

FIRST REGULAR SESSION

# HOUSE BILL NO. 851

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS.

1862H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to delegation of tasks by health care professionals.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.1130, to read as follows:

**191.1130. 1. For purposes of this section, the following terms mean:**

(1) "Employee", a person employed in a facility as defined in section 376.1350;

(2) "Health care professional", a physician or other health care practitioner licensed by the state to perform specified health care services consistent with state law;

(3) "Health care service", a service for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease including, but not limited to, the provision of drugs or durable medical equipment.

2. A health care professional may delegate any patient care task or duty to an employee who is not licensed to provide health care services but who possesses appropriate training and experience to qualify the employee to perform the patient care task or duty as long as:

(1) The health care professional does not delegate a patient care task or duty that is statutorily or by rule mandated to be performed by the health care professional;

(2) The patient care task or duty delegated to the employee is within the scope of practice of the health care professional authorized by his or her licensing authority;

(3) The employee is not represented to the public as a health care professional;

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           **(4) The health care professional is available to the employee on the premises to**  
18 **provide assistance; and**

19           **(5) The delegation is not otherwise prohibited by law or by rule of the health**  
20 **care professional's licensing authority.**

21           **3. A health care professional who delegates any patient care task or duty to an**  
22 **employee under this section shall continue to comply with the relevant laws and rules of**  
23 **the health care professional's profession and shall be responsible for the actions of the**  
24 **employee acting in his or her assistance.**

25           **4. A health care professional who delegates a patient care task or duty to an**  
26 **employee who does not possess the appropriate training and experience to qualify the**  
27 **employee to perform the patient care task or duty shall be subject to discipline by the**  
28 **health care professional's licensing authority and may be liable in a private cause of**  
29 **action under chapter 538.**

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