

SECOND REGULAR SESSION

# HOUSE BILL NO. 1641

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLY (45).

5646H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 335.036, RSMo, and to enact in lieu thereof four new sections relating to the board of nursing.

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

Section A. Section 335.036, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 335.036, 335.038, 335.375, and 335.380, to read as follows:

335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

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.

18 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to  
19 335.096, and may incur such necessary expenses therefor;

20 (9) Keep a record of all the proceedings; and make an annual report to the governor and  
21 to the director of the department of insurance, financial institutions and professional registration;

22 (10) Establish an impaired nurse program;

23 **(11) Enter into a contractual agreement with a public institution of higher**  
24 **education or a nonprofit corporation or association for the purpose of collecting and**  
25 **analyzing workforce data from its licensees for future workforce planning.**

26 2. The board shall set the amount of the fees which this chapter authorizes and requires  
27 by rules and regulations. The fees shall be set at a level to produce revenue which shall not  
28 substantially exceed the cost and expense of administering this chapter.

29 3. All fees received by the board pursuant to the provisions of sections 335.011 to  
30 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of  
31 nursing fund. All administrative costs and expenses of the board shall be paid from  
32 appropriations made for those purposes. The board is authorized to provide funding for the  
33 nursing education incentive program established in sections 335.200 to 335.203.

34 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
35 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
36 at the end of the biennium exceeds two times the amount of the appropriation from the board's  
37 funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently  
38 than yearly, then three times the appropriation from the board's funds for the preceding fiscal  
39 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds  
40 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal  
41 year.

42 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
43 under the authority delegated in this chapter shall become effective only if it complies with and  
44 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All  
45 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.  
46 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or  
47 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This  
48 section and chapter 536 are nonseverable and if any of the powers vested with the general  
49 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
50 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
51 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

**335.038. 1. Notwithstanding the provisions of subsection 3 of section 324.001, the**  
2 **board of nursing may release identifying data to the contractor to facilitate data analysis**

3 of the healthcare workforce including geographic, demographic, and practice or  
4 professional characteristics of licensees.

5       2. The contractor must maintain the confidentiality of information it receives from  
6 the board under this chapter and shall only release information in an aggregate form that  
7 cannot be used to identify the individual.

8       3. The board may expend appropriated funds necessary for operational expenses  
9 of the program formed under this section and may promulgate rules subject to the  
10 provisions of this section and chapter 536 to effectuate and implement nursing workforce  
11 data collection and analysis formed under this section.

      335.375. There is hereby established the “Nursing Workforce Analysis Fund”. All  
2 fees collected under section 335.380, general revenue monies appropriated to the nursing  
3 workforce analysis fund, voluntary contributions to support or match nursing workforce  
4 data collection and analysis, grants, and funds received from the federal government shall  
5 be deposited in the state treasury and be placed to the credit of the nursing workforce  
6 analysis fund. The fund shall be managed by the state board of nursing and all  
7 administrative costs and expenses incurred as a result of the effectuation of sections  
8 335.038 and 335.380 shall be paid from the fund.

      335.380. The board, in addition to any other duties it may have regarding licensure  
2 of nurses, shall collect at the time of licensure or licensure renewal, a surcharge from each  
3 person licensed or relicensed under this chapter, in the amount of one dollar per year for  
4 registered professional nurses and licensed practical nurses. These funds shall be  
5 deposited in the nursing workforce analysis fund created under section 335.375. All  
6 expenditures authorized by sections 335.038, 335.375 and this section shall be paid from  
7 funds appropriated by the general assembly from the nursing workforce analysis fund.  
8 The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall  
9 not be transferred and placed to the credit of general revenue.

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