

# HOUSE BILL NO. 1839

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE GARDNER.

4283H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To amend chapter 192, RSMo, by adding thereto two new sections relating to the health care professionals cultural competency act.

---

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

Section A. Chapter 192, RSMo, is amended by adding thereto two new sections, to be known as sections 192.340 and 192.345, to read as follows:

**192.340. 1. Sections 192.340 and 192.345 shall be known and may be cited as the "Health Care Professionals Cultural Competency Act".**

**2. As used in sections 192.340 and 192.345, the following terms shall mean:**

**(1) "Board":**

**(a) The state board of registration for the healing arts;**

**(b) The state board of chiropractic examiners;**

**(c) The state board of podiatric medicine;**

**(d) The state board of nursing;**

**(e) The Missouri dental board;**

**(f) The Missouri state board of optometry;**

**(g) The state board of pharmacy;**

**(h) The state committee of psychologists;**

**(i) The state committee for professional counselors;**

**(j) The state committee for marital and family therapists;**

**(k) The state committee for social workers;**

**(l) The state board of occupational therapy;**

**(m) The state board of therapeutic massage;**

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           (n) The state committee on dietitians;  
19           (o) The Missouri board of nursing home administrators;  
20           (p) The department of health and senior services, to the extent that the department  
21 establishes training and licensure requirements for health care professionals; and  
22           (q) Any other state governing body for the registration, certification, or licensure  
23 of health care professionals in this state;  
24           (2) "Department", the department of health and senior services;  
25           (3) "School for health care professionals", any school of medicine, school of  
26 nursing, or any other institution of higher education or postsecondary educational  
27 program that provides training of health care professionals for licensure in this state.

192.345. 1. Every licensing board in this state shall require completion of cultural  
2 competency training under this section for any person authorized to practice the profession  
3 regulated by the licensing board in this state. The department of health and senior  
4 services, in collaboration with the department of higher education, shall require the  
5 following:

- 6           (1) The curriculum in each school for health care professionals in this state shall  
7 include instruction in cultural competency designed to address the problem of race and  
8 gender-based disparities in medical treatment decisions and developed in consultation with  
9 nationally recognized organizations which review school curricula for health care  
10 professionals;  
11           (2) Completion of cultural competency instruction as provided in subdivision (1)  
12 of this subsection shall be required as a condition of receiving a diploma from a school for  
13 health care professionals in this state;  
14           (3) A school for health care professionals which includes instruction in cultural  
15 competency as provided in subdivision (1) of this subsection in its curricula shall offer for  
16 continuing education credit cultural competency training which is provided through  
17 classroom instruction, workshops, or other educational programs sponsored by the school  
18 and which meets criteria established by the department under subsection 5 of this section  
19 which is consistent with the instruction developed under subdivision (1) of this subsection;  
20           (4) A person who received a diploma from a school for health care professionals in  
21 this state prior to the effective date of regulations adopted to effectuate the purposes of this  
22 section shall be required, as a condition of initial licensure by the licensing board, to  
23 document completion of cultural competency training which is offered under subdivision  
24 (3) of this subsection to the satisfaction of the licensing board;  
25           (5) A health care professional licensed, certified, or registered to practice in this  
26 state shall be required, as a condition of relicensure, to document completion of cultural

27 competency training approved by the department and subject to the satisfaction of the  
28 licensing board no later than three years after the effective date of this section;

29 (6) The licensing board may waive the requirements under subdivision (4) or (5)  
30 of this subsection if an applicant demonstrates to the satisfaction of the licensing board that  
31 the applicant has attained the substantial equivalent of such requirement through  
32 completion of a similar course in his or her postsecondary education which meets criteria  
33 established by the department and the licensing board.

34 2. In collaboration with the department of health and senior services, each licensing  
35 board shall require a person authorized to practice the profession regulated by the  
36 licensing board to receive a minimum of one hour of cultural competency continuing  
37 education approved by the department under subsection 5 of this section during the first  
38 renewal period in which continuing education is required and not less than once every  
39 three years thereafter. Cultural competency continuing education courses shall be taken  
40 in addition to any other continuing education requirements imposed by the licensing  
41 board.

42 3. (1) A licensing board, or the state agency for such licensing board for which the  
43 agency issues and renews authorizations to practice the profession regulated by the  
44 licensing board, shall document participation in cultural competency continuing education  
45 by persons authorized to practice a profession regulated by the licensing board.

46 (2) For purposes of documenting participation under this subsection, a licensing  
47 board may adopt rules requiring persons authorized to practice the profession regulated  
48 by the licensing board to submit documentation to the licensing board, or to the agency for  
49 such licensing board for which the agency issues and renews authorizations to practice the  
50 profession regulated by the licensing board, of participation in cultural competency  
51 continuing education.

52 4. A licensing board shall report biennially to the department on the participation  
53 documented under subsection 3 of this section. The department, on or before August first  
54 of each even-numbered year, shall report to the general assembly the information  
55 submitted to the department under this subsection.

56 5. (1) The department of health and senior services shall approve continuing  
57 education opportunities relating to cultural competency. The department shall develop a  
58 list of continuing education opportunities relating to cultural competency including, but  
59 not limited to, training under subdivision (3) of subsection 1 of this section, and make the  
60 list available to each licensing board. The continuing education opportunities may include,  
61 but shall not be limited to:

62 (a) Courses delivered either in person or electronically;

63 (b) **Experiential learning such as cultural or linguistic immersion;**

64 (c) **Service learning; or**

65 (d) **Specially designed cultural experiences.**

66 (2) **The continuing education opportunities shall teach attitudes, knowledge, and**  
67 **skills that enable a health care professional to care effectively for patients from diverse**  
68 **cultures, groups, and communities including, but not limited to:**

69 (a) **Applying linguistic skills to communicate effectively with patients from diverse**  
70 **cultures, groups, and communities;**

71 (b) **Using cultural information to establish therapeutic relationships; and**

72 (c) **Eliciting, understanding, and applying cultural and ethnic data in the process**  
73 **of clinical care.**

74 (3) **The department may contract with public or private entities to offer approved**  
75 **continuing education opportunities relating to cultural competency.**

76 (4) **The department shall promulgate rules to implement the provisions of this**  
77 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
78 **created under the authority delegated in this section shall become effective only if it**  
79 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
80 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
81 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
82 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
83 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**  
84 **shall be invalid and void.**

✓