

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 275

100TH GENERAL ASSEMBLY
2019

1192S.03T

AN ACT

To repeal sections 178.931 and 332.361, RSMo, and to enact in lieu thereof four new sections relating to health care.

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

Section A. Sections 178.931 and 332.361, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 178.931, 192.385,
3 332.361, and 334.1135, to read as follows:

178.931. 1. Beginning July 1, 2018, and thereafter, the department of
2 elementary and secondary education shall pay monthly, out of the funds
3 appropriated to it for that purpose, to each sheltered workshop a sum equal to the
4 amount calculated under subsection 2 of this section but at least the amount
5 necessary to ensure that at least twenty-one dollars is paid for each six-hour or
6 longer day worked by a handicapped employee **for each standard workweek**
7 **of up to and including thirty-eight hours worked. For each**
8 **handicapped worker employed by a sheltered workshop for less than**
9 **a thirty-eight-hour week or a six-hour day, the workshop shall receive**
10 **a percentage of the corresponding amount normally paid based on the**
11 **percentage of time worked by the handicapped employee.**

12 2. In order to calculate the monthly amount due to each sheltered
13 workshop, the department shall:

14 (1) Determine the quotient obtained by dividing the appropriation for the
15 fiscal year by twelve; and

16 (2) Divide the amount calculated under subdivision (1) of this subsection
17 among the sheltered workshops in proportion to each sheltered workshop's
18 number of hours submitted to the department for the preceding calendar month.

19 3. The department shall accept, as prima facie proof of payment due to a

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

20 sheltered workshop, information as designated by the department, either in paper
21 or electronic format. A statement signed by the president, secretary, and
22 manager of the sheltered workshop, setting forth the dates worked and the
23 number of hours worked each day by each handicapped person employed by that
24 sheltered workshop during the preceding calendar month, together with any other
25 information required by the rules or regulations of the department, shall be
26 maintained at the workshop location.

192.385. 1. There is hereby established in the department of
2 health and senior services the "Senior Services Growth and
3 Development Program" to provide additional funding for senior
4 services provided through the area agencies on aging in this state.

5 2. Beginning January 1, 2020, two and one-half percent, and
6 beginning January 1, 2021, and each year thereafter, five percent of the
7 premium tax collected under sections 148.320 and 148.370, excluding
8 any moneys to be transferred to the state school moneys fund as
9 described in section 148.360, shall be deposited in the fund created in
10 subsection 3 of this section.

11 3. (1) There is hereby created in the state treasury the "Senior
12 Services Growth and Development Program Fund", which shall consist
13 of moneys collected under this section. The director of the department
14 of revenue shall collect the moneys described in subsection 2 of this
15 section and shall remit such moneys to the state treasurer for deposit
16 in the fund, less one percent for the cost of collection. In accordance
17 with sections 30.170 and 30.180, the state treasurer may approve
18 disbursements. The fund shall be a dedicated fund and moneys in the
19 fund shall be used solely by the department of health and senior
20 services for enhancing senior services provided by area agencies on
21 aging in this state.

22 (2) Notwithstanding the provisions of section 33.080 to the
23 contrary, any moneys remaining in the fund at the end of the biennium
24 shall not revert to the credit of the general revenue fund. This fund is
25 not intended to supplant general revenue provided for senior services.

26 (3) The state treasurer shall invest moneys in the fund in the
27 same manner as other funds are invested. Any interest and moneys
28 earned on such investments shall be credited to the fund.

29 4. The department of health and senior services shall disburse
30 the moneys from the fund to the area agencies on aging in accordance

31 with the funding formula used by the department to disburse other
32 federal and state moneys to the area agencies on aging.

33 5. At least fifty percent of all moneys distributed under this
34 section shall be applied by area agencies on aging to the development
35 and expansion of senior center programs, facilities, and services.

36 6. All area agencies on aging shall report, either individually or
37 as an association, annually to the department of health and senior
38 services, the department of insurance, financial institutions and
39 professional registration, and the general assembly on the distribution
40 and use of moneys under this section. The board of directors and the
41 advisory board of each area agency on aging shall be responsible for
42 ensuring the proper use and distribution of such moneys.

43 7. The department of health and senior services may promulgate
44 rules to implement the provisions of this section. Any rule or portion
45 of a rule, as that term is defined in section 536.010 that is created under
46 the authority delegated in this section shall become effective only if it
47 complies with and is subject to all of the provisions of chapter 536, and,
48 if applicable, section 536.028. This section and chapter 536 are
49 nonseverable and if any of the powers vested with the general assembly
50 pursuant to chapter 536, to review, to delay the effective date, or to
51 disapprove and annul a rule are subsequently held unconstitutional,
52 then the grant of rulemaking authority and any rule proposed or
53 adopted after August 28, 2019, shall be invalid and void.

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

3 (1) "Acute pain", shall have the same meaning as in section
4 195.010;

5 (2) "Long-acting or extended-release opioids", formulated in such
6 a manner as to make the contained medicament available over an
7 extended period of time following ingestion.

8 2. Any duly registered and currently licensed dentist in Missouri may
9 write, and any pharmacist in Missouri who is currently licensed under the
10 provisions of chapter 338 and any amendments thereto, may fill any prescription
11 of a duly registered and currently licensed dentist in Missouri for any drug
12 necessary or proper in the practice of dentistry, provided that no such
13 prescription is in violation of either the Missouri or federal narcotic drug act.

14 [2.] 3. Any duly registered and currently licensed dentist in Missouri may

15 possess, have under his control, prescribe, administer, dispense, or distribute a
16 "controlled substance" as that term is defined in section 195.010 only to the
17 extent that:

18 (1) The dentist possesses the requisite valid federal and state registration
19 to distribute or dispense that class of controlled substance;

20 (2) The dentist prescribes, administers, dispenses, or distributes the
21 controlled substance in the course of his professional practice of dentistry, and for
22 no other reason;

23 (3) A bona fide dentist-patient relationship exists; and

24 (4) The dentist possesses, has under his control, prescribes, administers,
25 dispenses, or distributes the controlled substance in accord with all pertinent
26 requirements of the federal and Missouri narcotic drug and controlled substances
27 acts, including the keeping of records and inventories when required therein.

28 **4. Long-acting or extended-release opioids shall not be used for**
29 **the treatment of acute pain. If in the professional judgement of the**
30 **dentist, a long-acting or extended-release opioid is necessary to treat**
31 **the patient, the dentist shall document and explain in the patient's**
32 **dental record the reason for the necessity for the long-acting or**
33 **extended-release opioid.**

34 **5. Dentists shall avoid prescribing doses greater than fifty**
35 **morphine milligram equivalent (MME) per day for treatment of acute**
36 **pain. If in the professional judgement of the dentist, doses greater than**
37 **fifty MME are necessary to treat the patient, the dentist shall document**
38 **and explain in the patient's dental record the reason for the necessity**
39 **for the dose greater than fifty MME. The relative potency of opioids is**
40 **represented by a value assigned to individual opioids known as a**
41 **morphine milligram equivalent (MME). The MME value represents how**
42 **many milligrams of a particular opioid is equivalent to one milligram**
43 **of morphine. The Missouri dental board shall maintain a MME**
44 **conversion chart and instructions for calculating MME on its website**
45 **to assist licensees with calculating MME.**

334.1135. 1. There is hereby established a joint task force to be
2 **known as the "Joint Task Force on Radiologic Technologist Licensure".**

3 **2. The task force shall be composed of the following:**

4 **(1) Two members of the senate, one of whom shall be appointed**
5 **by the president pro tempore and one by the minority leader of the**

6 senate;

7 (2) Two members of the house of representatives, one of whom
8 shall be appointed by the speaker and one by the minority leader of the
9 house of representatives;

10 (3) A clinic administrator, or his or her designee, appointed by
11 the Missouri Association of Rural Health Clinics;

12 (4) A physician appointed by the Missouri State Medical
13 Association;

14 (5) A pain management physician appointed by the Missouri
15 Society of Anesthesiologists;

16 (6) A radiologic technologist appointed by the Missouri Society
17 of Radiologic Technologists;

18 (7) A nuclear medicine technologist appointed by the Missouri
19 Valley Chapter of the Society of Nuclear Medicine and Molecular
20 Imaging;

21 (8) An administrator of an ambulatory surgical center appointed
22 by the Missouri Ambulatory Surgical Center Association;

23 (9) A physician appointed by the Missouri Academy of Family
24 Physicians;

25 (10) A certified registered nurse anesthetist appointed by the
26 Missouri Association of Nurse Anesthetists;

27 (11) A physician appointed by the Missouri Radiological Society;

28 (12) The director of the Missouri state board of registration for
29 the healing arts, or his or her designee; and

30 (13) The director of the Missouri state board of nursing, or his
31 or her designee.

32 3. The task force shall review the current status of licensure of
33 radiologic technologists in Missouri and shall develop a plan to address
34 the most appropriate method to protect public safety when radiologic
35 imaging and radiologic procedures are utilized. The plan shall include:

36 (1) An analysis of the risks associated if radiologic technologists
37 are not licensed;

38 (2) The creation of a Radiologic Imaging and Radiation Therapy
39 Advisory Commission;

40 (3) Procedures to address the specific needs of rural health care
41 and the availability of licensed radiologic technologists;

42 (4) Requirements for licensure of radiographers, radiation

43 therapists, nuclear medicine technologists, nuclear medicine advanced
44 associates, radiologist assistants, and limited x-ray machine operators;

45 (5) Reasonable exemptions to licensure;

46 (6) Continuing education and training;

47 (7) Penalty provisions; and

48 (8) Other items that the task force deems relevant for the proper
49 determination of licensure of radiologic technologists in Missouri.

50 4. The task force shall meet within thirty days of its creation and
51 select a chair and vice chair. A majority of the task force shall
52 constitute a quorum, but the concurrence of a majority of total
53 members shall be required for the determination of any matter within
54 the task force's duties.

55 5. The task force shall be staffed by legislative personnel as is
56 deemed necessary to assist the task force in the performance of its
57 duties.

58 6. The members of the task force shall serve without
59 compensation, but may, subject to appropriation, be entitled to
60 reimbursement for actual and necessary expenses incurred in the
61 performance of their official duties.

62 7. The task force shall submit a full report of its activities,
63 including the plan developed under subsection 3 of this section, to the
64 general assembly on or before January 15, 2020. The task force shall
65 send copies of the report to the director of the division of professional
66 registration.

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