

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 686

94TH GENERAL ASSEMBLY

1798L.01T

2007

AN ACT

To repeal section 344.070, RSMo, and to enact in lieu thereof one new section relating to nursing home administrators.

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

Section A. Section 344.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 344.070, to read as follows:

344.070. 1. The board shall annually elect one of its members as president, another as vice president, and another as secretary. It shall adopt an official seal. It shall file and preserve all written applications, petitions, complaints, charges or requests made or presented to it. It shall cause to be kept accurate records and minutes of its proceedings, and shall maintain a register of the names and addresses of all persons holding licenses as nursing home administrators. A copy of any entry in the register, or of any records or minutes of the board, certified by the president or secretary of the board under its seal, shall be received in evidence, to all intents and purposes as the original. The board may employ such part- or full-time clerical assistance, purchase such equipment and supplies, employ legal counsel, employ a part- or full-time investigator, and incur travel and other expense, within the limits of its appropriations.

2. The board shall adopt, amend and repeal rules and regulations necessary to carry out the provisions of sections [344.030] **344.020** to 344.100. Any rule or regulation under the authority of sections [344.030] **344.020** to 344.100 shall be promulgated in accordance with chapter 536, RSMo. The committee on administrative rules may file a complaint in accordance with the provisions of chapter 536, RSMo, before the commission contesting the validity of any rule purportedly promulgated under the authority of sections [344.030] **344.020** to 344.100. On filing any complaint in accordance with this section, the administrative hearing commission shall

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 immediately suspend that portion of the rule which is challenged until the commission has
19 determined the matter. The commission shall hold a hearing within ten days of the filing to
20 determine the matter. No rule or portion of a rule promulgated under the authority of this chapter
21 shall become effective unless it has been promulgated pursuant to the provisions of section
22 536.024, RSMo.

23 3. The board shall examine, license, and renew the license of duly qualified applicants,
24 and shall conduct hearings affording due process of law, upon charges calling for discipline of
25 a licensee. The board shall refer to the appropriate prosecuting attorney information regarding
26 any persons violating the provisions of sections 344.010 to 344.100 and may incur necessary
27 expenses therefor.

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