

**Title 19 – DEPARTMENT OF
HEALTH AND SENIOR SERVICES
Division 73 - Missouri Board of
Nursing Home Administrators
Chapter 2 – General Rules**

PROPOSED AMENDMENT

19 CSR 73-2.080 Temporary Emergency Licenses. The department is deleting section (5), deleting section (3), renumbering thereafter, and amending sections (1), (2), and (3).

PURPOSE: This amendment modifies the temporary emergency license criteria as outlined in section 344.030.4, RSMo.

(1) The [*appropriate-licensure level (nursing home administrator license or residential care and assisted living administrator license)*] application for a temporary emergency license [*shall*] **must** be [*made to the executive secretary of the*] **filed with the board**. The application [*forms*] **form**, MO 580-2664 (**2-2023**), Temporary Emergency License Application [*NHA, and MO 580-2989 (03-11), Temporary Emergency License Application RCAL, are*], **is** incorporated by reference in this rule and [*are*] **is** available on the web at www.health.mo.gov/information/boards/bnha or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. The application [*shall*] **must** demonstrate that the applicant meets the requirements for a temporary emergency license as set forth in section [*344.030.5*] **344.030.4**, RSMo, and [*shall*] **must** include the following:

(A) The signature of the appropriate authority at the facility where the emergency exists and of the person for whom the license is requested;

(B) The name of the licensed administrator who has died, been removed, or vacated the position and the effective date of the death, removal, or vacancy;

[(C) A statement as to whether the facility is newly licensed. Newly licensed shall mean licensed, either initially or because of a change of operator, within ninety (90) days prior to the request for an emergency license. If the facility has been newly licensed, the application shall also include a statement from the operator setting forth the reasons why the departure of the previous administrator was not anticipated by the operator at the time the facility was licensed;

(D)] (C) A complete initial application **for licensure** and a fee for the person for whom the emergency license is requested; **and**

[(E) The date and the event identification of the most recent statement of deficiencies from the Missouri Department of Health and Senior Services for the facility where the emergency exists; and

(F) Applications for a temporary emergency license shall] (D) **The complete initial application, fee, and application for a temporary emergency license must** be filed with the board immediately upon notification of, or realization by, the person making the application, but in no event more than ten (10) working days from the effective date referred to in subsection (1)(B).

(2) After receipt and review of the required information, the board may issue a temporary emergency license for a period not to exceed [*ninety (90)*] **one hundred twenty (120) days**. The person to whom it is issued is fully responsible for the facility as if initially licensed as an administrator and [*shall*] **must** confirm his/her understanding of this fact in a statement upon receipt of the temporary emergency license.

[(3) A temporary emergency license shall not be granted by the board to an individual to act as an administrator in a newly-licensed facility unless clear and convincing evidence is presented which, in the board's best judgment, demonstrates that the departure of the previous administrator was not anticipated by the operator at the time the facility was newly licensed. All individuals or entities intending either to build or become the operator of a facility must be familiar with the laws pertaining to licensure of administrators and long-term care facilities and take necessary steps to ensure continued compliance with the statutory and regulatory provisions before becoming an operator.]

(4) **(3)** A temporary emergency license may be issued only to a person—

(A) [*Twenty-one (21)*] **Eighteen (18)** years of age or over[,] **and** who is a high school graduate or equivalent [*and is of good moral character*];

(B) Who had been preceded in the position by a fully-licensed administrator; and

(C) [*Who previously has not been denied an administrator's license or has not had an administrator's license suspended or revoked.*] **In the event of a record of discipline of an administrator's license, the board must consider the provisions of sections 344.030.4 and 344.050, RSMo, in determining whether to grant a temporary emergency license.**

[(5) Request for extension of a temporary emergency license shall be made in writing and submitted to the executive secretary no later than twenty-one (21) days in advance of the temporary emergency license date of expiration. Upon recommendation of the officers of the Missouri Board of Nursing Home Administrators, temporary emergency license extensions may be issued for up to ninety (90) days. The extension may only be considered upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one (1) time.]

AUTHORITY: sections 344.030.4 and 344.070, RSMo Supp. 2010. This rule was previously filed as 13 CSR 73-2.080. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Dec. 10, 1984, effective April 11, 1985. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008. Amended: Filed June 15, 2011, effective Jan. 30, 2012.*

**Original authority: 344.030, RSMo 1969, amended 1979, 1987, 1988, 1989, 1996, 2007, 2018, 2020; and 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

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 in opposition to this proposed amendment with Sally McKee, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, P.O. Box 570, Jefferson City, MO 65102, or via email at Sally.McKee@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.