

FIRST REGULAR SESSION

HOUSE BILL NO. 785

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor), YAEGER, ZWEIFEL, WALSH, CORCORAN, SCHOEMEHL, KRATKY, DARROUGH, WILDBERGER, WAGNER, LOWE (44), YOUNG, SALVA, JOLLY, SPRENG, GEORGE, LIESE, LOW (39), LeVOTA, FRASER, ROORDA, CASEY, OXFORD, BROWN (50), STORCH AND HUGHES (Co-sponsors).

Read 1st time March 14, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1974L.011

AN ACT

To repeal sections 335.068 and 383.133, RSMo, and to enact in lieu thereof two new sections relating to health care professionals.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 335.068 and 383.133, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 335.068 and 383.133 to read as follows:

335.068. 1. If the board finds merit to a complaint [by an individual incarcerated or
2 under the care and control of the department of corrections] and takes further investigative
3 action, no documentation may appear on file or disciplinary action may be taken in regards to
4 the licensee's license unless the provisions of subsection 2 of section 335.066 have been violated.
5 Any case file documentation that does not result in the board filing an action pursuant to
6 subsection 2 of section 335.066 shall be destroyed within three months after the final case
7 disposition by the board. No notification to any other licensing board in another state or any
8 national registry regarding any investigative action shall be made unless the provisions of
9 subsection 2 of section 335.066 have been violated.

10 2. Upon written request of the nurse subject to a complaint[, prior to August 28, 1999,
11 by an individual incarcerated or under the care and control of the department of corrections] that
12 did not result in the board filing an action pursuant to subsection 2 of section 335.066, the board
13 and the division of professional registration shall in a timely fashion:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 14 (1) Destroy all documentation regarding the complaint;
- 15 (2) Notify any other licensing board in another state or any national registry regarding
- 16 the board's action if they have been previously notified of the complaint; and
- 17 (3) Send a letter to the licensee that clearly states that the board found the complaint to
- 18 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the
- 19 provisions of subsection 3 of this section.
- 20 3. Any person who has been the subject of an unsubstantiated complaint as provided in
- 21 subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint
- 22 in subsequent applications or representations relating to their nursing professions.

383.133. 1. Beginning on January 1, 1987, the chief executive officer of any hospital

2 or ambulatory surgical center, as such term is defined in section 197.200, RSMo, **and any**

3 **employer of registered nurses, including nurse agencies, and subcontractors of agency**

4 **nurses**, shall report to the appropriate health care professional licensing authority any

5 disciplinary action against any health care professional, **including termination of contracted**

6 **services due to complaints or reports**, or the voluntary resignation of any health care

7 professional against whom any complaints or reports have been made which might have led to

8 disciplinary action.

9 2. **Final disciplinary action shall be deemed as final after the licensee has exhausted**

10 **his or her rights under any existing grievance and arbitration procedure.** All reports

11 required by this section shall be submitted within fifteen days of the final disciplinary action and

12 shall contain, but need not be limited to, the following information:

- 13 (1) The name, address and telephone number of the person making the report;
- 14 (2) The name, address and telephone number of the person who is the subject of the
- 15 report;
- 16 (3) A brief description of the facts which gave rise to the issuance of the report, including
- 17 the dates of occurrence deemed to necessitate the filing of the report;
- 18 (4) If court action is involved and known to the reporting agent, the identity of the court,
- 19 including the date of filing and the docket number of the action.

20 3. Upon request, the licensing authority may furnish a report of any disciplinary action

21 received by it under the provisions of this section to any of the hospitals or ambulatory surgical

22 centers required to report. Such licensing authority may also furnish, upon request, a report of

23 disciplinary action taken by the licensing authority to any other administrative or law

24 enforcement agency acting within the scope of its statutory authority.

25 4. There shall be no liability on the part of, and no cause of action of any nature shall

26 arise against any health care professional licensing authority or any hospital or ambulatory

27 surgical center required to report under this section, or any of their agents or employees for any

28 action taken in good faith and without malice in carrying out the provisions of this section.

29 5. Neither a report required to be filed under subsection 2 of this section nor the record
30 of any proceeding shall be used against a health care professional in any other administrative or
31 judicial proceeding.

32 6. Violation of any provision of this section is an infraction.