

SECOND REGULAR SESSION

# HOUSE BILL NO. 1602

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHIPMAN.

3406H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to medical procedures.

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

Section A. Section 195.070, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 195.070 and 335.098, to read as follows:

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her

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.

17 own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone  
18 prescriptions shall be limited to a one hundred twenty-hour supply without refill.

19 **3. (1) Under the provisions of this subsection and section 335.098, a certified**  
20 **registered nurse anesthetist, as defined in subdivision (8) of section 335.016, may issue**  
21 **orders for and administer controlled substances listed in Schedules II, III, IV, and V of**  
22 **section 195.017 for and during the course of providing anesthesia services to a patient,**  
23 **provided that:**

24 **(a) A physician, dentist, or podiatrist has requested anesthesia;**

25 **(b) The anesthesia services are provided in accordance with a plan of anesthesia**  
26 **care developed by the certified registered nurse anesthetist and reviewed by the**  
27 **physician, dentist, or podiatrist; and**

28 **(c) The anesthesia services are provided with the supervision of a physician,**  
29 **dentist, or podiatrist who is readily accessible if needed.**

30 **(2) A certified registered nurse anesthetist may issue orders for and administer**  
31 **the appropriate controlled substances, drugs, or anesthetic agents for the anesthesia**  
32 **services provided and induce and maintain anesthesia at the required levels throughout**  
33 **the provision of anesthesia services. The provision of anesthesia services shall include**  
34 **the pre-anesthesia evaluation period, the administration of anesthesia, and the post-**  
35 **anesthesia recovery period.**

36 **4.** A veterinarian, in good faith and in the course of the veterinarian's professional  
37 practice only, and not for use by a human being, may prescribe, administer, and dispense  
38 controlled substances and the veterinarian may cause them to be administered by an assistant  
39 or orderly under his or her direction and supervision.

40 ~~[4-]~~ **5.** A practitioner shall not accept any portion of a controlled substance unused by  
41 a patient, for any reason, if such practitioner did not originally dispense the drug, except:

42 **(1) When the controlled substance is delivered to the practitioner to administer to the**  
43 **patient for whom the medication is prescribed as authorized by federal law. Practitioners**  
44 **shall maintain records and secure the medication as required by this chapter and regulations**  
45 **promulgated pursuant to this chapter; or**

46 **(2) As provided in section 195.265.**

47 ~~[5-]~~ **6.** An individual practitioner shall not prescribe or dispense a controlled  
48 substance for such practitioner's personal use except in a medical emergency.

**335.098. 1. In the provision of anesthesia services under this section, a certified**  
2 **registered nurse anesthetist, as defined in subdivision (8) of section 335.016, shall be**  
3 **authorized to:**

4 **(1) Provide pre-anesthesia and post-anesthesia assessment;**

5           **(2) Develop a plan of anesthesia care that is reviewed by a physician, dentist, or**  
6 **podiatrist;**

7           **(3) Order the method for administration of anesthesia;**

8           **(4) Issue orders for and administer controlled substances listed in Schedules II,**  
9 **III, IV, and V of section 195.017, as provided under section 195.070, or other medications**  
10 **or anesthetic agents during the peri-anesthesia period based upon patient assessment**  
11 **and response to interventions. For purposes of this section, "peri-anesthesia period"**  
12 **means the pre-anesthesia evaluation period, the period in which anesthesia is**  
13 **administered, and the post-anesthesia recovery period;**

14           **(5) Order necessary tests and apply medical devices in the peri-anesthesia period**  
15 **based on patient assessment and response to interventions;**

16           **(6) Support life functions during the peri-anesthesia period;**

17           **(7) Monitor, assess, evaluate, and take appropriate action to patient responses**  
18 **during the peri-anesthesia period;**

19           **(8) Manage the patient's emergence from anesthesia; and**

20           **(9) Participate in the life support of the patient.**

21           **2. In performing the functions listed in subsection 1 of this section, a certified**  
22 **registered nurse anesthetist shall be supervised by a physician, dentist, or podiatrist.**  
23 **For purposes of this section, "supervised by" means a physician, dentist, or podiatrist**  
24 **has authorized the procedure for a patient of record and requested anesthesia for the**  
25 **procedure and a physician, dentist, or podiatrist is readily accessible if needed.**

26           **3. In addition to the functions listed in subsection 1 of this section, a certified**  
27 **registered nurse anesthetist shall be authorized to:**

28           **(1) Perform the duties and functions as a member of the health care team;**

29           **(2) Participate in periodic and joint evaluation of anesthesia services rendered**  
30 **including, but not limited to, chart review, case review, patient evaluation, and statistical**  
31 **analysis of outcomes of anesthesia and analgesia services;**

32           **(3) Function clinically and perform such other health care services described in**  
33 **sections 335.011 to 335.096 and all applicable rules and regulations promulgated under**  
34 **such sections; and**

35           **(4) Function clinically within the scope of practice and standards of the certified**  
36 **registered nurse anesthetist role and consistent with the certified registered nurse**  
37 **anesthetist's licensure, education, training, knowledge, skill, and competence as a**  
38 **certified registered nurse anesthetist.**

39           **4. The provision of anesthesia services by a certified registered nurse anesthetist**  
40 **shall comply with any specific requirements of the physician, dentist, or podiatrist**

41 contained in the order for anesthesia services for a procedure and, if applicable, a  
42 facility's policies, protocols, standing orders, or staff bylaws.

43       **5. A certified registered nurse anesthetist shall not be required to possess**  
44 **prescriptive authority under section 335.019 or a written collaboration agreement under**  
45 **section 334.104 to provide anesthesia services ordered by a licensed physician, dentist,**  
46 **or podiatrist as provided under subsection 1 of this section. Certified registered nurse**  
47 **anesthetists are authorized to order and administer controlled substances listed in**  
48 **Schedules II, III, IV, and V of section 195.017, as provided in section 195.070, or other**  
49 **medications or anesthetic agents, or to apply the appropriate medical devices in the**  
50 **provision of anesthesia services in accordance with the provisions of this section.**

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