

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2150—State Board of Registration for the Healing Arts
Chapter 7—Licensing of Physician Assistants

PROPOSED AMENDMENT

20 CSR 2150-7.140 Grounds for Discipline, Procedures. The board is amending section (2).

PURPOSE: This amendment updates the grounds for discipline.

- (2) The board may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered a certificate of registration or authority, permit or license for any one (1) or any combination of the following causes:
- (D) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to the following:
1. Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for services which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;
 2. Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;
 3. Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;
 4. Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, licensure, registration or certification to perform them;
 5. Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;
 6. Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;
 7. Final disciplinary action by any professional physician assistant association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of his/her registration, license or staff or hospital privileges, failure to renew such privileges of registration or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;
 8. Signing a blank prescription form; or dispensing, prescribing, administering or

otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease[, **except as authorized in section 334.104, RSMo**];

9. Exercising influence within a physician assistant-patient relationship for purposes of engaging a patient in sexual activity;
 10. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
 11. Failing to furnish details of a patient's medical records to other treating physician assistants, physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;
 12. Failure of any physician assistant or applicant, other than the physician assistant subject of the investigation, to cooperate with the board during any investigation;
 13. Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
 14. Failure to timely pay license renewal fees specified in this chapter;
 15. Violating a probation agreement with this board or any other licensing or regulatory agency;
 16. Failing to inform the board of the physician assistant's current residence and business address;
 17. Advertising by an applicant or licensed physician assistant which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician assistant. An applicant or licensed physician assistant shall also be in violation of this provision if s/he has a financial interest in any organization, corporation or association which issues or conducts such advertising; and
 18. Loss of national certification, for any reason, shall result in the termination of licensure;
- (S) Any person licensed to practice as a physician assistant, requiring, as condition of the physician assistant-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician assistant's office or other entities under the **[supervising] collaborating** physician's or physician assistant's ownership or control. A physician assistant shall provide the patient with a prescription which may be taken to the facility selected by the patient;
- (U) Practicing outside the scope of practice of the physician assistant as referenced in the physician assistants' **[supervision agreement] collaborative practice arrangement**;

AUTHORITY: sections 334.100 and 334.735, 334.736, RSMo Cum Supp. [2007] 2020, and sections 334.125, 334.741 and 334.743, RSMo [2000] 2016. This rule originally filed as 4 CSR 150-7.140. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan.*

22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 9, 2021.

PUBLIC COST: This proposed amendment will not cost the state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or opposition to this proposed amendment with the Board of Registration for the Healing Arts, ATTN: Jimmy Leggett, Executive Director, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.