

SS SCS HCS HB 1563 -- HEALTHCARE SERVICES

This bill changes the laws regarding healthcare services.

SCHOOL SOCIAL WORK CERTIFICATION (Sections 173.1400 and 337.647, RSMo)

Accredited Missouri colleges and universities are authorized to issue a document of school social work program verification and acknowledgment of completion to anyone who has obtained a degree in social work from an accredited college or university and holds a credential in school social work issued by a nationally recognized credentialing organization or demonstrates competency in school social work by successfully passing a school social worker examination approved by the State Committee for Social Workers within the Department of Insurance, Financial Institutions and Professional Registration and administered by the accredited college or university. The Department of Higher Education must develop a form containing the required information to be included in the document that the college or university may issue to qualified applicants.

The committee must develop a program verification and acknowledgment of completion and issue a document to qualified individuals who submit an application and pay the fee established by rule. Any verification and acknowledgment of completion cannot be deemed a license, certificate, registration, or permit for any purpose and conveys no authority to practice social work or to use any social work title in Missouri.

CONTROLLED SUBSTANCES (Sections 195.060, 195.080, and 334.747)

The bill allows a pharmacist, in good faith, to sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state if the prescription was issued according to and in compliance with the applicable laws of that state and the United States and specified quantity limitations apply to prescriptions dispensed to patients located in this state.

Currently, the quantity of a Schedule III, IV, or V controlled substance dispensed at any one time is limited to a 90-day supply with the ability to increase the amount up to three months under certain circumstances. The bill specifies that the supply limitations cannot apply if the prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and is dispensed to a patient located in another state.

Currently, a physician assistant who is authorized to prescribe

controlled substances must register with the federal Drug Enforcement Administration (DEA) and the State Bureau of Narcotics and Dangerous Drugs and include the registration numbers on a prescription for a controlled substance. The bill requires the physician assistant to include only the DEA registration number on a prescription.

COLLABORATIVE AGREEMENTS (Section 334.104)

A physician other than the supervising physician is authorized to review the specified records of an advanced practice registered nurse if the reviewing physician is designated in the collaborative practice agreement.

BEHAVIOR ANALYSTS (Sections 337.300 - 337.347)

The bill specifies that applied behavior analysis does not include cognitive therapies or psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, and long-term counseling as treatment modalities.

The categories of provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst, temporary licensed behavior analyst, and temporary licensed assistant behavior analyst are added to the current professions that can be licensed. The State Committee of Psychologists within the Department of Insurance, Financial Institutions and Professional Registration is authorized to promulgate the necessary rules and procedures to license a qualified applicant. The bill limits the length of time a provisional license can be granted and prohibits an unlicensed person from holding himself or herself out as being a provisionally or temporary licensed behavior analyst or assistant behavior analyst unless he or she meets the applicable requirements.

The membership of the Behavior Analyst Advisory Board is changed to require that the one professional member of the State Committee of Psychologists be appointed by nomination and majority vote of the committee instead of being appointed by the Governor with the advice and consent of the Senate. The board must also review an application for professional licensure. The board will also recommend to the State Committee of Psychologists rules for promulgation regarding all types of behavior analyst licenses.

The provisions requiring submission of a passport photograph, passage of an examination, and board certification are repealed for a provisional license. To receive a provisional license, the

applicant must submit a complete application, pay the appropriate fee, and satisfy the requirements for a licensed behavior analyst or licensed assistant behavior analyst, depending on the provisional license sought. A person holding a provisional license may practice only under the supervision and the full professional responsibility and control of the licensee's licensed supervisor. A provisional license will terminate upon the issuance of a permanent license, a finding of cause to discipline, termination of supervision, or one year after issuance, whichever occurs first. A provisional license may be renewed for only one additional year.

Reimbursement for services provided by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst, or a temporary licensed behavior analyst must be billed by the supervising board-certified behavior analyst.

PHARMACIES (Sections 338.315 and 338.333)

The bill allows a pharmacy to sell, purchase, or trade a prescription drug to other pharmacies if the total dollar amount of the sales, purchases, or trades is in compliance with the rules of the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration and does not exceed 5% of the pharmacy's total annual prescription drug sales. Pharmacies must establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs for two years, and the information must be readily available upon request by the board or its representatives.

The board is authorized to establish rules allowing the distribution of drugs by out-of-state pharmacies in the event of an emergency or to alleviate a supply shortage.

MISSOURI ELECTRONIC PRIOR AUTHORIZATION COMMITTEE (Sections 338.320 and 338.333)

The Missouri Electronic Prior Authorization Committee is established to facilitate, monitor, and report on Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards that generally relate to the process of obtaining prior approval from an insurer for certain services or medications. The efforts must include the establishment of a pilot program and the study and dissemination of information from the National Council on Prescription Drug Programs. The committee must advise the General Assembly and the Department of Insurance, Financial Institutions and Professional Registration if there is a need for administrative rules to be promulgated by the department as soon as practically possible.

The 19-member committee is to include members of the General Assembly, executive branch directors, representatives from the pharmaceutical and healthcare industries, and a patient advocate. The staff of the department must provide assistance to the committee. The duties of the committee, specified in the bill, include the preparation of an annual report to the General Assembly and Governor on the committee's progress and plans for the next year until national standards are established or the provisions of the bill expire, whichever is sooner. The first report must be completed before January 1, 2013. Upon the adoption of national standards, the committee must prepare a final report to the General Assembly and the Governor that identifies the appropriate Missouri administrative regulations, if any, that will need to be promulgated in order to make those standards effective as soon as practically possible and whether there are any necessary legislative actions.

The department and the committee must recruit a Missouri-based pharmacy benefits manager doing business nationally to volunteer to conduct an electronic prior authorization pilot program in Missouri that must be operational by January 1, 2014. The manager conducting the pilot program must ensure that there is an adequate number of Missouri licensed physicians and an electronic prior authorization vendor capable and willing to participate in a Missouri-based pilot program. The department and the committee may provide advice or assistance to the manager conducting the pilot program but cannot maintain control or lead with the direction of the pilot program.

EMPLOYEE DISQUALIFICATION LIST (Section 660.315)

A consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of specified healthcare providers or a recognized school of nursing, medicine, or other health profession is allowed to have access to the employee disqualification list maintained by the Department of Social Service when requested by a healthcare provider or the school. A person, corporation, organization, or association that is entitled to access the list is not allowed to disclose the information on the list to any person or entity who is not entitled to access the list. A person or entity violating this provision will be guilty of an infraction.

The provisions of the bill regarding the Missouri Prior Authorization Committee expire six years after the effective date.

The provisions of the bill regarding the Department of Higher Education's duties in verifying and acknowledging a person's completion of a school social work program contain an emergency

clause.