

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 580, Page 59,
2 Section 334.075, Line 11, by inserting after all of said section and line the following:

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

11 2. Collaborative practice arrangements, which shall be in writing, may delegate to a
12 registered professional nurse the authority to administer, dispense or prescribe drugs and provide
13 treatment if the registered professional nurse is an advanced practice registered nurse as defined in
14 subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an
15 advanced practice registered nurse, as defined in section 335.016, the authority to administer,
16 dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017,
17 and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not
18 delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of
19 section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general
20 anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled
21 substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-
22 hour supply without refill. Such collaborative practice arrangements shall be in the form of written
23 agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.
24 An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply
25 without refill for patients receiving medication-assisted treatment for substance use disorders under
26 the direction of the collaborating physician.

27 3. The written collaborative practice arrangement shall contain at least the following
28 provisions:

29 (1) Complete names, home and business addresses, zip codes, and telephone numbers of the
30 collaborating physician and the advanced practice registered nurse;

31 (2) A list of all other offices or locations besides those listed in subdivision (1) of this
32 subsection where the collaborating physician authorized the advanced practice registered nurse to
33 prescribe;

34 (3) A requirement that there shall be posted at every office where the advanced practice
35 registered nurse is authorized to prescribe, in collaboration with a physician, a prominently
36 displayed disclosure statement informing patients that they may be seen by an advanced practice

Action Taken _____ Date _____

1 registered nurse and have the right to see the collaborating physician;

2 (4) All specialty or board certifications of the collaborating physician and all certifications
3 of the advanced practice registered nurse;

4 (5) The manner of collaboration between the collaborating physician and the advanced
5 practice registered nurse, including how the collaborating physician and the advanced practice
6 registered nurse will:

7 (a) Engage in collaborative practice consistent with each professional's skill, training,
8 education, and competence;

9 (b) ~~For any county of the first classification, maintain geographic proximity~~~~], except the~~
10 ~~collaborative practice arrangement may allow for geographic proximity to be waived for a~~
11 ~~maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210,~~
12 ~~as long as the collaborative practice arrangement includes alternative plans as required in paragraph~~
13 ~~(c) of this subdivision. This exception to geographic proximity shall apply only to independent rural~~
14 ~~health clinics, provider-based rural health clinics where the provider is a critical access hospital as~~
15 ~~provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main~~
16 ~~location of the hospital sponsor is greater than fifty miles from the clinic].~~ The collaborating
17 physician is required to maintain documentation related to this requirement and to present it to the
18 state board of registration for the healing arts when requested. For any county other than a county
19 of the first classification, the collaborating physician and the advanced practice registered nurse
20 shall not be required to maintain the geographic proximity mileage limitation; and

21 (c) Provide coverage during absence, incapacity, infirmity, or emergency by the
22 collaborating physician;

23 (6) A description of the advanced practice registered nurse's controlled substance
24 prescriptive authority in collaboration with the physician, including a list of the controlled
25 substances the physician authorizes the nurse to prescribe and documentation that it is consistent
26 with each professional's education, knowledge, skill, and competence;

27 (7) A list of all other written practice agreements of the collaborating physician and the
28 advanced practice registered nurse;

29 (8) The duration of the written practice agreement between the collaborating physician and
30 the advanced practice registered nurse;

31 (9) A description of the time and manner of the collaborating physician's review of the
32 advanced practice registered nurse's delivery of health care services. The description shall include
33 provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the
34 charts documenting the advanced practice registered nurse's delivery of health care services to the
35 collaborating physician for review by the collaborating physician, or any other physician designated
36 in the collaborative practice arrangement, every fourteen days; and

37 (10) The collaborating physician, or any other physician designated in the collaborative
38 practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in
39 which the advanced practice registered nurse prescribes controlled substances. The charts reviewed
40 under this subdivision may be counted in the number of charts required to be reviewed under
41 subdivision (9) of this subsection.

42 4. The state board of registration for the healing arts pursuant to section 334.125 and the
43 board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of
44 collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be
45 covered in accordance with paragraph (b) of subdivision (5) of subsection 3 of this section, the
46 methods of treatment that may be covered by collaborative practice arrangements and the
47 requirements for review of services provided pursuant to collaborative practice arrangements
48 including delegating authority to prescribe controlled substances. Any rules relating to dispensing
49 or distribution of medications or devices by prescription or prescription drug orders under this

1 section shall be subject to the approval of the state board of pharmacy. Any rules relating to
2 dispensing or distribution of controlled substances by prescription or prescription drug orders under
3 this section shall be subject to the approval of the department of health and senior services and the
4 state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a
5 quorum of each board. Neither the state board of registration for the healing arts nor the board of
6 nursing may separately promulgate rules relating to collaborative practice arrangements. Such
7 jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The
8 rulemaking authority granted in this subsection shall not extend to collaborative practice
9 arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to
10 chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April
11 30, 2008.

12 5. The state board of registration for the healing arts shall not deny, revoke, suspend or
13 otherwise take disciplinary action against a physician for health care services delegated to a
14 registered professional nurse provided the provisions of this section and the rules promulgated
15 thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action
16 imposed as a result of an agreement between a physician and a registered professional nurse or
17 registered physician assistant, whether written or not, prior to August 28, 1993, all records of such
18 disciplinary licensure action and all records pertaining to the filing, investigation or review of an
19 alleged violation of this chapter incurred as a result of such an agreement shall be removed from the
20 records of the state board of registration for the healing arts and the division of professional
21 registration and shall not be disclosed to any public or private entity seeking such information from
22 the board or the division. The state board of registration for the healing arts shall take action to
23 correct reports of alleged violations and disciplinary actions as described in this section which have
24 been submitted to the National Practitioner Data Bank. In subsequent applications or
25 representations relating to his medical practice, a physician completing forms or documents shall
26 not be required to report any actions of the state board of registration for the healing arts for which
27 the records are subject to removal under this section.

28 6. Within thirty days of any change and on each renewal, the state board of registration for
29 the healing arts shall require every physician to identify whether the physician is engaged in any
30 collaborative practice agreement, including collaborative practice agreements delegating the
31 authority to prescribe controlled substances, or physician assistant agreement and also report to the
32 board the name of each licensed professional with whom the physician has entered into such
33 agreement. The board may make this information available to the public. The board shall track the
34 reported information and may routinely conduct random reviews of such agreements to ensure that
35 agreements are carried out for compliance under this chapter.

36 7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined
37 in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a
38 collaborative practice arrangement provided that he or she is under the supervision of an
39 anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.
40 Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse
41 anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative
42 practice arrangement under this section, except that the collaborative practice arrangement may not
43 delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of
44 section 195.017, or Schedule II - hydrocodone.

45 8. A collaborating physician shall not enter into a collaborative practice arrangement with
46 more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed
47 physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This
48 limitation shall not apply to collaborative arrangements of hospital employees providing inpatient
49 care service in hospitals as defined in chapter 197 or population-based public health services as

1 defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist
2 providing anesthesia services under the supervision of an anesthesiologist or other physician,
3 dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

4 9. It is the responsibility of the collaborating physician to determine and document the
5 completion of at least a one-month period of time during which the advanced practice registered
6 nurse shall practice with the collaborating physician continuously present before practicing in a
7 setting where the collaborating physician is not continuously present. This limitation shall not apply
8 to collaborative arrangements of providers of population-based public health services as defined by
9 20 CSR 2150-5.100 as of April 30, 2008.

10 10. No agreement made under this section shall supersede current hospital licensing
11 regulations governing hospital medication orders under protocols or standing orders for the purpose
12 of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such
13 protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical
14 therapeutics committee.

15 11. No contract or other agreement shall require a physician to act as a collaborating
16 physician for an advanced practice registered nurse against the physician's will. A physician shall
17 have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced
18 practice registered nurse. No contract or other agreement shall limit the collaborating physician's
19 ultimate authority over any protocols or standing orders or in the delegation of the physician's
20 authority to any advanced practice registered nurse, but this requirement shall not authorize a
21 physician in implementing such protocols, standing orders, or delegation to violate applicable
22 standards for safe medical practice established by hospital's medical staff.

23 12. No contract or other agreement shall require any advanced practice registered nurse to
24 serve as a collaborating advanced practice registered nurse for any collaborating physician against
25 the advanced practice registered nurse's will. An advanced practice registered nurse shall have the
26 right to refuse to collaborate, without penalty, with a particular physician."; and

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28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.