

HB 1597 -- HOME CARE AGENCY LICENSURE ACT

SPONSOR: Flanigan

This bill establishes the Home Care Agency Licensure Act. In its main provisions, the bill:

(1) Requires every county and the City of St. Louis to provide part-time, intermittent home care nursing services and at least one of the following home care services on a part-time, intermittent basis: physical, occupational, or speech therapy; medical social work; or home health aide services. The services may be provided by contract with another home care agency in another county;

(2) Prohibits a person or political subdivision from operating a home care agency without a license from the Department of Health and Senior Services;

(3) Establishes the criteria regarding an application for a license which includes the educational, employment, and any criminal history of the applicant and his or her employees. Any false statement on the application must result in a licensure denial. Every person or political subdivision that receives a license must disclose to any client or potential client the criminal history of its employees as listed on the application and must report to the department, by the fifth of every month, a list of each person that is employed on the first of the reporting month;

(4) Requires a licensed agency to pay to the department a non-refundable annual licensing fee of \$500 or more as determined by the department. Each license must be issued only for the premises and persons named in the license application and cannot be transferable or assignable except with the written approval of the department. The license must be posted in a visible place on the licensed premises;

(5) Requires the department to charge a residential care facility licensed under Chapter 198, RSMo, that has nursing home beds or adult care home beds a non-refundable annual per-bed fee of \$12.50;

(6) Allows the department to suspend, revoke, annul, withdraw, recall, cancel, or amend a home care agency license when there has been a substantial failure to comply with these provisions;

(7) Requires the department to inspect each home care agency licensed under these provisions every three years;

(8) Allows the department to review any and all records of persons

who are or have been clients of the agency unless the client objects in writing;

(9) Requires the agency, its employees, and any person interviewed during an inspection to be immune from liability for damages resulting from the disclosure of any information to the department. All confidential or privileged information received from the review of records or interviews must be kept confidential by the department and not disclosed without the written authorization of the client or legal representative or an order by a court of competent jurisdiction;

(10) Specifies that any person who knowingly and willfully establishes, conducts, manages, or operates a home care agency without a license is guilty of a class B misdemeanor for each violation;

(11) Requires a home care agency to prohibit its employees from smoking while providing services to an individual's home and to inform its clients of the prohibition;

(12) Allows the department to impose an administrative penalty of up to \$200 for each violation on any person or political subdivision that fails to comply with these provisions;

(13) Specifies the rights of each client of a home care agency;

(14) Requires a home care agency to provide each client with specified information during the agency's initial evaluation visit or before furnishing services; and

(15) Requires the department to investigate complaints made to it and reply within a reasonable period of time, not to exceed 60 days. A complaint regarding client care or client safety must be investigated within specified expedited time frames. The department may inspect client medical records maintained at the agency when necessary to investigate any alleged violation and must maintain the confidentiality of all persons who register a complaint with the department and of all medical records inspected by the department. A person who has filed a complaint must have access to information about a complaint investigation involving a specific home care client if written authorization is obtained from the client or legal representative.