

FIRST REGULAR SESSION

SENATE BILL NO. 430

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Read 1st time February 27, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1856S.011

AN ACT

To repeal sections 660.411 and 660.414, RSMo, and to enact in lieu thereof three new sections relating to adult day care programs.

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

Section A. Sections 660.411 and 660.414, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 660.411, 660.414,
3 and 660.417, to read as follows:

660.411. The division shall **create an adult day care program**
2 **manual to establish uniformity across the state and shall offer regional**
3 **training sessions in order to provide** technical assistance or consultation to
4 assist applicants for or holders of licenses or provisional licenses in meeting the
5 requirements of sections 199.025 and 660.403 to 660.420, staff qualifications, and
6 other aspects involving the operation of an adult day care program, and to assist
7 in the achievement of programs of excellence related to the provision of adult day
8 care. **The program manual and regional training sessions required**
9 **under this section shall be made available to adult day care programs**
10 **by January 1, 2014.**

660.414. 1. Whenever the division is advised or has reason to believe that
2 any person is operating an adult day care program without a license, or
3 provisional license, or that any holder of license, or provisional license is not in
4 compliance with the provisions of sections 199.025 and 660.403 to 660.420, the
5 division shall make an investigation and inspection to ascertain the facts. If the
6 division is not permitted access to the adult day care program in question, the
7 division may apply to the circuit court of the county in which the program is
8 located for an order authorizing entry for inspection. The court shall issue the
9 order if it finds reasonable grounds necessitating the inspection.

10 2. If the division finds that the adult day care program is being operated
11 in violation of sections 199.025 and 660.403 to 660.420, it may seek, among other
12 remedies, injunctive relief against the adult day care program.

13 **3. If the division finds that the adult day care program is in**
14 **violation of sections 199.025 and 660.403 to 660.420, the division shall**
15 **submit a written report of the findings with respect to compliance or**
16 **noncompliance with such provisions and the standards established by**
17 **division or in rules. A copy of the report and the list of the deficiencies**
18 **found by the division shall be served upon the adult day care program**
19 **within fifteen business days following the inspection. The list of**
20 **deficiencies shall specifically state the statute or rule which the adult**
21 **day care program has violated. If the adult day care program**
22 **acknowledges the deficiencies found by the inspection, the program**
23 **operator shall inform the division of the time necessary for compliance**
24 **and shall file a plan of correction with the division. If the program**
25 **operator does not acknowledge the deficiencies, the operator may**
26 **request a reinspection by the division. If, after the reinspection, the**
27 **program still does not agree with the findings of the division, it may**
28 **seek a review of the findings by the administrative hearing commission.**

29 **4. The procedures regarding compliance inspections,**
30 **investigative complaints and license denials, suspensions and**
31 **revocations shall be provided to the adult day care program upon**
32 **licensure and also included in the program manual required to be**
33 **distributed to the programs under section 660.411.**

660.417. Adult day care programs licensed under section 199.025
2 **and sections 660.403 to 660.420, shall receive comparable reimbursement**
3 **rates as adult day care programs licensed by the department of mental**
4 **health under chapter 630, which provide care, treatment and**
5 **habilitation exclusively to adults who have a primary diagnosis of a**
6 **mental disorder, mental illness, or developmental disability for**
7 **providing similar day program services.**

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