

FIRST REGULAR SESSION

HOUSE BILL NO. 226

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

0850H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 335.175, RSMo, and to enact in lieu thereof one new section relating to telehealth.

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

Section A. Section 335.175, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 335.175, to read as follows:

335.175. 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the “Utilization of Telehealth by Nurses”. An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" shall have the same meaning as such term is defined in section 191.1145.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section

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 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
19 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
20 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
21 proposed or adopted after August 28, 2013, shall be invalid and void.

22 4. For purposes of this section, "rural area of need" means any rural area of this state
23 which is located in a health professional shortage area as defined in section 354.650.

24 [~~5. Under section 23.253 of the Missouri sunset act:~~

25 ~~—— (1) The provisions of the new program authorized under this section shall automatically~~
26 ~~sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and~~

27 ~~—— (2) If such program is reauthorized, the program authorized under this section shall~~
28 ~~automatically sunset twelve years after the effective date of the reauthorization of this section;~~
29 ~~and~~

30 ~~—— (3) This section shall terminate on September first of the calendar year immediately~~
31 ~~following the calendar year in which the program authorized under this section is sunset.]~~

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