

SECOND REGULAR SESSION

HOUSE BILL NO. 1473

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

4265H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 330.070, 332.181, 334.036, 334.075, 334.747, 335.019, and 336.080, RSMo, and to enact in lieu thereof eight new sections relating to continuing education requirements for prescribing controlled substances.

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

Section A. Sections 330.070, 332.181, 334.036, 334.075, 334.747, 335.019, and 336.080, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 195.075, 330.070, 332.181, 334.036, 334.075, 334.747, 335.019, and 336.080, to read as follows:

195.075. 1. (1) Beginning July 1, 2020, each individual under section 195.070 with prescriptive authority, other than a veterinarian, who has registered to prescribe a controlled substance under the comprehensive drug control act shall complete per licensing period at least four continuing professional education hours in approved classes that provide training in prescribing controlled substances. Such classes shall address ways to minimize the misuse and abuse of controlled substances, as well ways to recognize controlled substance addictions in patients.

(2) Any class that provides training in prescribing controlled substances under this section shall:

(a) Meet the requirements under 20 CSR 2150-2.125;

(b) Be presented by an organization accredited to provide continuing medical education by:

a. The Accreditation Council for Continuing Medical Education;

b. The Missouri State Medical Association; or

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.

- 15 **c. Another recognized state continuing medical education accrediting body; and**
16 **(c) Be approved by:**
17 **a. The recognized state continuing medical education accrediting body; and**
18 **b. The division of professional registration.**
19 **2. Classes providing training in prescribing controlled substances required under**
20 **this section:**
21 **(1) May be held:**
22 **(a) In connection with other continuing professional education programs; and**
23 **(b) Online;**
24 **(2) Shall not increase the total number of state-required continuing professional**
25 **education hours required for prescriber licensing; and**
26 **(3) Shall be reported by an individual as part of the continuing professional**
27 **education required for licensing.**

330.070. 1. The board shall on or before the first day of the month preceding the
2 biennial license renewal date cause to be mailed to each person licensed to practice podiatric
3 medicine in this state, at the last known office or residence address of such person, a blank
4 application form for such person's biennial license renewal.

5 2. Each person applying for biennial license renewal shall complete the form and return
6 it to the board on or before the renewal date for the licensing period for which the person desires
7 to be registered.

8 3. Each applicant shall give on the form such applicant's full name and the applicant's
9 office address.

10 4. Each applicant shall give with the application for biennial license renewal satisfactory
11 evidence of completion of twenty-four hours of postgraduate study, **including four hours of**
12 **approved classes that provide training in prescribing controlled substances as required**
13 **under section 195.075**, for each renewal period since the last issuance or renewal of the license.
14 The postgraduate study required shall be that presented by a college of podiatric medicine
15 accredited by the American Podiatric Medical Association or a course of study approved by the
16 board.

17 5. Failure of the registrant to receive the renewal form shall not relieve any registrant of
18 the duty to register and pay the fee required by this chapter nor exempt any such person from the
19 penalties provided by this chapter for failure to register.

332.181. 1. No person shall engage in the practice of dentistry in Missouri without
2 having first secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dentistry in Missouri shall pay the required
4 fee and make application to the board on a form prescribed by the board pursuant to section

5 332.141. An application for licensure shall be active for one year after the date it is received by
6 the board. The application becomes void if not completed within such one-year period.

7 3. All persons once licensed to practice dentistry in Missouri shall renew his or her
8 license to practice dentistry in Missouri on or before the license renewal date and shall display
9 his or her license for each current licensing period in the office in which he or she practices or
10 offers to practice dentistry.

11 4. Effective with the licensing period beginning on December 1, 2002, a license shall be
12 renewed every two years. To renew a license, each dentist shall submit satisfactory evidence of
13 completion of fifty hours of continuing education during the two-year period immediately
14 preceding the renewal period, **including four hours of approved classes that provide training**
15 **in prescribing controlled substances as required under section 195.075.** Each dentist shall
16 maintain documentation of completion of the required continuing education hours as provided
17 by rule. Failure to obtain the required continuing education hours, submit satisfactory evidence,
18 or maintain documentation is a violation of section 332.321. As provided by rule, the board may
19 waive and/or extend the time requirements for completion of continuing education for reasons
20 related to health, military service, foreign residency or for other good cause. All requests for
21 waivers and/or extensions of time shall be made in writing and submitted to the board before the
22 renewal date.

23 5. Any licensed dentist who fails to renew his or her license on or before the renewal
24 date may apply to the board for renewal of his or her license within four years subsequent to the
25 date of the license expiration. To renew an expired license, the person shall submit an
26 application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and submit
27 satisfactory evidence of completion of at least fifty hours of continuing education for each
28 renewal period that his or her license was expired as provided by rule. The required hours must
29 be obtained within four years prior to renewal. The license of any dentist who fails to renew
30 within four years of the time his or her license has expired shall be void. The dentist may apply
31 for a new license; provided that, unless application is made under section 332.321, the dentist
32 shall pay the same fees and be examined in the same manner as an original applicant for
33 licensure as a dentist.

334.036. 1. For purposes of this section, the following terms shall mean:

2 (1) "Assistant physician", any medical school graduate who:

3 (a) Is a resident and citizen of the United States or is a legal resident alien;

4 (b) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing
5 Examination or the equivalent of such steps of any other board-approved medical licensing
6 examination within the two-year period immediately preceding application for licensure as an

7 assistant physician, but in no event more than three years after graduation from a medical college
8 or osteopathic medical college;

9 (c) Has not completed an approved postgraduate residency and has successfully
10 completed Step 2 of the United States Medical Licensing Examination or the equivalent of such
11 step of any other board-approved medical licensing examination within the immediately
12 preceding two-year period unless when such two-year anniversary occurred he or she was serving
13 as a resident physician in an accredited residency in the United States and continued to do so
14 within thirty days prior to application for licensure as an assistant physician; and

15 (d) Has proficiency in the English language.

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17 Any medical school graduate who could have applied for licensure and complied with the
18 provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may
19 apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

20 (2) "Assistant physician collaborative practice arrangement", an agreement between a
21 physician and an assistant physician that meets the requirements of this section and section
22 334.037;

23 (3) "Medical school graduate", any person who has graduated from a medical college
24 or osteopathic medical college described in section 334.031.

25 2. (1) An assistant physician collaborative practice arrangement shall limit the assistant
26 physician to providing only primary care services and only in medically underserved rural or
27 urban areas of this state or in any pilot project areas established in which assistant physicians
28 may practice.

29 (2) For a physician-assistant physician team working in a rural health clinic under the
30 federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

31 (a) An assistant physician shall be considered a physician assistant for purposes of
32 regulations of the Centers for Medicare and Medicaid Services (CMS); and

33 (b) No supervision requirements in addition to the minimum federal law shall be
34 required.

35 3. (1) For purposes of this section, the licensure of assistant physicians shall take place
36 within processes established by rules of the state board of registration for the healing arts. The
37 board of healing arts is authorized to establish rules under chapter 536 establishing licensure and
38 renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such
39 other matters as are necessary to protect the public and discipline the profession. An application
40 for licensure may be denied or the licensure of an assistant physician may be suspended or
41 revoked by the board in the same manner and for violation of the standards as set forth by section
42 334.100, or such other standards of conduct set by the board by rule.

43 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
44 under the authority delegated in this section shall become effective only if it complies with and
45 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
46 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
47 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
48 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2014, shall be invalid and void.

50 4. An assistant physician shall clearly identify himself or herself as an assistant physician
51 and shall be permitted to use the terms “doctor”, “Dr.”, or “doc”. No assistant physician shall
52 practice or attempt to practice without an assistant physician collaborative practice arrangement,
53 except as otherwise provided in this section and in an emergency situation.

54 5. The collaborating physician is responsible at all times for the oversight of the
55 activities of and accepts responsibility for primary care services rendered by the assistant
56 physician.

57 6. The provisions of section 334.037 shall apply to all assistant physician collaborative
58 practice arrangements. To be eligible to practice as an assistant physician, a licensed assistant
59 physician shall enter into an assistant physician collaborative practice arrangement within six
60 months of his or her initial licensure and shall not have more than a six-month time period
61 between collaborative practice arrangements during his or her licensure period. Any renewal of
62 licensure under this section shall include verification of actual practice under a collaborative
63 practice arrangement in accordance with this subsection during the immediately preceding
64 licensure period.

65 **7. Under the requirements of 20 CSR 2150-2.230, the state board of registration for**
66 **the healing arts shall accept toward the one hundred-hour continuing medical education**
67 **requirement, four hours of continuing medical education classes that provide training in**
68 **prescribing controlled substances as required under section 195.075.**

334.075. The board shall not renew any certificate of registration unless the licensee
2 shall provide satisfactory evidence that he **or she** has complied with the board's minimum
3 requirements for continuing education, **including four hours of approved classes that provide**
4 **training in prescribing controlled substances as required under section 195.075.** At the
5 discretion of the board, compliance with the provisions of this section may be waived for
6 licensed physicians who have discontinued their practice of medicine because of retirement.

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive
2 authority as provided in this section may prescribe any controlled substance listed in Schedule
3 III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated
4 the authority to prescribe controlled substances in a supervision agreement. Such authority shall

5 be listed on the supervision verification form on file with the state board of healing arts. The
6 supervising physician shall maintain the right to limit a specific scheduled drug or scheduled
7 drug category that the physician assistant is permitted to prescribe. Any limitations shall be
8 listed on the supervision form. Prescriptions for Schedule II medications prescribed by a
9 physician assistant with authority to prescribe delegated in a supervision agreement are restricted
10 to only those medications containing hydrocodone. Physician assistants shall not prescribe
11 controlled substances for themselves or members of their families. Schedule III controlled
12 substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply
13 without refill. Physician assistants who are authorized to prescribe controlled substances under
14 this section shall register with the federal Drug Enforcement Administration and the state bureau
15 of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration
16 registration number on prescriptions for controlled substances.

17 2. The supervising physician shall be responsible to determine and document the
18 completion of at least one hundred twenty hours in a four-month period by the physician assistant
19 during which the physician assistant shall practice with the supervising physician on-site prior
20 to prescribing controlled substances when the supervising physician is not on-site. Such
21 limitation shall not apply to physician assistants of population-based public health services as
22 defined in 20 CSR 2150-5.100 as of April 30, 2009.

23 3. A physician assistant shall receive a certificate of controlled substance prescriptive
24 authority from the board of healing arts upon verification of the completion of the following
25 educational requirements:

26 (1) Successful completion of an advanced pharmacology course that includes clinical
27 training in the prescription of drugs, medicines, and therapeutic devices. A course or courses
28 with advanced pharmacological content in a physician assistant program accredited by the
29 Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its
30 predecessor agency shall satisfy such requirement;

31 (2) Completion of a minimum of three hundred clock hours of clinical training by the
32 supervising physician in the prescription of drugs, medicines, and therapeutic devices;

33 (3) Completion of a minimum of one year of supervised clinical practice or supervised
34 clinical rotations. One year of clinical rotations in a program accredited by the Accreditation
35 Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor
36 agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy
37 such requirement. Proof of such training shall serve to document experience in the prescribing
38 of drugs, medicines, and therapeutic devices;

39 (4) A physician assistant previously licensed in a jurisdiction where physician assistants
40 are authorized to prescribe controlled substances may obtain a state bureau of narcotics and

41 dangerous drugs registration if a supervising physician can attest that the physician assistant has
42 met the requirements of subdivisions (1) to (3) of this subsection and provides documentation
43 of existing federal Drug Enforcement Agency registration.

44 **4. A physician assistant shall complete four hours of approved classes that provide**
45 **training in prescribing controlled substances as required under section 195.075.**

335.019. 1. The board of nursing may grant a certificate of controlled substance
2 prescriptive authority to an advanced practice registered nurse who:

3 (1) Submits proof of successful completion of an advanced pharmacology course that
4 shall include preceptorial experience in the prescription of drugs, medicines and therapeutic
5 devices; ~~and~~

6 (2) Provides documentation of a minimum of three hundred clock hours preceptorial
7 experience in the prescription of drugs, medicines, and therapeutic devices with a qualified
8 preceptor; ~~and~~

9 (3) Provides evidence of a minimum of one thousand hours of practice in an advanced
10 practice nursing category prior to application for a certificate of prescriptive authority. The one
11 thousand hours shall not include clinical hours obtained in the advanced practice nursing
12 education program. The one thousand hours of practice in an advanced practice nursing category
13 may include transmitting a prescription order orally or telephonically or to an inpatient medical
14 record from protocols developed in collaboration with and signed by a licensed physician; and

15 (4) Has a controlled substance prescribing authority delegated in the collaborative
16 practice arrangement under section 334.104 with a physician who has an unrestricted federal
17 Drug Enforcement Administration registration number and who is actively engaged in a practice
18 comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

19 **2. An advanced practice registered nurse shall complete four hours of approved**
20 **classes that provide training in prescribing controlled substances as required under section**
21 **195.075.**

336.080. 1. Every licensed optometrist who continues in active practice or service shall,
2 on or before the renewal date, renew his or her license and pay the required renewal fee and
3 present satisfactory evidence to the board of his or her attendance for a minimum of thirty-two
4 hours of board-approved continuing education, or their equivalent during the preceding two-year
5 continuing education reporting period as established by rule and regulation. **Such continuing**
6 **education shall include four hours of approved classes that provide training in prescribing**
7 **controlled substances as required under section 195.075.** The continuing education
8 requirement may be waived by the board upon presentation to it of satisfactory evidence of the
9 illness of the optometrist or for other good cause as defined by rule and regulation. The board

10 shall not reject any such application if approved programs are not available within the state of
11 Missouri. Every license which has not been renewed on or before the renewal date shall expire.
12 2. Any licensed optometrist who permits his or her license to expire may renew it within
13 five years of expiration upon payment of the required reactivation fee and presentation of
14 satisfactory evidence to the board of his or her attendance for a minimum of forty-eight hours
15 of board-approved continuing education, or their equivalent, during the five years.

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