

SECOND REGULAR SESSION

SENATE BILL NO. 998

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Read 1st time February 2, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4553S.02I

AN ACT

To repeal section 334.104, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 334.104, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 334.082 and 334.104, to read as
3 follows:

**334.082. Upon every registration and renewal of registration
2 under this chapter, any physician engaged in a collaborative practice
3 agreement or physician assistant supervision agreement shall report to
4 the board that the physician has entered into such an agreement, and
5 the name of each licensed professional with whom the physician has
6 entered into such an agreement. The board shall track the reported
7 information and shall routinely conduct random audits and reviews of
8 such agreements to ensure that they are in compliance with this chapter.**

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

63 **6. Notwithstanding any other provisions of this chapter or**
64 **chapter 335, RSMo, the board of registration for the healing arts and the**
65 **board of nursing may monitor collaborative arrangements between**
66 **physicians and advanced practice registered nurses at any time. A**
67 **complaint shall not be a prerequisite for the board of registration for the**
68 **healing arts or the board of nursing to monitor such arrangements for**
69 **the purposes of denying, revoking, or suspending the licenses of**
70 **physicians or nurses in relation to any collaborative practice**
71 **arrangement or otherwise taking disciplinary action against physicians**
72 **or nurses in relation to such an arrangement.**

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