

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 271, Pages 3-4, Section 334.104, Lines
2 53-65, by deleting all of said lines and inserting in lieu thereof the following:

3
4 "(b) Maintain geographic proximity, except as specified in this paragraph. The following
5 provisions shall apply with respect to this requirement:

6 a. Until August 28, 2025, an advanced practice registered nurse providing services in a
7 correctional center, as defined in section 217.010, and his or her collaborating physician shall satisfy
8 the geographic proximity requirement if they practice within two hundred miles by road of one
9 another. An incarcerated patient who requests or requires a physician consultation shall be treated
10 by a physician as soon as appropriate;

11 b. The collaborative practice arrangement may allow for geographic proximity to be waived
12 for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-
13 210 (42 U.S.C. Section 1395x, as amended), as long as the collaborative practice arrangement
14 includes alternative plans as required in paragraph (c) of this subdivision. This exception to
15 geographic proximity shall apply only to independent rural health clinics, provider-based rural
16 health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-
17 4, and provider-based rural health clinics where the main location of the hospital sponsor is greater
18 than fifty miles from the clinic[-];

19 c. The collaborative practice arrangement may allow for geographic proximity to be waived
20 when the arrangement outlines the use of telehealth, as defined in section 191.1145;

21 d. In addition to the waivers and exemptions provided in this subsection, an application for a
22 waiver for any other reason of any applicable geographic proximity shall be available if a physician
23 is collaborating with an advanced practice registered nurse in excess of any geographic proximity
24 limit. The board of nursing and the state board of registration for the healing arts shall review each
25 application for a waiver of geographic proximity and approve the application if the boards
26 determine that adequate supervision exists between the collaborating physician and the advanced
27 practice registered nurse. The boards shall have forty-five calendar days to review the completed
28 application for the waiver of geographic proximity. If no action is taken by the boards within forty-
29 five days after the submission of the application for a waiver, then the application shall be deemed

Action Taken _____ Date _____

1 approved. If the application is denied by the board, the provisions of section 536.063 for contested
 2 cases shall apply and govern proceedings for appellate purposes; and

3 e. The collaborating physician is required to maintain documentation related to this
 4 requirement and to present it to the state board of registration for the healing arts when requested;
 5 and"; and

6
 7 Further amend said bill and section, Page 4, Lines 81-86, by deleting all of said lines and inserting
 8 in lieu thereof the following:

9
 10 "other physician designated in the collaborative practice arrangement, every fourteen days; ~~and~~

11 (10) The collaborating physician, or any other physician designated in the collaborative
 12 practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in
 13 which the advanced practice registered nurse prescribes controlled substances. The charts reviewed
 14 under this subdivision may be counted in the number of charts required to be reviewed under
 15 subdivision (9) of this subsection; and

16 (11) If a collaborative practice arrangement is used in clinical situations where a
 17 collaborating advanced practice registered nurse provides health care services that include the
 18 diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the
 19 collaborating physician or any other physician designated in the collaborative practice arrangement
 20 shall be present for sufficient periods of time, at least once every two weeks, except in extraordinary
 21 circumstances that shall be documented, to participate in a chart review and to provide necessary
 22 medical direction, medical services, consultations, and supervision of the health care staff."; and

23
 24 Further amend said bill and section, Pages 4-5, Lines 87-93, by deleting all of said lines and
 25 inserting in lieu thereof the following:

26
 27 "4. The state board of registration for the healing arts pursuant to section 334.125 and the
 28 board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of
 29 collaborative practice arrangements. Such rules shall be limited to ~~[specifying geographic areas to~~
 30 ~~be covered.]~~ the methods of treatment that may be covered by collaborative practice arrangements
 31 and the requirements for review of services provided pursuant to collaborative practice
 32 arrangements including delegating authority to prescribe controlled substances. Any rules relating
 33 to geographic proximity shall allow a collaborating physician and a collaborating advanced practice
 34 registered nurse to practice within two hundred miles by road of one another until August 28, 2025,
 35 if the nurse is providing services in a correctional center, as defined in section 217.010. Any rules
 36 relating to dispensing or distribution of medications or "; and

37
 38 Further amend said bill and section, Page 6, Line 158, by inserting after the word "nurse" the phrase
 39 "or a behavioral health physician and a behavioral health advanced practice registered nurse"; and

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 41 Further amend said bill and section, Pages 6-7, Lines 165-178, by deleting all of said lines and
 42 inserting in lieu thereof the following:

43
 44 "11. No contract or other ~~[agreement]~~ term of employment shall require a physician to act as
 45 a collaborating physician for an advanced practice registered nurse against the physician's will. A

1 physician shall have the right to refuse to act as a collaborating physician, without penalty, for a
2 particular advanced practice registered nurse. No contract or other agreement shall limit the
3 collaborating physician's ultimate authority over any protocols or standing orders or in the
4 delegation of the physician's authority to any advanced practice registered nurse, but this
5 requirement shall not authorize a physician in implementing such protocols, standing orders, or
6 delegation to violate applicable standards for safe medical practice established by hospital's medical
7 staff.

8 12. No contract or other ~~[agreement]~~ term of employment shall require any advanced
9 practice registered nurse to serve as a collaborating advanced practice registered nurse for any
10 collaborating physician against the advanced practice registered nurse's will. An advanced practice
11 registered nurse shall have the right to refuse to collaborate, without penalty, with a particular
12 physician."; and

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14 Further amend said bill, Page 15, Section 335.056, Line 17, by inserting after all of said line the
15 following:

16
17 "3. A licensed nurse who holds an APRN license shall be disciplined on their APRN license
18 for any violations of this chapter."; and

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20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.