

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

Proposed Amendment

19 CSR 60-50.450 Criteria and Standards for Long-Term Care. The committee proposes to amend sections (1), (1)(C), (2)(A-C), (3), (3)(A-B), (6) and (7), and add subsections (1)(A)(1), (1)(B)(1) and (1)(D).

PURPOSE: The committee proposes to amend this rule for statute and verbiage updates and increase the population projected year used for new or additional long term care beds. Additionally, the committee proposes to require licensed facilities adding beds to their facility to state if the facility received any class I patient care deficiencies in the last 18 months.

(1) The following population-based long-term care bed need methodology for the fifteen (15)-mile radius shall be used to determine [*the maximum size of*] the need:

(A) Approval of additional intermediate care facility/skilled nursing facility (ICF/SNF) beds will be based on:

1. [*a*]A service area need determined to be fifty-three (53) beds per one thousand (1,000) **year 2025** population age sixty-five (65) and older minus the current supply of ICF/SNF beds shown in the **most recent** Six-Quarter Occupancy of Hospital and Nursing Home Licensed and Available Beds **report** as provided by the Certificate of Need Program (CONP) which includes licensed and Certificate of Need (CON)-approved beds;

(B) Approval of additional residential care facilities/assisted living facilities (RCF/ALF) beds will be based on:

1. [*a*]A service area need determined to be twenty-five (25) beds per one thousand (1,000) **year 2025** population age sixty-five (65) and older minus the current supply of RCF/ALF beds shown in the **most recent** Six-Quarter Occupancy of Residential Care and Assisted Living Facility Licensed and Available Beds as provided by the CONP which includes licensed and CON-approved beds; and

(C) Approval for Long-Term Care Hospital (LTCH) beds, as described in 42 CFR, section 412.23(e), will be based on a service area need determined to be one-tenth (0.1) bed per one thousand (1,000) **year 2025** population minus the current supply of LTCH beds shown in the **most recent** Six-Quarter Occupancy of Long-Term Care Hospital Facility Licensed and Available Beds as provided by the CONP which includes licensed beds and CON-approved beds.

(D) If the project is to add beds to an existing long-term care facility, the applicant shall state whether or not the facility received any patient care class I deficiencies within the last eighteen (18) months as a result of a survey, inspection or complaint investigation and the reason for and status of the deficiencies.

(2) Replacement Chapter 198 beds may qualify for an exception to the LTC bed minimum occupancy requirements (MOR) plus shortened information requirements and review time frames if an applicant proposes to—

(A) Relocate RCF/ALF beds within a six (6)-mile radius pursuant to section [*197.318.8(4)*] **197.318.4(4)**, RSMo;

(B) Replace one-half (1/2) of its licensed beds within a thirty (30)-mile radius pursuant to section [*197.318.9*] **197.318.5**, RSMo; or

(C) Replace a facility in its entirety within a fifteen (15)-mile radius pursuant to section [*197.318.10*] **197.318.6**, RSMo, under the following conditions:

(3) A LTC bed expansion[s] involving a Chapter 198 facility may qualify for [an exception to the LTC bed MOR. In addition to the] shortened information requirements and review time frames[.]. The applicant[s] shall [also] submit the following information:

(A) If an effort to purchase has been successful pursuant to section [197.318.8(1)] **197.318.4(1)**, RSMo, a Purchase Agreement (Form MO 580-2352[, incorporated by reference]) between the selling and purchasing facilities, and a copy of the selling facility's reissued license verifying the surrender of the beds sold; or

(B) If an effort to purchase has been unsuccessful pursuant to section [197.318.8(1)] **197.318.4(1)**, RSMo, a Purchase Agreement (Form MO 580-2352[, incorporated by reference]) between the selling and purchasing facilities which documents the "effort(s) to purchase" LTC beds.

(6) For LTC renovation or modernization projects which do not include increasing the number of beds, the applicant [should] **shall** document the following, if applicable:

(7) The following form cited in this rule is incorporated by reference and published by the Certificate of Need Program (CONP), [October 1, 2009] **May 01, 2012**, and may be downloaded from [http://www.dhss.mo.gov/CON/Forms.html, obtained by mailing a written request with a self-addressed stamped envelope to CONP, PO Box 570, Jefferson City, MO 65102-0570]

<http://health.mo.gov/information/boards/certificateofneed/forms.php>, obtained by emailing a written request to CONP@health.mo.gov, or acquired in person at the CONP Office, 3418 Knipp Drive, **Suite F**, Jefferson City, Missouri, **65102** (573) 751-6403. This rule does not include any later amendments or additions.

(A) Purchase Agreement (Form MO 580-2352).

AUTHORITY: section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. Emergency rescission and rule filed June 29, 1999, effective July 9, 1999, expired Jan. 5, 2000. Rescinded and readopted: Filed June 29, 1999, effective Jan. 30, 2000. Emergency rescission and rule filed Dec. 14, 2001, effective Jan. 1, 2002, expired June 29, 2002. Emergency amendment filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Rescinded and readopted: Filed Dec. 14, 2001, effective June 30, 2002. Emergency amendment filed Aug. 14, 2006, effective Aug. 28, 2006, expired Feb. 23, 2007. Amended Filed Aug. 14, 2006, effective March 30, 2007. Amended: Filed Oct. 1, 2010, effective May 30, 2011. Amended: Filed August 9, 2019*

**Original authority: 197.320, RSMo 1979, amended 1993, 1995, 1999.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, 3418 Knipp Drive, Suite F, Jefferson City, MO 65109 or via e-mail at CONP@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*