

SECOND REGULAR SESSION

HOUSE BILL NO. 1515

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time January 25, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4509L.01I

AN ACT

To repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice.

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

Section A. Section 334.104, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 334.104, to read as follows:

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

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.

15 3. The state board of registration for the healing arts pursuant to section 334.125 and the
16 board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating
17 the use of collaborative practice arrangements. Such rules shall be limited to specifying
18 geographic areas to be covered, the methods of treatment that may be covered by collaborative
19 practice arrangements and the requirements for review of services provided pursuant to
20 collaborative practice arrangements. Any rules relating to dispensing or distribution of
21 medications or devices by prescription or prescription drug orders under this section shall be
22 subject to the approval of the state board of pharmacy. In order to take effect, such rules shall
23 be approved by a majority vote of a quorum of each board. Neither the state board of registration
24 for the healing arts nor the board of nursing may separately promulgate rules relating to
25 collaborative practice arrangements. Such jointly promulgated rules shall be consistent with
26 guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall
27 not extend to collaborative practice arrangements of hospital employees providing inpatient care
28 within hospitals as defined pursuant to chapter 197, RSMo.

29 4. The state board of registration for the healing arts shall not deny, revoke, suspend or
30 otherwise take disciplinary action against a physician for health care services delegated to a
31 registered professional nurse provided the provisions of this section and the rules promulgated
32 thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action
33 imposed as a result of an agreement between a physician and a registered professional nurse or
34 registered physician assistant, whether written or not, prior to August 28, 1993, all records of
35 such disciplinary licensure action and all records pertaining to the filing, investigation or review
36 of an alleged violation of this chapter incurred as a result of such an agreement shall be removed
37 from the records of the state board of registration for the healing arts and the division of
38 professional registration and shall not be disclosed to any public or private entity seeking such
39 information from the board or the division. The state board of registration for the healing arts
40 shall take action to correct reports of alleged violations and disciplinary actions as described in
41 this section which have been submitted to the National Practitioner Data Bank. In subsequent
42 applications or representations relating to his medical practice, a physician completing forms or
43 documents shall not be required to report any actions of the state board of registration for the
44 healing arts for which the records are subject to removal under this section.

45 5. **Within thirty days of any change and on each renewal, the state board of**
46 **registration for the healing arts shall require all physicians to identify whether a physician**
47 **is engaged in any collaborative practice agreement or physician assistant agreement and**
48 **also report to the board the name of each licensed professional with whom the physician**
49 **has entered into such agreement. The board may make this information available to the**
50 **public. The board shall track the reported information and routinely conduct random**

51 **audits and reviews of such agreements and the manner in which such agreements are**
52 **carried out for compliance under this chapter. The board shall audit and review at least**
53 **ten percent or more of the physicians engaged in any such agreement during each renewal.**

54 **6.** Notwithstanding anything to the contrary in this section, a registered nurse who has
55 graduated from a school of nurse anesthesia accredited by the Council on Accreditation of
56 Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible
57 for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall
58 be permitted to provide anesthesia services without a collaborative practice arrangement
59 provided that he or she is under the supervision of an anesthesiologist or other physician, dentist,
60 or podiatrist who is immediately available if needed.

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