

**Title 19 – DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30 – Division of Regulation and Licensure  
Chapter 105 – Supplemental Health Care Services Agency**

**PROPOSED RULE**

**19 CSR 30-105.050 Inspections**

*PURPOSE: This rule outlines inspections, complaints, and requirements of a Supplemental Health Care Services Agency.*

- (1) The department may conduct unannounced in-person or virtual registration or complaint inspection visits to an agency's office or records repository.
- (2) An agency shall be available during the agency's regular operating hours and shall maintain and make immediately available the following business records for inspection by the department:
  - (A) Copies of articles and bylaws, if applicable;
  - (B) An individual file for each health care personnel including:
    1. Personnel's name and address, Social Security number, and date of birth;
    2. Documentation of each personnel's employment history, health and medical records;
      - A. Personnel must have received the necessary testing and immunizations required or requested by each health care facility; and
      - B. Drug screening of a personnel must be performed before referral by the agency, if the health care facility requires drug screening of facility employees.
    3. Evidence of the personnel's skills, qualifications, education, and training to demonstrate compliance with the provisions of section 198.644.1, RSMo;
    4. Current copies of licenses, transcripts, certificates, or statements evidencing competency for the position held.
    5. Two (2) or more references and documentation of two (2) or more reference checks of each personnel completed before referral by the agency;
    6. Documentation of submission for background screening and background screening results pursuant to sections 192.2490 and 192.2495, RSMo; and
    7. Copy of any good cause waiver, granted by the department, if applicable.
  - (C) Documentation of any complaints known to the agency involving any of its health care personnel and any follow-up action taken with respect to such complaints;
  - (D) Records documenting the work performed by each health care personnel including date of personnel referral by the agency and the dates and locations of

each personnel placement. Copies of time records or invoices identifying the services provided are acceptable documentation for this requirement;

- (E) Copies of any written employment contracts or other agreements entered into between the agency and each health care personnel. Such contract or agreement shall specifically and clearly advise if the personnel is an employee of the agency or is an independent contractor referred by the agency. If the personnel is retained as an independent contractor, the contract or agreement shall specifically state that the independent contractor is responsible for paying federal income taxes. Prior to placement in a health care facility, the agency shall provide a document to each health care personnel, for his or her signature, which states that the personnel understands his or her relationship with the agency, either as an employee or independent contractor. The signed document shall be filed in each personnel's file.
  - (F) Copies of records required by the United States Internal Revenue Services to be prepared by the agency for each personnel or independent contractor;
  - (G) Documentation to verify each personnel's employment eligibility in compliance with the immigration laws of the United States.
  - (H) Copies of contracts, if any, between an agency and a health care facility setting forth terms and conditions under which the agency will provide specific health services staff to the facility. Such contracts shall state whether the staff provided by the agency are referred as employees of the agency or as independent contractors;
  - (I) Most recently released annual or quarterly financial reports;
  - (J) Evidence of medical malpractice insurance (professional liability insurance is acceptable);
  - (K) Evidence of employee dishonesty bond in the amount of ten thousand dollars (\$10,000);
  - (L) Evidence of current worker's compensation coverage as required by Missouri Statutes, Chapter 287, RSMo, or if the personnel provided are independent contractors, maintain evidence of occupational accident insurance.
- (3) Agencies shall retain personnel records for at least ten (10) years following termination of employment or independent contractor relationship from the agency.
- (4) The agency shall make all records requested by the department immediately available.
- (5) Personnel of an agency who report potential violations by an agency to the department may not be subjected to retaliation of any kind, including termination, demotion, or other adverse employment action as a result of their report.
- (6) If statutory or regulatory violations are identified by the department during an inspection or investigation, the department shall provide a report of findings and violation(s) to the agency.
- (A) The agency shall then submit to the department a plan of correction for the identified violations within thirty (30) days of the receipt of the report of findings

- and violation(s), unless an alternative timeframe is required or approved by the department in writing;
- (B) Upon the department's acceptance of the agency's plan of correction, the department may conduct an unannounced follow-up inspection or off-site review to verify correction of deficiencies at any time; and
  - (C) If the violations are not corrected within the required timeframe, the department may suspend or revoke the agency's registration.

*AUTHORITY: section 198.648, RSMo Supp. 2022. Original rule filed [date].*

*PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions at least \$204,819 in the first year period and \$196,878 to \$201,801 annually thereafter.*

*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 rule with Alison Dorge, Missouri Department of Health and Senior Services, P.O. Box 570, Jefferson City, MO 65102, or via email at Alison.Dorge@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.*