

SECOND REGULAR SESSION

# HOUSE BILL NO. 2525

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STEPHENS.

5188H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 335.081, RSMo, and to enact in lieu thereof one new section relating to the administration of medications in long-term care facilities.

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

Section A. Section 335.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 335.081, to read as follows:

335.081. So long as the person involved does not represent or hold himself or herself out as a nurse licensed to practice in this state, no provision of sections 335.011 to 335.096 shall be construed as prohibiting:

(1) The practice of any profession for which a license is required and issued pursuant to the laws of this state by a person duly licensed to practice that profession;

(2) The services rendered by technicians, nurses' aides or their equivalent trained and employed in public or private hospitals and licensed long-term care facilities except the services rendered in licensed long-term care facilities shall be limited to administering medication, excluding **the administration of medications by an injectable route** other than:

(a) Insulin; and

(b) **Subcutaneous injectable medications, provided that any such medication was prescribed by the physician for the long-term care facility resident who receives the medication;**

(3) The providing of nursing care by friends or members of the family of the person receiving such care;

(4) The incidental care of the sick, aged, or infirm by domestic servants or persons primarily employed as housekeepers;

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 (5) The furnishing of nursing assistance in the case of an emergency situation;

19 (6) The practice of nursing under proper supervision:

20 (a) As a part of the course of study by students enrolled in approved schools of  
21 professional nursing or in schools of practical nursing;

22 (b) By graduates of accredited nursing programs pending the results of the first  
23 licensing examination or ninety days after graduation, whichever first occurs;

24 (c) A graduate nurse who is prevented from attending the first licensing examination  
25 following graduation by reason of active duty in the military may practice as a graduate nurse  
26 pending the results of the first licensing examination scheduled by the board following the  
27 release of such graduate nurse from active military duty or pending the results of the first  
28 licensing examination taken by the graduate nurse while involved in active military service  
29 whichever comes first;

30 (7) The practice of nursing in this state by any legally qualified nurse duly licensed to  
31 practice in another state whose engagement requires such nurse to accompany and care for a  
32 patient temporarily residing in this state for a period not to exceed six months;

33 (8) The practice of any legally qualified nurse who is employed by the government of  
34 the United States or any bureau, division or agency thereof, while in the discharge of his or  
35 her official duties or to the practice of any legally qualified nurse serving in the Armed Forces  
36 of the United States while stationed within this state;

37 (9) Nonmedical nursing care of the sick with or without compensation when done in  
38 connection with the practice of the religious tenets of any church by adherents thereof, as long  
39 as they do not engage in the practice of nursing as defined in sections 335.011 to 335.096;

40 (10) The practice of any legally qualified and licensed nurse of another state, territory,  
41 or foreign country whose responsibilities include transporting patients into, out of, or through  
42 this state while actively engaged in patient transport that does not exceed forty-eight hours in  
43 this state.

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