



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. JAY NIXON
ATTORNEY GENERAL

P.O. Box 890
(670) 751-3321

October 14, 2004

Thomas Walker, Administrator
Superior Park Assisted Living
410 Superior St., P.O. Box 126
Excelsior Springs, MO 64024

RE: Civil Penalties for Noncompliance
Amount of Penalty: \$296,600

Dear Mr. Walker:

The Missouri Department of Health and Senior Services advises the Office of the Attorney General that during the period beginning on or about February 8, 2004, an incident occurred at your facility which resulted in the serious physical injury (death) of one of your residents. As a result of that incident, the Department of Health and Senior Services cited your facility for a Class I violation (see attached letter). Consequently, your facility is liable for civil penalties pursuant to subdivisions (3) and (10) of § 198.067, RSMo 2000.

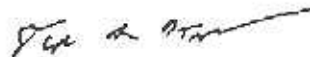
The Department of Health and Senior Services has referred the matter to this office for collection of the civil penalty. Under § 198.067(3), the penalty is up to \$25,000 a day for each day that the violations existed or continue to exist. Violations shall be presumed to continue to exist from the time they are found until the Section for Long Term Care finds them to have been corrected. The Class I violation was found to have been corrected on March 8, 2004. Your civil monetary penalty under subsection (3) is \$10,000 multiplied by 29 days, equaling \$290,000. Under § 198.067(10), the penalty is \$100 multiplied by the number of beds licensed to the facility, up to a maximum of \$10,000. According to the information supplied by the Department of Health and Senior Services, your facility was licensed for 66 beds. Your civil monetary penalty under subsection (10) is \$6,600. Demand is hereby made for payment of \$296,600.

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Payment should be made in the following manner. Checks, or other instruments, for the payment of the total amount due should be made payable to the "Missouri Department of Health and Senior Services." Payment should be forwarded to: "The Office of the Attorney General, Broadway Building, P.O. Box 899, Jefferson City, MO 65102 - attention Daryl Hylton." The failure to pay the total amount due within twenty (20) days from the date of this letter will cause this office to consider all legal and equitable remedies available.

Sincerely,

JEREMIAH W. (JAY) NIXON
Attorney General



Daryl Hylton
Assistant Attorney General
(573) 751-1444

Enclosure

cc: General Counsel
Missouri Department of Health and Senior Services