

FIRST REGULAR SESSION

# HOUSE BILL NO. 1043

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KEATHLEY.

2268H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 195.070, RSMo, and to enact in lieu thereof one new section relating to the ordering and administration of ketamine for mental health purposes.

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

Section A. Section 195.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.070, to read as follows:

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone and Schedule II controlled substances for hospice patients pursuant to the provisions of section 334.104. However, no such certified advanced practice registered nurse shall prescribe controlled

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 substance for his or her own self or family. Schedule III narcotic controlled substance and  
19 Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply  
20 without refill.

21 3. A veterinarian, in good faith and in the course of the veterinarian's professional  
22 practice only, and not for use by a human being, may prescribe, administer, and dispense  
23 controlled substances and the veterinarian may cause them to be administered by an assistant  
24 or orderly under his or her direction and supervision.

25 4. A practitioner shall not accept any portion of a controlled substance unused by a  
26 patient, for any reason, if such practitioner did not originally dispense the drug, except:

27 (1) When the controlled substance is delivered to the practitioner to administer to the  
28 patient for whom the medication is prescribed as authorized by federal law. Practitioners  
29 shall maintain records and secure the medication as required by this chapter and regulations  
30 promulgated pursuant to this chapter; or

31 (2) As provided in section 195.265.

32 5. An individual practitioner shall not prescribe or dispense a controlled substance for  
33 such practitioner's personal use except in a medical emergency.

34 **6. Notwithstanding any provision of law to the contrary:**

35 **(1) No physician licensed under chapter 334 shall delegate the authority to order**  
36 **ketamine hydrochloride for mental health purposes under the physician's registration**  
37 **with the federal Drug Enforcement Administration and the state bureau of narcotics**  
38 **and dangerous drugs to any other individual;**

39 **(2) Any physician licensed under chapter 334 who delegates the administration**  
40 **of ketamine hydrochloride for mental health purposes to a certified registered nurse**  
41 **anesthetist shall be on site and immediately available to supervise and respond to**  
42 **patient needs during such administration; and**

43 **(3) Intravenous ketamine hydrochloride treatment for mental health purposes**  
44 **shall not be administered without a documented diagnosis and treatment plan from a**  
45 **physician licensed under chapter 334.**

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