

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 938  
AN ACT

To repeal section 334.036, RSMo, and to enact in lieu thereof one new section relating to licensing of assistant physicians.

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Section A. Section 334.036, RSMo, is repealed and one new  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

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

3 (1) "Assistant physician", any graduate of a North  
4 American medical school [graduate] accredited by the Liaison  
5 Committee on Medical Education or the Commission on  
6 Osteopathic College Accreditation who:

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

9 (b) Has successfully completed Step 2 of the United  
10 States Medical Licensing Examination or the equivalent of  
11 such step of any other board-approved medical licensing  
12 examination within the three-year period immediately  
13 preceding application for licensure as an assistant  
14 physician, or within three years after graduation from a  
15 medical college or osteopathic medical college, whichever is  
16 later;

17 (c) Has not completed an approved postgraduate  
18 residency and has successfully completed Step 2 of the  
19 United States Medical Licensing Examination or the

20 equivalent of such step of any other board-approved medical  
21 licensing examination within the immediately preceding three-  
22 year period unless when such three-year anniversary occurred  
23 he or she was serving as a resident physician in an  
24 accredited residency in the United States and continued to  
25 do so within thirty days prior to application for licensure  
26 as an assistant physician; and

27 (d) Has proficiency in the English language.

28 Any graduate of a North American medical school [graduate]  
29 who could have applied for licensure and complied with the  
30 provisions of this subdivision at any time between August  
31 28, 2014, and August 28, 2017, may apply for licensure and  
32 shall be deemed in compliance with the provisions of this  
33 subdivision;

34 (2) "Assistant physician collaborative practice  
35 arrangement", an agreement between a physician and an  
36 assistant physician that meets the requirements of this  
37 section and section 334.037[;]

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

41 2. (1) An assistant physician collaborative practice  
42 arrangement shall limit the assistant physician to providing  
43 only primary care services and only in medically underserved  
44 rural or urban areas of this state [or in any pilot project  
45 areas established in which assistant physicians may  
46 practice].

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

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

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

55 3. (1) For purposes of this section, the licensure of  
56 assistant physicians shall take place within processes  
57 established by rules of the state board of registration for  
58 the healing arts. The board of healing arts is authorized  
59 to establish rules under chapter 536 establishing licensure  
60 and renewal procedures, supervision, collaborative practice  
61 arrangements, fees, and addressing such other matters as are  
62 necessary to protect the public and discipline the  
63 profession. No licensure fee for an assistant physician  
64 shall exceed the amount of any licensure fee for a physician  
65 assistant. An application for licensure may be denied or  
66 the licensure of an assistant physician may be suspended or  
67 revoked by the board in the same manner and for violation of  
68 the standards as set forth by section 334.100, or such other  
69 standards of conduct set by the board by rule. No rule or  
70 regulation shall require an assistant physician to complete  
71 more hours of continuing medical education than that of a  
72 licensed physician.

73 (2) Any rule or portion of a rule, as that term is  
74 defined in section 536.010, that is created under the  
75 authority delegated in this section shall become effective  
76 only if it complies with and is subject to all of the  
77 provisions of chapter 536 and, if applicable, section  
78 536.028. This section and chapter 536 are nonseverable and  
79 if any of the powers vested with the general assembly under  
80 chapter 536 to review, to delay the effective date, or to  
81 disapprove and annul a rule are subsequently held  
82 unconstitutional, then the grant of rulemaking authority and  
83 any rule proposed or adopted after August 28, 2014, shall be  
84 invalid and void.

85 (3) Any rules or regulations regarding assistant  
86 physicians in effect as of the effective date of this  
87 section\* that conflict with the provisions of this section  
88 and section 334.037 shall be null and void as of the  
89 effective date of this section.

90 4. An assistant physician shall clearly identify  
91 himself or herself as an assistant physician and shall be  
92 permitted to use the terms "doctor", "Dr.", or "doc". No  
93 assistant physician shall practice or attempt to practice  
94 without an assistant physician collaborative practice  
95 arrangement, except as otherwise provided in this section  
96 and in an emergency situation.

97 5. The collaborating physician is responsible at all  
98 times for the oversight of the activities of and accepts  
99 responsibility for primary care services rendered by the  
100 assistant physician.

101 6. The provisions of section 334.037 shall apply to  
102 all assistant physician collaborative practice  
103 arrangements. Any renewal of licensure under this section  
104 shall include verification of actual practice under a  
105 collaborative practice arrangement in accordance with this  
106 subsection during the immediately preceding licensure period.

107 7. Each health carrier or health benefit plan that  
108 offers or issues health benefit plans that are delivered,  
109 issued for delivery, continued, or renewed in this state  
110 shall reimburse an assistant physician for the diagnosis,  
111 consultation, or treatment of an insured or enrollee on the  
112 same basis that the health carrier or health benefit plan  
113 covers the service when it is delivered by another  
114 comparable mid-level health care provider including, but not  
115 limited to, a physician assistant.

116 8. No individual shall hold an assistant physician  
117 license for more than five years. However, all those

118 individuals currently licensed as assistant physicians in  
119 this state shall have five years from the effective date of  
120 this act before their current license expires.