

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 635, Page 3, Section 191.1085, Line 35,
2 by inserting after all of said section and line the following:

3
4 "197.065. 1. The department of health and senior services shall promulgate regulations for
5 the construction and renovation of hospitals that include life safety code standards for hospitals that
6 exclusively reflect the life safety code standards imposed by the federal Medicare program under
7 Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal
8 Regulations.

9 2. The department shall not require a hospital to meet the standards contained in the Facility
10 Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that
11 complies with the 2010 or later version of such guidelines for the construction and renovation of
12 hospitals shall not be required to comply with any regulation that is inconsistent or conflicts in any
13 way with such guidelines.

14 3. The department may waive enforcement of the standards for licensed hospitals imposed
15 by this section if the department determines that:

16 (1) Compliance with those specific standards would result in unreasonable hardship for the
17 facility and if the health and safety of hospital patients would not be compromised by such waiver
18 or waivers; or

19 (2) The hospital has used other standards that provide for equivalent design criteria.

20 4. Regulations promulgated by the department to establish and enforce hospital licensure
21 regulations under this chapter that conflict with the standards established under subsections 1 and 3
22 of this section shall lapse on and after January 1, 2018.

23 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
24 under the authority delegated in this section shall become effective only if it complies with and is
25 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
26 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
27 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
28 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
29 August 28, 2016, shall be invalid and void."; and

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31 Further amend said bill, Page 19, Section 376.1235, Line 18, by inserting after all of said section
32 and line the following:

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34 "536.031. 1. There is established a publication to be known as the "Code of State
35 Regulations", which shall be published in a format and medium as prescribed and in writing upon
36 request by the secretary of state as soon as practicable after ninety days following January 1, 1976,

Standing Action Taken _____ Date _____

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1 and may be republished from time to time thereafter as determined by the secretary of state.

2 2. The code of state regulations shall contain the full text of all rules of state agencies in
3 force and effect upon the effective date of the first publication thereof, and effective September 1,
4 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state
5 agencies subsequently made, amended or rescinded. The code may also include citations,
6 references, or annotations, prepared by the state agency adopting the rule or by the secretary of
7 state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other
8 action of the administrative hearing commission, or any determination, decision, order, or other
9 action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule
10 published in the code.

11 3. The code of state regulations shall be published in looseleaf form in one or more volumes
12 upon request and a format and medium as prescribed by the secretary of state with an appropriate
13 index, and revisions in the text and index may be made by the secretary of state as necessary and
14 provided in written format upon request.

15 4. An agency may incorporate by reference rules, regulations, standards, and guidelines of
16 an agency of the United States or a nationally or state-recognized organization or association
17 without publishing the material in full. The reference in the agency rules shall fully identify the
18 incorporated material by publisher, address, and date in order to specify how a copy of the material
19 may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not
20 include any later amendments or additions; except that, hospital licensure regulations governing life
21 safety code standards promulgated under this chapter and chapter 197 to implement section 197.065
22 may incorporate, by reference, later additions or amendments to such rules, regulations, standards,
23 or guidelines as needed to consistently apply current standards of safety and practice. The agency
24 adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the
25 referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make
26 it available to the public for inspection and copying at no more than the actual cost of reproduction.
27 The secretary of state may omit from the code of state regulations such material incorporated by
28 reference in any rule the publication of which would be unduly cumbersome or expensive.

29 5. The courts of this state shall take judicial notice, without proof, of the contents of the
30 code of state regulations."; and

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32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.