

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 1022

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STOUFFER.

Read 1st time March 1, 2010, and ordered printed.

Read 2nd time March 4, 2010, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee April 15, 2010, with recommendation that the bill do pass.

Taken up for Perfection April 20, 2010. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

5290S.02P

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## AN ACT

To repeal sections 383.130 and 383.133, RSMo, and to enact in lieu thereof three new sections relating to requirements of entities employing certain licensed health care professionals.

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

Section A. Sections 383.130 and 383.133, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 335.075, 383.130,  
3 and 383.133, to read as follows:

**335.075. 1. Before hiring a registered nurse, licensed practical  
2 nurse, or advanced practice registered nurse in Missouri, an employer  
3 shall verify that the applicant has a current, valid license to practice  
4 nursing under chapter 335. This section shall not apply for employment  
5 which does not require the possession of a current, valid license to  
6 practice nursing.**

**7 2. Employers shall have a process in place to verify licensure  
8 status of each registered nurse, licensed practical nurse, or advanced  
9 practice registered nurse coinciding with the license renewal.**

383.130. As used in sections 383.130 and 383.133, the following terms  
2 shall mean:

3 (1) "Disciplinary action", any final action taken by the board of trustees  
4 or similarly empowered officials of a hospital [or], ambulatory surgical center,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5 [or] owner or operator of a temporary nursing staffing agency, **home health**  
6 **agency, nursing home or any nursing facility as such term is defined in**  
7 **chapter 198, or any entity that employs or contracts with licensed**  
8 **health care professionals to provide healthcare services to individuals**  
9 to reprimand, discipline or restrict the practice of a health care  
10 professional. Only such reprimands, discipline, or restrictions in response to  
11 activities which are also grounds for disciplinary actions according to the  
12 professional licensing law for that health care professional shall be considered  
13 disciplinary actions for the purposes of this definition;

14 (2) "Health care professional", a physician or surgeon licensed under the  
15 provisions of chapter 334, RSMo, a dentist licensed under the provisions of  
16 chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330,  
17 RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, a  
18 psychologist licensed under the provisions of chapter 337, RSMo, or a nurse  
19 licensed under the provisions of chapter 335, RSMo, while acting within their  
20 scope of practice;

21 (3) "Hospital", a place devoted primarily to the maintenance and operation  
22 of facilities for the diagnosis, treatment or care for not less than twenty-four  
23 hours in any week of three or more nonrelated individuals suffering from illness,  
24 disease, injury, deformity or other abnormal physical conditions; or a place  
25 devoted primarily to provide for not less than twenty-four hours in any week  
26 medical or nursing care for three or more nonrelated individuals. The term  
27 "hospital" does not include convalescent, nursing, shelter or boarding homes as  
28 defined in chapter 198, RSMo;

29 (4) "Licensing authority", the appropriate board or authority which is  
30 responsible for the licensing or regulation of the health care professional;

31 (5) "Temporary nursing staffing agency", any person, firm, partnership,  
32 or corporation doing business within the state that supplies, on a temporary  
33 basis, registered nurses, licensed practical nurses to a hospital, nursing home, or  
34 other facility requiring the services of those persons.

383.133. 1. The chief executive office or similarly empowered official of  
2 any hospital, ambulatory surgical center, as such terms are defined in chapter  
3 197, RSMo, [or] temporary nursing staffing agency, **nursing home, any**  
4 **nursing facility as such term is defined in chapter 198, or any entity**  
5 **that employs or contracts with licensed health care professionals to**  
6 **provide healthcare services to individuals** shall report to the appropriate

7 health care professional licensing authority any disciplinary action against any  
8 health care professional or the voluntary resignation of any health care  
9 professional against whom any complaints or reports have been made which  
10 might have led to disciplinary action.

11 2. All reports required by this section shall be submitted within fifteen  
12 days of the final disciplinary action and shall contain, but need not be limited to,  
13 the following information:

14 (1) The name, address and telephone number of the person making the  
15 report;

16 (2) The name, address and telephone number of the person who is the  
17 subject of the report;

18 (3) A description of the facts, including as much detail and information  
19 as possible, which gave rise to the issuance of the report, including the dates of  
20 occurrence deemed to necessitate the filing of the report;

21 (4) If court action is involved and known to the reporting agent, the  
22 identity of the court, including the date of filing and the docket number of the  
23 action.

24 3. Upon request, the licensing authority may furnish a report of any  
25 disciplinary action received by it under the provisions of this section to any entity  
26 required to report under this section. Such licensing authority may also furnish,  
27 upon request, a report of disciplinary action taken by the licensing authority to  
28 any other administrative or law enforcement agency acting within the scope of its  
29 statutory authority.

30 4. There shall be no liability on the part of, and no cause of action of any  
31 nature shall arise against any health care professional licensing authority or any  
32 entity required to report under this section, or any of their agents or employees  
33 for any action taken in good faith and without malice in carrying out the  
34 provisions of this section.

35 5. Neither a report required to be filed under subsection 2 of this section  
36 nor the record of any proceeding shall be used against a health care professional  
37 in any other administrative or judicial proceeding.

38 6. Violation of any provision of this section is an infraction.

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