

SECOND REGULAR SESSION

HOUSE BILL NO. 2300

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

5761H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 335.066 and 335.067, RSMo, and to enact in lieu thereof two new sections relating to the practice of nursing.

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

Section A. Sections 335.066 and 335.067, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 335.066 and 335.067, to read as follows:

335.066. 1. The board may refuse to issue or reinstate any certificate of registration or authority, permit or license required pursuant to chapter 335 for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or reinstating any such permit or license, require a person to submit himself or herself for identification, intervention, treatment, or **monitoring** by the **intervention program or alternative** program as provided in section 335.067. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, **by the federal government, or by the department of health and senior services by regulation, regardless of impairment,** or alcoholic beverage to an extent that such use impairs

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 a person's ability to perform the work of any profession licensed or regulated by sections 335.011
19 to 335.096. **A blood alcohol content of eight-hundredths of one percent or more by weight**
20 **of alcohol in a person's blood shall create a presumption of impairment;**

21 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
22 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
23 States, for any offense reasonably related to the qualifications, functions or duties of any
24 profession licensed or regulated pursuant to sections 335.011 to 335.096, for any offense an
25 essential element of which is fraud, dishonesty or an act of violence, or for any offense involving
26 moral turpitude, whether or not sentence is imposed;

27 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
28 registration or authority, permit or license issued pursuant to sections 335.011 to 335.096 or in
29 obtaining permission to take any examination given or required pursuant to sections 335.011 to
30 335.096;

31 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
32 fraud, deception or misrepresentation;

33 (5) Incompetency, gross negligence, or repeated negligence in the performance of the
34 functions or duties of any profession licensed or regulated by chapter 335. For the purposes of
35 this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that
36 degree of skill and learning ordinarily used under the same or similar circumstances by the
37 member of the applicant's or licensee's profession;

38 (6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or
39 unprofessional conduct in the performance of the functions or duties of any profession licensed
40 or regulated by this chapter, including, but not limited to, the following:

41 (a) Willfully and continually overcharging or overtreating patients; or charging for visits
42 which did not occur unless the services were contracted for in advance, or for services which
43 were not rendered or documented in the patient's records;

44 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to
45 obtain or retain a patient or discourage the use of a second opinion or consultation;

46 (c) Willfully and continually performing inappropriate or unnecessary treatment,
47 diagnostic tests, or nursing services;

48 (d) Delegating professional responsibilities to a person who is not qualified by training,
49 skill, competency, age, experience, or licensure to perform such responsibilities;

50 (e) Performing nursing services beyond the authorized scope of practice for which the
51 individual is licensed in this state;

52 (f) Exercising influence within a nurse-patient relationship for purposes of engaging a
53 patient in sexual activity;

- 54 (g) Being listed on any state or federal sexual offender registry;
- 55 (h) Failure of any applicant or licensee to cooperate with the board during any
56 investigation;
- 57 (i) Failure to comply with any subpoena or subpoena duces tecum from the board or an
58 order of the board;
- 59 (j) Failure to timely pay license renewal fees specified in this chapter;
- 60 (k) Violating a probation agreement, order, or other settlement agreement with this board
61 or any other licensing agency;
- 62 (l) Failing to inform the board of the nurse's current residence **within thirty days of**
63 **changing residence;**
- 64 (m) Any other conduct that is unethical or unprofessional involving a minor;
- 65 **(n) A departure from or failure to conform to nursing standards;**
- 66 **(o) Failure to maintain professional business boundaries with a current or former**
67 **patient, client, or resident or a member of a patient's, client's, or resident's immediate**
68 **family;**
- 69 **(p) Violating the confidentiality or privacy rights of the patient, resident, or client;**
- 70 **(q) Failing to assess, accurately document, or report the status of a patient, resident,**
71 **or client or falsely assessing, documenting, or reporting the status of a patient, resident, or**
72 **client;**
- 73 **(r) Intentionally or negligently causing physical or emotional harm to a patient,**
74 **resident, or client;**
- 75 **(s) Failing to furnish appropriate details of a patient's, client's, or resident's**
76 **nursing needs to succeeding nurses legally qualified to provide continuing nursing services**
77 **to a patient, client, or resident;**
- 78 (7) Violation of, or assisting or enabling any person to violate, any provision of sections
79 335.011 to 335.096, or of any lawful rule or regulation adopted pursuant to sections 335.011 to
80 335.096;
- 81 (8) Impersonation of any person holding a certificate of registration or authority, permit
82 or license or allowing any person to use his or her certificate of registration or authority, permit,
83 license or diploma from any school;
- 84 (9) Disciplinary action against the holder of a license or other right to practice any
85 profession regulated by sections 335.011 to 335.096 granted by another state, territory, federal
86 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 87 (10) A person is finally adjudged insane or incompetent by a court of competent
88 jurisdiction;

89 (11) Assisting or enabling any person to practice or offer to practice any profession
90 licensed or regulated by sections 335.011 to 335.096 who is not registered and currently eligible
91 to practice pursuant to sections 335.011 to 335.096;

92 (12) Issuance of a certificate of registration or authority, permit or license based upon
93 a material mistake of fact;

94 (13) Violation of any professional trust or confidence;

95 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
96 the general public or persons to whom the advertisement or solicitation is primarily directed;

97 (15) Violation of the drug laws or rules and regulations of this state, any other state or
98 the federal government;

99 (16) Placement on an employee disqualification list or other related restriction or finding
100 pertaining to employment within a health-related profession issued by any state or federal
101 government or agency following final disposition by such state or federal government or agency;

102 (17) Failure to successfully complete ~~[the impaired nurse program]~~ **any intervention**
103 **or alternative program for substance use disorder;**

104 (18) Knowingly making or causing to be made a false statement or misrepresentation of
105 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or
106 chapter 630, or for payment from Title XVIII or Title XIX of the federal Medicare program;

107 (19) Failure or refusal to properly guard against contagious, infectious, or communicable
108 diseases or the spread thereof; maintaining an unsanitary office or performing professional
109 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
110 in the office of a physician or in any health care facility to the board, in writing, within thirty
111 days after the discovery thereof;

112 (20) A pattern of personal use or consumption of any controlled substance **or any**
113 **substance which required a prescription** unless it is prescribed, dispensed, or administered by
114 a provider who is authorized by law to do so **or a pattern of abuse of any prescription**
115 **medication;**

116 (21) Habitual intoxication or dependence on alcohol, evidence of which may include
117 more than one alcohol-related enforcement contact as defined by section 302.525;

118 (22) Failure to comply with a treatment program or an aftercare program entered into as
119 part of a board order, settlement agreement, or licensee's professional health program;

120 (23) **Failure to submit to a drug or alcohol screening when requested by an**
121 **employer or by the board of nursing. Failure to submit to a drug or alcohol screening shall**
122 **create the presumption that the test would have been positive for a drug for which the**
123 **individual did not have a prescription in a drug screening or positive for alcohol in an**
124 **alcohol screening;**

125 **(24) Adjudged by a court in need of a guardian or conservator, or both, obtaining**
126 **a guardian or conservator, or both, and who has not been restored to capacity;**

127 **(25) Diversion or attempting to divert any medication, controlled substance, or**
128 **medical supplies;**

129 **(26) Failure to answer, failure to disclose, or failure to fully provide all information**
130 **requested on any application or renewal for a license. This includes disclosing all pleas of**
131 **guilt or findings of guilt in a case where the imposition of sentence was suspended,**
132 **regardless of whether the case is now confidential;**

133 **(27) Physical or mental illness including, but not limited to, deterioration through**
134 **the aging process or loss of motor skill, or disability that impairs the licensee's ability to**
135 **practice the profession with reasonable judgment, skill, or safety. This does not include**
136 **temporary illness which is expected to resolve within a short period of time;**

137 **(28) Any conduct that constitutes a serious danger to the health, safety, or welfare**
138 **of a patient or the public.**

139 3. After the filing of such complaint, the proceedings shall be conducted in accordance
140 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
141 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
142 board may, singly or in combination, censure or place the person named in the complaint on
143 probation on such terms and conditions as the board deems appropriate for a period not to exceed
144 five years, or may suspend, for a period not to exceed three years, or revoke the license,
145 certificate, or permit.

146 4. For any hearing before the full board, the board shall cause the notice of the hearing
147 to be served upon such licensee in person or by certified mail to the licensee at the licensee's last
148 known address. If service cannot be accomplished in person or by certified mail, notice by
149 publication as described in subsection 3 of section 506.160 shall be allowed; any representative
150 of the board is authorized to act as a court or judge would in that section; any employee of the
151 board is authorized to act as a clerk would in that section.

152 5. An individual whose license has been revoked shall wait one year from the date of
153 revocation to apply for relicensure. Relicensure shall be at the discretion of the board after
154 compliance with all the requirements of sections 335.011 to 335.096 relative to the licensing of
155 an applicant for the first time.

156 6. The board may notify the proper licensing authority of any other state concerning the
157 final disciplinary action determined by the board on a license in which the person whose license
158 was suspended or revoked was also licensed of the suspension or revocation.

159 7. Any person, organization, association or corporation who reports or provides
160 information to the board of nursing pursuant to the provisions of sections 335.011 to 335.259 and
161 who does so in good faith shall not be subject to an action for civil damages as a result thereof.

162 8. The board may apply to the administrative hearing commission for an emergency
163 suspension or restriction of a license for the following causes:

164 (1) Engaging in sexual conduct as defined in section 566.010, with a patient who is not
165 the licensee's spouse, regardless of whether the patient consented;

166 (2) Engaging in sexual misconduct with a minor or person the licensee believes to be a
167 minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under
168 state or federal law;

169 (3) Possession of a controlled substance in violation of chapter 195 or any state or federal
170 law, rule, or regulation, excluding record-keeping violations;

171 (4) Use of a controlled substance without a valid prescription;

172 (5) The licensee is adjudicated incapacitated or disabled by a court of competent
173 jurisdiction;

174 (6) Habitual intoxication or dependence upon alcohol or controlled substances or failure
175 to comply with a treatment or aftercare program entered into pursuant to a board order,
176 settlement agreement, or as part of the licensee's professional health program;

177 (7) A report from a board-approved facility or a professional health program stating the
178 licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived
179 all objections to the admissibility of testimony from the provider of the examination and
180 admissibility of the examination reports. The licensee shall sign all necessary releases for the
181 board to obtain and use the examination during a hearing; or

182 (8) Any conduct for which the board may discipline that constitutes a serious danger to
183 the health, safety, or welfare of a patient or the public.

184 9. The board shall submit existing affidavits and existing certified court records together
185 with a complaint alleging the facts in support of the board's request for an emergency suspension
186 or restriction to the administrative hearing commission and shall supply the administrative
187 hearing commission with the last home or business addresses on file with the board for the
188 licensee. Within one business day of the filing of the complaint, the administrative hearing
189 commission shall return a service packet to the board. The service packet shall include the
190 board's complaint and any affidavits or records the board intends to rely on that have been filed
191 with the administrative hearing commission. The service packet may contain other information
192 in the discretion of the administrative hearing commission. Within twenty-four hours of
193 receiving the packet, the board shall either personally serve the licensee or leave a copy of the
194 service packet at all of the licensee's current addresses on file with the board. Prior to the

195 hearing, the licensee may file affidavits and certified court records for consideration by the
196 administrative hearing commission.

197 10. Within five days of the board's filing of the complaint, the administrative hearing
198 commission shall review the information submitted by the board and the licensee and shall
199 determine based on that information if probable cause exists pursuant to subsection 8 of this
200 section and shall issue its findings of fact and conclusions of law. If the administrative hearing
201 commission finds that there is probable cause, the administrative hearing commission shall enter
202 the order requested by the board. The order shall be effective upon personal service or by
203 leaving a copy at all of the licensee's current addresses on file with the board.

204 11. (1) The administrative hearing commission shall hold a hearing within forty-five
205 days of the board's filing of the complaint to determine if cause for discipline exists. The
206 administrative hearing commission may grant a request for a continuance, but shall in any event
207 hold the hearing within one hundred twenty days of the board's initial filing. The board shall be
208 granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less
209 than thirty days, the board may be granted leave to amend if public safety requires.

210 (2) If no cause for discipline exists, the administrative hearing commission shall issue
211 findings of fact, conclusions of law, and an order terminating the emergency suspension or
212 restriction.

213 (3) If cause for discipline exists, the administrative hearing commission shall issue
214 findings of fact and conclusions of law and order the emergency suspension or restriction to
215 remain in full force and effect pending a disciplinary hearing before the board. The board shall
216 hold a hearing following the certification of the record by the administrative hearing commission
217 and may impose any discipline otherwise authorized by state law.

218 12. Any action under this section shall be in addition to and not in lieu of any discipline
219 otherwise in the board's power to impose and may be brought concurrently with other actions.

220 13. If the administrative hearing commission does not find probable cause and does not
221 grant the emergency suspension or restriction, the board shall remove all reference to such
222 emergency suspension or restriction from its public records. Records relating to the suspension
223 or restriction shall be maintained in the board's files. The board or licensee may use such records
224 in the course of any litigation to which they are both parties. Additionally, such records may be
225 released upon a specific, written request of the licensee.

226 14. If the administrative hearing commission grants temporary authority to the board to
227 restrict or suspend the nurse's license, such temporary authority of the board shall become final
228 authority if there is no request by the nurse for a full hearing within thirty days of the preliminary
229 hearing. The administrative hearing commission shall, if requested by the nurse named in the

230 complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the
231 activities alleged in the initial complaint filed by the board.

232 15. If the administrative hearing commission refuses to grant temporary authority to the
233 board or restrict or suspend the nurse's license under subsection 8 of this section, such dismissal
234 shall not bar the board from initiating a subsequent disciplinary action on the same grounds.

235 16. (1) The board may initiate a hearing before the board for discipline of any licensee's
236 license or certificate upon receipt of one of the following:

237 (a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a
238 criminal prosecution under the laws of any state or of the United States for any offense involving
239 the qualifications, functions, or duties of any profession licensed or regulated under this chapter,
240 for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving
241 moral turpitude, whether or not sentence is imposed;

242 (b) Evidence of final disciplinary action against the licensee's license, certification, or
243 registration issued by any other state, by any other agency or entity of this state or any other state,
244 or the United States or its territories, or any other country;

245 (c) Evidence of certified court records finding the licensee has been judged incapacitated
246 or disabled under Missouri law or under the laws of any other state or of the United States or its
247 territories.

248 (2) The board shall provide the licensee not less than ten days' notice of any hearing held
249 pursuant to chapter 536.

250 (3) Upon a finding that cause exists to discipline a licensee's license, the board may
251 impose any discipline otherwise available.

335.067. 1. The state board of nursing may establish an ~~[impaired nurse]~~ **intervention
2 program and an alternative** program to promote the ~~[early]~~ identification, intervention,
3 treatment, and ~~[rehabilitation]~~ **monitoring** of nurses **or applicants for a nursing license** who
4 may be impaired by ~~[reasons of illness,]~~ **reason of substance abuse**, ~~or as a result of any mental~~
5 ~~condition]~~ **or the potential for substance abuse.** ~~[This program shall be available to anyone~~
6 ~~holding a current license and may be entered voluntarily, as part of an agreement with the board~~
7 ~~of nursing, or as a condition of a disciplinary order entered by the board of nursing.~~

8 ~~2. The board may enter into a contractual agreement with a nonprofit corporation or a~~
9 ~~nursing association for the purpose of creating, supporting, and maintaining a program to be~~
10 ~~designated as the impaired nurse program.]~~

11 **2. If an intervention program is established, the program may be made available,**
12 **upon board discretion, to licensees and applicants for licensure who self-refer, individuals**
13 **who test positive in a pre-employment or for-cause drug or alcohol screen, individuals who**
14 **have pled guilty to or been found guilty of any drug offense, whether felony or**

15 misdemeanor, or individuals who have pled guilty to or been found guilty of three or more
16 criminal offenses resulting from or related to the use of drugs or alcohol, whether felonies
17 or misdemeanors. The program shall be a minimum of one year in duration and require
18 random drug and alcohol testing at the participant's expense.

19 3. If an alternative program is established, the program may be made available,
20 upon board discretion, to licensees and applicants for licensure who admit to having a
21 substance use disorder. The program shall be from three to five years in duration and at
22 a minimum require random drug and alcohol testing at the participant's expense.

23 4. Upon receiving a complaint or an application, the board shall screen the
24 information submitted to determine whether the individual may be eligible for the
25 intervention or alternative program. If eligible for one of these programs, the board may
26 contact the individual and offer the program. If accepted, the board and individual may
27 enter into a written agreement setting forth the requirements of the program. If declined,
28 the board may proceed with its regular process of investigating a complaint or application
29 as set forth in this chapter and chapter 324. The board shall retain sole discretion to offer
30 the program at any time.

31 5. Upon successful completion of the intervention or alternative program, the
32 licensee shall be deemed to have no disciplinary action against his or her license and shall
33 not be required to disclose participation in the program. All records shall be deemed
34 confidential and not public records under chapter 610 and not subject to court or
35 administrative subpoena or subject to discovery or introduction as evidence in any civil,
36 criminal, or administrative proceedings.

37 6. If a licensee or applicant violates any term of the intervention program and the
38 licensee or applicant denies the violation, the board may convene a hearing after due notice
39 to the licensee or applicant to determine whether such violation has occurred. The hearing
40 shall be confidential and not open to the public under chapter 610. Records from the
41 program shall be deemed admissible in the hearing. If the licensee or applicant admits to
42 the violation, no hearing is required. If a violation is found by the board or admitted to by
43 the licensee or applicant, the licensee's license shall be indefinitely suspended or the
44 applicant's application will not be acted upon until the licensee or applicant continues to
45 fully participate in the program, has one year with no positive drug or alcohol screens, and
46 completes a sobriety notebook. The licensee may then request that his or her license be
47 reinstated or the applicant may then request the board act upon the application.

48 7. If a licensee does not successfully complete the intervention program, the board
49 may pursue disciplinary action as set forth in section 335.066 and chapter 621. If the
50 applicant does not successfully complete the intervention program, the board may issue an

51 order pursuant to the provisions of chapters 324, 335, 536, and 621. Records from the
52 program may be used as evidence in any such proceedings initiated under chapters 324,
53 335, 536, and 621. Any such licensee disciplined by the board under this section or
54 applicant subject to an order under this section shall not be eligible to participate in the
55 alternative program.

56 **8. If a licensee or applicant violates any term of the alternative program and the**
57 **licensee or applicant denies the violation, the board may convene a hearing after due notice**
58 **to the licensee or applicant to determine whether such violation has occurred. The hearing**
59 **shall be confidential and not open to the public under chapter 610. Records from the**
60 **program shall be deemed admissible in the hearing. If the licensee or applicant admits to**
61 **the violation, no hearing is required to be held. If a violation is found by the board or**
62 **admitted to by the licensee or applicant, the licensee's license shall be indefinitely**
63 **suspended or the applicant's application will not be acted upon until the licensee or**
64 **applicant continues to fully participate in the program, has one year with no positive drug**
65 **or alcohol screens, and completes a sobriety notebook. The licensee may then request that**
66 **his or her license be reinstated or the applicant may then request the board act upon the**
67 **application.**

68 **9. If a licensee does not successfully complete the alternative program, the board**
69 **may pursue disciplinary action as set forth in section 335.066 and chapter 621. If the**
70 **applicant does not successfully complete the alternative program, the board may issue an**
71 **order pursuant to the provisions of chapters 324, 335, and 621. Records from the program**
72 **may be used as evidence in any such proceedings conducted pursuant to the provisions of**
73 **chapters 324, 335, 536, and 621.**

74 **10. The board may promulgate administrative rules subject to the provisions of this**
75 **section and chapter 536 to effectuate and implement any [program] programs formed pursuant**
76 **to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
77 **is created under the authority delegated in this section shall become effective only if it**
78 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
79 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
80 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
81 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
82 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**
83 **shall be invalid and void.**

84 **[3-] 11. The board may expend appropriated funds necessary to provide for operational**
85 **expenses of the [program] programs formed pursuant to this section.**

86 ~~[4.]~~ **12.** Any **board member, board staff member**, member of the ~~[program]~~ **programs**,
87 as well as any administrator, staff member, consultant, agent, or employee of the ~~[program]~~
88 **programs**, acting within the scope of his or her duties and without actual malice, and all other
89 persons who furnish information to the ~~[program]~~ **programs** in good faith and without actual
90 malice, shall not be liable for any claim of damages as a result of any statement, decision,
91 opinion, investigation, or action taken by the ~~[program]~~ **programs**, or by any individual member
92 of the ~~[program]~~ **programs, by any board member, or by any board staff member.**

93 ~~[5.]~~ **13.** All information, interviews, reports, statements, memoranda, **drug or alcohol**
94 **testing results**, or other documents furnished to or produced by the ~~[program]~~ **programs**, as well
95 as communications to or from the ~~[program]~~ **programs**, any findings, conclusions, interventions,
96 treatment, rehabilitation, or other proceedings of the ~~[program]~~ **programs** which in any way
97 pertain to a licensee who may be, or who actually is, impaired shall be privileged and
98 confidential; **except that, the board may share information with the licensee's employer or**
99 **potential employer upon verification with the licensee that he or she is employed with the**
100 **employer or actively seeking employment with the potential employer. Any records**
101 **produced in conjunction with either program shall not be considered public records under**
102 **chapter 610 and shall not be subject to court subpoena or subject to discovery or**
103 **introduction as evidence in any civil, criminal, or administrative proceedings except as set**
104 **forth in subsection 14 of this section.**

105 ~~[6. All records and proceedings of the program which pertain or refer to a licensee who~~
106 ~~may be, or who actually is, impaired shall be privileged and confidential and shall be used by the~~
107 ~~program and its members only in the exercise of the proper function of the program and shall not~~
108 ~~be considered public records under chapter 610 and shall not be subject to court subpoena or~~
109 ~~subject to discovery or introduction as evidence in any civil, criminal, or administrative~~
110 ~~proceedings except as provided in subsection 7 of this section.~~

111 ~~————— 7. The program shall disclose information relative to an impaired licensee]~~

112 **14. Information may be disclosed relative to a licensee or applicant in either**
113 **program only when:**

114 (1) It is essential to disclose the information to further the intervention, treatment, or
115 rehabilitation needs of the ~~[impaired]~~ licensee **or applicant** and only to those persons or
116 organizations with a need to know;

117 (2) Its release is authorized in writing by the ~~[impaired]~~ licensee **or applicant**;

118 (3) A licensee has breached his or her contract with the program~~[- In this instance, the~~
119 ~~breach may be reported only to the board of nursing]; or~~

120 (4) The information is subject to a court order.

121 ~~[8. When pursuing discipline against a licensed practical nurse, registered nurse, or~~
122 ~~advanced practice registered nurse for violating one or more causes stated in subsection 2 of~~
123 ~~section 335.066, the board may, if the violation is related to chemical dependency or mental~~
124 ~~health, require that the licensed practical nurse, registered nurse, or advanced practice registered~~
125 ~~nurse complete the impaired nurse program under such terms and conditions as are agreed to by~~
126 ~~the board and the licensee for a period not to exceed five years. If the licensee violates a term~~
127 ~~or condition of an impaired nurse program agreement entered into under this section, the board~~
128 ~~may elect to pursue discipline against the licensee pursuant to chapter 621 for the original~~
129 ~~conduct that resulted in the impaired nurse program agreement, or for any subsequent violation~~
130 ~~of subsection 2 of section 335.066. While the licensee participates in the impaired nurse~~
131 ~~program, the time limitations of section 620.154 shall toll under subsection 7 of section 620.154.~~
132 ~~All records pertaining to the impaired nurse program agreements are confidential and may only~~
133 ~~be released under subdivision (7) of subsection 14 of section 620.010.~~

134 ~~9. The board may disclose information and records to the impaired nurse program to~~
135 ~~assist the program in the identification, intervention, treatment, and rehabilitation of licensed~~
136 ~~practical nurses, registered nurses, or advanced practice registered nurses who may be impaired~~
137 ~~by reason of illness, substance abuse, or as the result of any physical or mental condition. The~~
138 ~~program shall keep all information and records provided by the board confidential to the extent~~
139 ~~the board is required to treat the information and records closed to the public under chapter 620.]~~

140 **15. The statute of limitations as set forth in section 324.043 shall be tolled while a**
141 **licensee or applicant is participating in either the intervention program or the alternative**
142 **program.**

✓