

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 998**  
93RD GENERAL ASSEMBLY

---

---

Reported from the Committee on Aging, Families, Mental and Public Health, April 19, 2006, with recommendation that the Senate Committee Substitute do pass.

4553S.03C

TERRY L. SPIELER, Secretary.

---

---

**AN ACT**

To repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative arrangements with physicians.

---

---

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

Section A. Section 334.104, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 334.104, to read as follows:

334.104. 1. A physician may enter into collaborative practice  
2 arrangements with registered professional nurses. Collaborative practice  
3 arrangements shall be in the form of written agreements, jointly agreed-upon  
4 protocols, or standing orders for the delivery of health care  
5 services. Collaborative practice arrangements, which shall be in writing, may  
6 delegate to a registered professional nurse the authority to administer or dispense  
7 drugs and provide treatment as long as the delivery of such health care services  
8 is within the scope of practice of the registered professional nurse and is  
9 consistent with that nurse's skill, training and competence.

10 2. Collaborative practice arrangements, which shall be in writing, may  
11 delegate to a registered professional nurse the authority to administer, dispense  
12 or prescribe drugs and provide treatment if the registered professional nurse is  
13 an advanced practice nurse as defined in subdivision (2) of section 335.016,  
14 RSMo. Such collaborative practice arrangements shall be in the form of written  
15 agreements, jointly agreed-upon protocols or standing orders for the delivery of  
16 health care services.

17 3. The state board of registration for the healing arts pursuant to section  
18 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly  
19 promulgate rules regulating the use of collaborative practice arrangements. Such  
20 rules shall be limited to specifying geographic areas to be covered, the methods

21 of treatment that may be covered by collaborative practice arrangements and the  
22 requirements for review of services provided pursuant to collaborative practice  
23 arrangements. Any rules relating to dispensing or distribution of medications or  
24 devices by prescription or prescription drug orders under this section shall be  
25 subject to the approval of the state board of pharmacy. In order to take effect,  
26 such rules shall be approved by a majority vote of a quorum of each  
27 board. Neither the state board of registration for the healing arts nor the board  
28 of nursing may separately promulgate rules relating to collaborative practice  
29 arrangements. Such jointly promulgated rules shall be consistent with guidelines  
30 for federally funded clinics. The rulemaking authority granted in this subsection  
31 shall not extend to collaborative practice arrangements of hospital employees  
32 providing inpatient care within hospitals as defined pursuant to chapter 197,  
33 RSMo.

34 4. The state board of registration for the healing arts shall not deny,  
35 revoke, suspend or otherwise take disciplinary action against a physician for  
36 health care services delegated to a registered professional nurse provided the  
37 provisions of this section and the rules promulgated thereunder are  
38 satisfied. Upon the written request of a physician subject to a disciplinary action  
39 imposed as a result of an agreement between a physician and a registered  
40 professional nurse or registered physician assistant, whether written or not, prior  
41 to August 28, 1993, all records of such disciplinary licensure action and all  
42 records pertaining to the filing, investigation or review of an alleged violation of  
43 this chapter incurred as a result of such an agreement shall be removed from the  
44 records of the state board of registration for the healing arts and the division of  
45 professional registration and shall not be disclosed to any public or private entity  
46 seeking such information from the board or the division. The state board of  
47 registration for the healing arts shall take action to correct reports of alleged  
48 violations and disciplinary actions as described in this section which have been  
49 submitted to the National Practitioner Data Bank. In subsequent applications or  
50 representations relating to his medical practice, a physician completing forms or  
51 documents shall not be required to report any actions of the state board of  
52 registration for the healing arts for which the records are subject to removal  
53 under this section.

54 5. **Within thirty days of any change and on each renewal, the state**  
55 **board of registration for the healing arts shall require all physicians to**  
56 **identify whether a physician is engaged in any collaborative practice**  
57 **agreement or physician assistant agreement and also report to the board**

58 **the name of each licensed professional with whom the physician has**  
59 **entered into such agreement. The board may make this information**  
60 **available to the public. The physician shall also provide the board with**  
61 **a copy of each agreement entered into by the physician and the board**  
62 **shall review such agreement for compliance under this chapter.**

63 Notwithstanding anything to the contrary in this section, a registered nurse who  
64 has graduated from a school of nurse anesthesia accredited by the Council on  
65 Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and  
66 has been certified or is eligible for certification as a nurse anesthetist by the  
67 Council on Certification of Nurse Anesthetists shall be permitted to provide  
68 anesthesia services without a collaborative practice arrangement provided that  
69 he or she is under the supervision of an anesthesiologist or other physician,  
70 dentist, or podiatrist who is immediately available if needed.

✓

Bill

Copy