

Open Session Meeting Minutes
Missouri State Board of Registration for the Healing Arts
January 25, 2015
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, MO 65109

The members of the Missouri State Board of Registration for the Healing Arts and the Missouri State Board of Nursing convened on Tuesday, September 9, 2014 at the Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City MO, 65109.

Board of Healing Arts

Members Present:

Dr. Benjamin Lampert, MD, - President
Dr. Jeffrey Carter, MD – Secretary
Dr. James DiRenna, DO
Dr. John Lyskowski, MD
Dr. David Tannehill, DO

Members Absent

Dr. Bradley Freeman, MD
Dr. David Poggemeier, MD

Staff Attending

Connie Clarkston, Executive Director
Sarah Schappe, Senior Legal Counsel
Jimmy Leggett, Associate Executive
Tammy Branch, Processing Technician I

Call to Order

The Missouri State Board of Registration for the Healing Arts was called to order by Dr. Benjamin Lampert, MD- President, at 7:00 p.m. on January 25, 2015 at the Division of Professional Registration, Jefferson City, Missouri.

Roll Call

The attendance was noted and recorded as listed above.

Review of Comments on Proposed Telehealth Rules

The Board of Registration for the Healing Arts received one comment in support of the proposed rules. The Board received 60 comments in opposition. The comments indicated that requiring "live, interactive video" for examinations would functionally eliminate the option of telehealth for many rural communities that do not have broadband access. Instead of increasing underserved patients' access to care, these rules would deny telehealth to the very Missourians this law was intended to help. The commenters asked the board to withdraw the proposed amendments and work to craft workable rules that include safe alternatives to "live, interactive video" for examinations.

Board of Nursing

Members Present:

Rhonda Shimmens, RN-C, BSN, MBA -President
Kelly Scott, MSN, RN, BC, FNP –Vice President
Adrienne Anderson Fly, JD, Public Member
Lisa Green, PhD(c), RN, Secretary
Roxanne McDaniel, PhD, RN
Laura Noren, MBA, BSN, RN, NE-BC
Alyson C Speed, LPN

Members Absent:

Mariea Snell, DNP, MSN, RN, FNP-BC

Staff Attending

Lori Scheidt, Executive Director
Angie Marmion, Senior Legal Counsel

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For a nine month period both boards had several meetings, both separately and jointly, to work on proposed rules. The boards agreed on language in two provisions of the current collaborative practice rules. Both boards agreed the rules to indicate that no mileage limitation applies if the APRN is providing services pursuant to the new telehealth law and is practicing in a federally-designated health professional shortage area. Both boards also agreed to amend the review of services section of the rules to clarify that the broad range of telehealth. The challenge was with the two week follow up requirement of the rule. In the current regulations, it indicates that if an APRN provides health care services for conditions other than acute self-limited or well-defined problems, the collaborating physician, or other physician designated in the collaborative practice arrangements, shall examine and evaluate the patient and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two (2) weeks after the patient has been seen by the APRN or RN. The board of healing arts advocated that this physician follow up examination and evaluation must be conducted by the physician either via live, interactive video or in person and does not dictate how nurses conduct their examinations. The board of healing arts strongly believes the option for live interactive video also expands access to care by providing another option for the physician examination to be conducted. The board of nursing believed that the proposal approved by the healing arts was more restrictive than the statute. The board of nursing submitted several counter proposals which would allow the collaborative physician to determine how the examination and evaluation would occur. A joint meeting between both regulatory boards was held on September 9, 2014. General Counsel for both boards provided legal research and oral presentations on their respective board's opinions and rich dialogue ensued between the board members and with interested guests. Two of the bill sponsors were also in attendance and iterated that passage of House Bill 315 did not change the collaborative practice requirements, nor was it the intent to eliminate the two week follow up examination. At the end of the meeting, the board of nursing agreed to the board of registration for the healing arts' proposal in order to implement section 335.175 RSMo as the deadline for doing so had long since passed. The board of nursing agrees with the comments of the opposition but believes there is no other alternative language for which both boards would agree to and the statute requires joint rulemaking. We do believe that both of our boards and the legislators are committed to continuing to work on making healthcare accessible to all. While the board of nursing agrees that this is not ideal, the Board believes that this is a substantial step in increasing accessibility to healthcare in rural areas of need and this process has opened dialogue between the two Boards on APRN practice.

Motion was made by Dr. Tannehill and seconded by Dr. Carter to direct staff to prepare a response to the comments reflective of the board's comments, to make no changes to the proposed rules and file the order of rulemaking. Dr. Lampert, Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. The motion carried unanimously.

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Adjournment

Motion was made by Dr. DiRenna and seconded by Dr. Lyskowski to adjourn the meeting. The meeting adjourned at approximately 7:30 p.m. Dr. Lampert, Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. The motion carried unanimously.