

FIRST REGULAR SESSION

HOUSE BILL NO. 330

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORRIS.

1030H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 334.036, RSMo, and to enact in lieu thereof one new section relating to assistant physicians, with an emergency clause.

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

Section A. Section 334.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 334.036, to read as follows:

334.036. 1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent of such steps of any other board-approved medical licensing examination within the two-year period immediately preceding application for licensure as an assistant physician, but in no event more than three years after graduation from a medical college or osteopathic medical college;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding two-year period unless when such two-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language[;] .

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 **Any medical school graduate who could have applied for licensure and complied with the**
18 **provisions of this subdivision as of August 28, 2014, may apply for licensure and shall be**
19 **deemed in compliance with the provisions of this subdivision as of the effective date of this**
20 **section;**

21 (2) "Assistant physician collaborative practice arrangement", an agreement between a
22 physician and an assistant physician that meets the requirements of this section and section
23 334.037;

24 (3) "Medical school graduate", any person who has graduated from a medical college or
25 osteopathic medical college described in section 334.031.

26 2. (1) An assistant physician collaborative practice arrangement shall limit the assistant
27 physician to providing only primary care services and only in medically underserved rural or
28 urban areas of this state or in any pilot project areas established in which assistant physicians
29 may practice.

30 (2) For a physician-assistant physician team working in a rural health clinic under the
31 federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

32 (a) An assistant physician shall be considered a physician assistant for purposes of
33 regulations of the Centers for Medicare and Medicaid Services (CMS); and

34 (b) No supervision requirements in addition to the minimum federal law shall be
35 required.

36 3. (1) For purposes of this section, the licensure of assistant physicians shall take place
37 within processes established by rules of the state board of registration for the healing arts. The
38 board of healing arts is authorized to establish rules under chapter 536 establishing licensure and
39 renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such
40 other matters as are necessary to protect the public and discipline the profession. An application
41 for licensure may be denied or the licensure of an assistant physician may be suspended or
42 revoked by the board in the same manner and for violation of the standards as set forth by section
43 334.100, or such other standards of conduct set by the board by rule.

44 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
45 under the authority delegated in this section shall become effective only if it complies with and
46 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
47 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
48 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
49 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
50 or adopted after August 28, 2014, shall be invalid and void.

51 4. An assistant physician shall clearly identify himself or herself as an assistant physician
52 and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall

53 practice or attempt to practice without an assistant physician collaborative practice arrangement,
54 except as otherwise provided in this section and in an emergency situation.

55 5. The collaborating physician is responsible at all times for the oversight of the
56 activities of and accepts responsibility for primary care services rendered by the assistant
57 physician.

58 6. The provisions of section 334.037 shall apply to all assistant physician collaborative
59 practice arrangements. To be eligible to practice as an assistant physician, a licensed assistant
60 physician shall enter into an assistant physician collaborative practice arrangement within six
61 months of his or her initial licensure and shall not have more than a six-month time period
62 between collaborative practice arrangements during his or her licensure period. Any renewal of
63 licensure under this section shall include verification of actual practice under a collaborative
64 practice arrangement in accordance with this subsection during the immediately preceding
65 licensure period.

Section B. Because immediate action is necessary to allow qualified individuals to act
2 as assistant physicians and provide medical care, the repeal and reenactment of section 334.036
3 of this act is deemed necessary for the immediate preservation of the public health, welfare,
4 peace, and safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and the repeal and reenactment of section 334.036 of this act shall be in full force
6 and effect upon its passage and approval.

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