

SECOND REGULAR SESSION

# HOUSE BILL NO. 1989

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WASSON.

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 383.130 and 383.133, RSMo, and to enact in lieu thereof two new sections relating to disciplinary actions against health care professionals.

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

Section A. Sections 383.130 and 383.133, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 383.130 and 383.133, to read as follows:

383.130. As used in sections 383.130 and 383.133, the following terms shall mean:

2 (1) "Disciplinary action", any final action taken by the board of trustees or similarly  
3 empowered officials of a hospital or ambulatory surgical center, or owner or operator of a  
4 temporary nursing staffing agency, **home health agency as defined in section 197.400, nursing**  
5 **home or any nursing facility as defined in chapter 198, or any entity that employs or**  
6 **contracts with licensed health care professionals to provide healthcare services to**  
7 **individuals** to reprimand, discipline or restrict the practice of a health care professional. Only  
8 such reprimands, discipline, or restrictions in response to activities which are also grounds for  
9 disciplinary actions according to the professional licensing law for that health care professional  
10 shall be considered disciplinary actions for the purposes of this definition;

11 (2) "Health care professional", a physician or surgeon licensed under the provisions of  
12 chapter 334, RSMo, a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist  
13 licensed under the provisions of chapter 330, RSMo, or a pharmacist licensed under the  
14 provisions of chapter 338, RSMo, a psychologist licensed under the provisions of chapter 337,  
15 RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, while acting within their  
16 scope of practice;

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.

17 (3) "Hospital", a place devoted primarily to the maintenance and operation of facilities  
18 for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or  
19 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal  
20 physical conditions; or a place devoted primarily to provide for not less than twenty-four hours  
21 in any week medical or nursing care for three or more nonrelated individuals. The term  
22 "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in  
23 chapter 198, RSMo;

24 (4) "Licensing authority", the appropriate board or authority which is responsible for the  
25 licensing or regulation of the health care professional;

26 (5) "Temporary nursing staffing agency", any person, firm, partnership, or corporation  
27 doing business within the state that supplies, on a temporary basis, registered nurses, licensed  
28 practical nurses to a hospital, nursing home, or other facility requiring the services of those  
29 persons.

383.133. 1. The chief executive officer or similarly empowered official of any hospital,  
2 ambulatory surgical center, as such terms are defined in chapter 197, RSMo, [or] temporary  
3 nursing staffing agency, **home health agency as defined in section 197.400, nursing home or**  
4 **any nursing facility as defined in chapter 198, or any entity that employs or contracts with**  
5 **licensed health care professionals to provide healthcare services to individuals** shall report  
6 to the appropriate health care professional licensing authority any disciplinary action against any  
7 health care professional or the voluntary resignation of any health care professional against  
8 whom any complaints or reports have been made which might have led to disciplinary action.

9 2. All reports required by this section shall be submitted within fifteen days of the final  
10 disciplinary action and shall contain, but need not be limited to, the following information:

11 (1) The name, address and telephone number of the person making the report;

12 (2) The name, address and telephone number of the person who is the subject of the  
13 report;

14 (3) A description of the facts, including as much detail and information as possible,  
15 which gave rise to the issuance of the report, including the dates of occurrence deemed to  
16 necessitate the filing of the report;

17 (4) If court action is involved and known to the reporting agent, the identity of the court,  
18 including the date of filing and the docket number of the action.

19 3. Upon request, the licensing authority may furnish a report of any disciplinary action  
20 received by it under the provisions of this section to any entity required to report under this  
21 section. Such licensing authority may also furnish, upon request, a report of disciplinary action  
22 taken by the licensing authority to any other administrative or law enforcement agency acting  
23 within the scope of its statutory authority.

24           4. There shall be no liability on the part of, and no cause of action of any nature shall  
25 arise against any health care professional licensing authority or any entity required to report  
26 under this section, or any of their agents or employees for any action taken in good faith and  
27 without malice in carrying out the provisions of this section.

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

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

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