

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 61, Page 1, Section A, Line
2 7, by inserting after all of said section and line the following:
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4 "196.990. 1. As used in this section, the following terms shall mean:

5 (1) "Administer", the direct application of an epinephrine auto-injector to the body of an individual;

6 (2) "Authorized entity", any entity or organization at or in connection with which allergens capable
7 of causing anaphylaxis may be present including, but not limited to, qualified first responders, as such term is
8 defined in section 321.621, facilities licensed under chapter 198, restaurants, recreation camps, youth sports
9 leagues, child care facilities, amusement parks, and sports arenas. "Authorized entity" shall not include any
10 public school or public charter school;

11 (3) "Epinephrine auto-injector", a single-use device used for the automatic injection of a
12 premeasured dose of epinephrine into the human body;

13 (4) "Physician", a physician licensed in this state under chapter 334;

14 (5) "Provide", the supply of one or more epinephrine auto-injectors to an individual;

15 (6) "Self-administration", a person's discretionary use of an epinephrine auto-injector.

16 2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use
17 in accordance with this section, and pharmacists, physicians, and other persons authorized to dispense
18 prescription medications may dispense epinephrine auto-injectors under a prescription issued in the name of
19 an authorized entity.

20 3. An authorized entity may acquire and stock a supply of epinephrine auto-injectors under a
21 prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a
22 location readily accessible in an emergency and in accordance with the epinephrine auto-injector's
23 instructions for use and any additional requirements established by the department of health and senior
24 services by rule. An authorized entity shall designate employees or agents who have completed the training
25 required under this section to be responsible for the storage, maintenance, and general oversight of
26 epinephrine auto-injectors acquired by the authorized entity.

27 4. An authorized entity that acquires a supply of epinephrine auto-injectors under a prescription
28 issued in accordance with this section shall ensure that:

29 (1) Expected epinephrine auto-injector users receive training in recognizing symptoms of severe
30 allergic reactions including anaphylaxis and the use of epinephrine auto-injectors from a nationally

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1 recognized organization experienced in training laypersons in emergency health treatment or another entity or
2 person approved by the department of health and senior services;

3 (2) All epinephrine auto-injectors are maintained and stored according to the epinephrine auto-
4 injector's instructions for use;

5 (3) Any person who provides or administers an epinephrine auto-injector to an individual who the
6 person believes in good faith is experiencing anaphylaxis activates the emergency medical services system as
7 soon as possible; and

8 (4) A proper review of all situations in which an epinephrine auto-injector is used to render
9 emergency care is conducted.

10 5. Any authorized entity that acquires a supply of epinephrine auto-injectors under a prescription
11 issued in accordance with this section shall notify the emergency communications district or the ambulance
12 dispatch center of the primary provider of emergency medical services where the epinephrine auto-injectors
13 are to be located within the entity's facility.

14 6. No person shall provide or administer an epinephrine auto-injector to any individual who is under
15 eighteen years of age without the verbal consent of a parent or guardian who is present at the time when
16 provision or administration of the epinephrine auto-injector is needed. Provided, however, that a person may
17 provide or administer an epinephrine auto-injector to such an individual without the consent of a parent or
18 guardian if the parent or guardian is not physically present and the person reasonably believes the individual
19 shall be in imminent danger without the provision or administration of the epinephrine auto-injector.

20 7. The following persons and entities shall not be liable for any injuries or related damages that
21 result from the administration or self-administration of an epinephrine auto-injector in accordance with this
22 section that may constitute ordinary negligence:

23 (1) An authorized entity that possesses and makes available epinephrine auto-injectors and its
24 employees, agents, and other trained persons;

25 (2) Any person who uses an epinephrine auto-injector made available under this section;

26 (3) A physician that prescribes epinephrine auto-injectors to an authorized entity; or

27 (4) Any person or entity that conducts the training described in this section.
28

29 Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of others or
30 willful or wanton conduct. The administration of an epinephrine auto-injector in accordance with this section
31 shall not be considered the practice of medicine. The immunity from liability provided under this subsection
32 is in addition to and not in lieu of that provided under section 537.037. An authorized entity located in this
33 state shall not be liable for any injuries or related damages that result from the provision or administration of
34 an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or
35 agent is not liable for such injuries or related damages under the laws of the state in which such provision or
36 administration occurred. No trained person who is in compliance with this section and who in good faith and
37 exercising reasonable care fails to administer an epinephrine auto-injector shall be liable for such failure.

1 8. All basic life support ambulances and stretcher vans operated in the state shall be equipped with
2 epinephrine auto-injectors and be staffed by at least one individual trained in the use of epinephrine auto-
3 injectors.

4 9. The provisions of this section shall apply in all counties within the state and any city not within a
5 county.

6 10. Nothing in this section shall be construed as superseding the provisions of section 167.630."; and

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8 Further amend said bill, Page 5, Section 324.009, Lines 68-73, by striking all of said lines; and

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10 Further amend said bill and section, Page 6, Line 101, by inserting after all of said line the following:

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12 "332.081. 1. Notwithstanding any other provision of law to the contrary, hospitals licensed under
13 chapter 197 shall be authorized to employ any or all of the following oral health providers:

14 (1) A dentist licensed under this chapter for the purpose of treating on hospital premises those
15 patients who present with a dental condition and such treatment is necessary to ameliorate the condition for
16 which they presented such as severe pain or tooth abscesses;

17 (2) An oral and maxillofacial surgeon licensed under this chapter for the purpose of treating oral
18 conditions that need to be ameliorated as part of treating the underlying cause of the patient's medical needs
19 including, but not limited to, head and neck cancer, HIV or AIDS, severe trauma resulting in admission to the
20 hospital, organ transplant, diabetes, or seizure disorders. It shall be a condition of treatment that such patients
21 are admitted to the hospital on either an in- or out-patient basis; and

22 (3) A maxillofacial prosthodontist licensed under this chapter for the purpose of treating and
23 supporting patients of a head and neck cancer team or other complex care or surgical team for the fabrication
24 of appliances following ablative surgery, surgery to correct birth anomalies, extensive radiation treatment of
25 the head or neck, or trauma-related surgery.

26 2. No person or other entity shall practice dentistry in Missouri or provide dental services as defined
27 in section 332.071 unless and until the board has issued to the person a certificate certifying that the person
28 has been duly registered as a dentist in Missouri or the board has issued such certificate to an entity that has
29 been duly registered to provide dental services by licensed dentists and dental hygienists and unless and until
30 the board has issued to the person a license, to be renewed each period, as provided in this chapter, to practice
31 dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be renewed each period, to
32 provide dental services in Missouri. Nothing in this chapter shall be so construed as to make it unlawful for:

33 (1) A legally qualified physician or surgeon, who does not practice dentistry as a specialty, from
34 extracting teeth;

35 (2) A dentist licensed in a state other than Missouri from making a clinical demonstration before a
36 meeting of dentists in Missouri;

37 (3) Dental students in any accredited dental school to practice dentistry under the personal direction
38 of instructors;

1 (4) Dental hygiene students in any accredited dental hygiene school to practice dental hygiene under
2 the personal direction of instructors;

3 (5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene as defined
4 in section 332.091;

5 (6) A dental assistant, certified dental assistant, or expanded functions dental assistant to be
6 delegated duties as defined in section 332.093;

7 (7) A duly registered dentist or dental hygienist to teach in an accredited dental or dental hygiene
8 school;

9 (8) A person who has been granted a dental faculty permit under section 332.183 to practice
10 dentistry in the scope of his or her employment at an accredited dental school, college, or program in
11 Missouri;

12 (9) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in connection
13 with dental services or dental surgery;

14 (10) A person to practice dentistry in or for:

15 (a) The United States Armed Forces;

16 (b) The United States Public Health Service;

17 (c) Migrant, community, or health care for the homeless health centers provided in Section 330 of
18 the Public Health Service Act (42 U.S.C. Section 254b);

19 (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section 1396d(l)) of
20 the Social Security Act;

21 (e) Governmental entities, including county health departments; or

22 (f) The United States Veterans Bureau; or

23 (11) A dentist licensed in a state other than Missouri to evaluate a patient or render an oral, written,
24 or otherwise documented dental opinion when providing testimony or records for the purpose of a civil or
25 criminal action before any judicial or administrative proceeding of this state or other forum in this state.

26 3. No corporation shall practice dentistry as defined in section 332.071 unless that corporation is
27 organized under the provisions of chapter 355 or 356 provided that a corporation organized under the
28 provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3) may only
29 employ dentists and dental hygienists licensed in this state to render dental services to Medicaid recipients,
30 low-income individuals who have available income below two hundred percent of the federal poverty level,
31 and all participants in the SCHIP program, unless such limitation is contrary to or inconsistent with federal or
32 state law or regulation. This subsection shall not apply to:

33 (1) A hospital licensed under chapter 197 that provides care and treatment only to children under the
34 age of eighteen at which a person regulated under this chapter provides dental care within the scope of his or
35 her license or registration;

36 (2) A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42
37 U.S.C. Section 1396d(l)), or a migrant, community, or health care for the homeless health center provided for
38 in Section 330 of the Public Health Services Act (42 U.S.C. Section 254b) at which a person regulated under
39 this chapter provides dental care within the scope of his or her license or registration;

1 (3) A city or county health department organized under chapter 192 or chapter 205 at which a person
2 regulated under this chapter provides dental care within the scope of his or her license or registration;

3 (4) A social welfare board organized under section 205.770, a city health department operating under
4 a city charter, or a city-county health department at which a person regulated under this chapter provides
5 dental care within the scope of his or her license or registration;

6 (5) Any entity that has received a permit from the dental board and does not receive compensation
7 from the patient or from any third party on the patient's behalf at which a person regulated under this chapter
8 provides dental care within the scope of his or her license or registration;

9 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the Internal
10 Revenue Code, as amended, that engages in its operations and provides dental services at facilities owned by
11 a city, county, or other political subdivision of the state, or any entity contracted with the state to provide care
12 in a correctional center, as such term is defined in section 217.010, at which a person regulated under this
13 chapter provides dental care within the scope of his or her license or registration.

14
15 If any of the entities exempted from the requirements of this subsection are unable to provide services to a
16 patient due to the lack of a qualified provider and a referral to another entity is made, the exemption shall
17 extend to the person or entity that subsequently provides services to the patient.

18 4. No unincorporated organization shall practice dentistry as defined in section 332.071 unless such
19 organization is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986,
20 as amended, and provides dental treatment without compensation from the patient or any third party on their
21 behalf as a part of a broader program of social services including food distribution. Nothing in this chapter
22 shall prohibit organizations under this subsection from employing any person regulated by this chapter.

23 5. A dentist shall not enter into a contract that allows a person who is not a dentist to influence or
24 interfere with the exercise of the dentist's independent professional judgment.

25 6. A not-for-profit corporation organized under the provisions of chapter 355 and qualifying as an
26 organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization operating pursuant to
27 subsection 4 of this section, or any other person should not direct or interfere or attempt to direct or interfere
28 with a licensed dentist's professional judgment and competent practice of dentistry. Nothing in this
29 subsection shall be so construed as to make it unlawful for not-for-profit organizations to enforce
30 employment contracts, corporate policy and procedure manuals, or quality improvement or assurance
31 requirements.

32 7. All entities defined in subsection 3 of this section and those exempted under subsection 4 of this
33 section shall apply for a permit to employ dentists and dental hygienists licensed in this state to render dental
34 services, and the entity shall apply for the permit in writing on forms provided by the Missouri dental board.
35 The board shall not charge a fee of any kind for the issuance or renewal of such permit. The provisions of
36 this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social
37 Security Act (42 U.S.C. Section 1396d(l)).

38 8. Any entity that obtains a permit to render dental services in this state is subject to discipline
39 pursuant to section 332.321. If the board concludes that the person or entity has committed an act or is

engaging in a course of conduct that would be grounds for disciplinary action, the board may file a complaint before the administrative hearing commission. The board may refuse to issue or renew the permit of any entity for one or any combination of causes stated in subsection 2 of section 332.321. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

9. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The information provided to the board as part of the registration shall include the name of the health center, the nonprofit status of the health center, sites where dental services will be provided, and the names of all persons employed by, or contracting with, the health center who are required to hold a license pursuant to this chapter. The registration shall be renewed every twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the registration. The registration of the health center shall not be subject to discipline pursuant to section 332.321. Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who is employed by, or contracts with, such health center for the actions of the licensee in connection with such employment or contract.

10. The board may promulgate rules and regulations to ensure not-for-profit corporations are rendering care to the patient populations as set forth herein, including requirements for covered not-for-profit corporations to report patient census data to the board. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)).

11. All not-for-profit corporations organized or operated pursuant to the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the requirements relating to migrant, community, or health care for the homeless health centers provided in Section 330 of the Public Health Service Act (42 U.S.C. Section 254b) and federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section 1396d(l)) of the Social Security Act, that employ persons who practice dentistry or dental hygiene in this state shall do so in accordance with the relevant laws of this state except to the extent that such laws are contrary to, or inconsistent with, federal statute or regulation."; and

Further amend said bill, Page 38, Section 334.031, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"(ECFMG), a similar accrediting agency, or a reputable medical college or osteopathic college; and"; and

Further amend bill, page, and section, Line 41, by inserting after all of said section and line the following:

"335.081. So long as the person involved does not represent or hold himself or herself out as a nurse licensed to practice in this state, no provision of sections 335.011 to 335.096 shall be construed as prohibiting:

1 (1) The practice of any profession for which a license is required and issued pursuant to the laws of
2 this state by a person duly licensed to practice that profession;

3 (2) The services rendered by technicians, nurses' aides or their equivalent trained and employed in
4 public or private hospitals and licensed long-term care facilities except the services rendered in licensed long-
5 term care facilities shall be limited to administering medication, excluding injectable medications other than:

6 (a) Insulin;

7 (b) Subcutaneous injectable medications to treat diabetes as ordered by an individual legally
8 authorized to prescribe such medications; and

9 (c) Epinephrine auto-injectors ordered for stock supply in accordance with section 196.990 or
10 prescribed for a resident's individual use by an individual legally authorized to prescribe such epinephrine
11 auto-injectors. Expected epinephrine auto-injector users shall receive training set forth in section 196.990.
12 As used in this paragraph, the term "epinephrine auto-injector" means a single-use device used for the
13 automatic injection of a premeasured dose of epinephrine into the human body or another epinephrine
14 delivery system approved by the United States Food and Drug Administration for public use;

15 (3) The providing of nursing care by friends or members of the family of the person receiving such
16 care;

17 (4) The incidental care of the sick, aged, or infirm by domestic servants or persons primarily
18 employed as housekeepers;

19 (5) The furnishing of nursing assistance in the case of an emergency situation;

20 (6) The practice of nursing under proper supervision:

21 (a) As a part of the course of study by students enrolled in approved schools of professional nursing
22 or in schools of practical nursing;

23 (b) By graduates of accredited nursing programs pending the results of the first licensing
24 examination or ninety days after graduation, whichever first occurs;

25 (c) A graduate nurse who is prevented from attending the first licensing examination following
26 graduation by reason of active duty in the military may practice as a graduate nurse pending the results of the
27 first licensing examination scheduled by the board following the release of such graduate nurse from active
28 military duty or pending the results of the first licensing examination taken by the graduate nurse while
29 involved in active military service whichever comes first;

30 (7) The practice of nursing in this state by any legally qualified nurse duly licensed to practice in
31 another state whose engagement requires such nurse to accompany and care for a patient temporarily residing
32 in this state for a period not to exceed six months;

33 (8) The practice of any legally qualified nurse who is employed by the government of the United
34 States or any bureau, division or agency thereof, while in the discharge of his or her official duties or to the
35 practice of any legally qualified nurse serving in the Armed Forces of the United States while stationed
36 within this state;

37 (9) Nonmedical nursing care of the sick with or without compensation when done in connection with
38 the practice of the religious tenets of any church by adherents thereof, as long as they do not engage in the
39 practice of nursing as defined in sections 335.011 to 335.096;

(10) The practice of any legally qualified and licensed nurse of another state, territory, or foreign country whose responsibilities include transporting patients into, out of, or through this state while actively engaged in patient transport that does not exceed forty-eight hours in this state."; and

Further amend said bill, Pages 38-41, section 338.010, Lines 1-121, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 43-44, Section 339.150, Lines 1-52, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 45-46, section 339.780, Lines 1-47, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 48, Section 361.909, Lines 62-72, by deleting all of said lines from the bill and inserting in lieu thereof the following:

"money or monetary value by the service provider or agent; or

(14) A person appointed as an agent of a payor for purposes of providing payroll processing services for which the agent would otherwise need to be licensed, provided all of the following apply:

(a) There is a written agreement between the payor and the agent that directs the agent to provide payroll processing services on the payor's behalf;

(b) The payor holds the agent out to employees and other payees as providing payroll processing services on the payor's behalf; and

(c) The payor's obligation to a payee, including an employee or any other party entitled to receive funds via the payroll processing services provided by the agent, shall not be extinguished if the agent fails to remit the funds to the payee."; and

Further amend said bill, pages 48-50, Section 701.040, Lines 1-58, by striking all of said section and lines from the bill; and

Further amend said bill, Pages 50-51, Section 701.046, Lines 1-23, by deleting all of said section and lines from the bill; and

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