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Instructions for Second Business Request

Mail: Department of Health & Senior Services
Section for Long-Term Care Regulation
Attn: Regulation Unit
P.O. Box 570
Jefferson City, MO 65102

Email: RegulationUnit@health.mo.gov **Fax:** (573) 526-8797 (Attn: Regulation Unit)

Phone: (573) 526-8523 – Regulation Unit



The Regulation Unit issues approval letters/certificates, reminder letters, and any other correspondence related to the exceptions and second businesses process via email to the facility Administrator/designee. Please provide a valid email address for the Administrator/designee in order to receive correspondence.

The Exceptions and Second Business Chairperson will contact you if additional information is necessary.

The owner/operator or administrator of the facility must submit a signed written request for each business. Please provide the following information:

1. Describe the specific type and nature of the business.
2. Whom the business will serve (e.g., facility residents, elderly or disabled in the community, etc.).
3. Who or what will occupy the area? Specify if the facility will share or utilize any resources in common with the additional business (e.g., staff, space, equipment, storage, etc.).
4. What affect the business may have on the facility's ability to provide care and services to its residents?

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5. A floor plan, if applicable of the facility which shows the following: location, entrance, exit, parking, room size, and restroom(s) designated for the second business.
6. The legal name of the entity that will be operating the business. Provide a copy of any written agreements between the business entity and the licensed operator of the facility. *(Please clarify the legal name of the facility operator and the legal name of the entity that will operate the second business entity).*
7. Any document/instrument memorializing an agreement executed between the facility operator and the second business entity concerning property or use rights of the premises.

NOTE: An agreement between a second business entity that will operate on the premises and the licensed operator of the facility that constitutes a lease to that business entity violates state law. Specifically, leasing space on the premises deprives the facility operator of the present exclusive right to possession of the entire premises, one of the requirements for licensure. See 19 CSR 30-82.010 (1) (L) 7 and 19 CSR 30-83.010 (35). Unlike a lease, a license to utilize space between the second business entity and the facility operator does not deprive the facility operator of the present exclusive right to possession. Whether to enter into an agreement granting such a license is a legal decision that the facility operator must make independent from the Department.