspension and the appeal rights
46 of the licensee pursuant to this section. The licensee may

47 appeal the decision to immediately suspend the license to
48 the department. The appeal shall be filed within ten days
49 from the delivery or mailing by certified mail of the notice
50 of appeal. A hearing shall be conducted by the department
51 within fifteen days from the date the appeal is filed. The
52 immediate suspension shall continue in effect until the
53 conclusion of the proceedings, including review thereof,
54 unless sooner withdrawn by the department or stayed by a
55 court of competent jurisdiction.

56 6. Any person aggrieved by a final decision of the
57 department made in the administration of sections 192.2550
58 to 192.2560 shall be entitled to judicial review thereof as
59 provided in chapter 536.

60 7. In cases of imminent bodily harm to children in the
61 care of a prescribed pediatric extended care facility,
62 including an unlicensed facility not exempt under section
63 192.2552, the department may file suit in the circuit court
64 of the county in which the prescribed pediatric extended
65 care facility is located for injunctive relief, which may
66 include removing children from the facility, overseeing the
67 operation of the facility, or closing the facility. The
68 department may request that the attorney general bring the
69 action in place of the department. Failure by the
70 department to file suit under the provisions of this
71 subsection shall not be construed as creating any civil
72 liability or incurring other obligations or duties, except
73 as otherwise specified.

192.2560. 1. Nothing contained in sections 192.2550
2 to 192.2560 shall permit the public disclosure by the
3 department of confidential medical, social, personal, or
4 financial records of any child in the care of any prescribed
5 pediatric extended care facility, except when disclosed in a

6 manner which does not identify any child or when ordered to
7 do so by a court of competent jurisdiction. Such records
8 shall be accessible without court order for examination and
9 copying only to the following persons or offices, or to
10 their designees:

11 (1) The department or any person or agency designated
12 by the department;

13 (2) The department of elementary and secondary
14 education or any person or agency designated by the
15 department of elementary and secondary education;

16 (3) The department of social services or any person or
17 agency designated by the department of social services;

18 (4) The attorney general;

19 (5) Any appropriate law enforcement agency;

20 (6) Any appropriate prosecutor's office; and

21 (7) The child's parent or guardian, or any other
22 person designated by the child's parent or guardian.

23 2. Inspection reports and written reports of
24 investigations of complaints and complaints received by the
25 department relating to the quality of care of children in
26 the care of a prescribed pediatric extended care provider
27 shall be accessible to the public for examination and
28 copying, provided that such reports are disclosed in a
29 manner which does not identify the complainant or any
30 particular child.

✓