

FIRST REGULAR SESSION

SENATE BILL NO. 515

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLAND.

Read 1st time February 17, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1046S.011

AN ACT

To repeal sections 335.016, 335.017, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof seven new sections relating to licensing of nurses.

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

Section A. Sections 335.016, 335.017, 335.056, 335.076, and 335.086, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 335.016, 335.017, 335.048, 335.049, 335.056, 335.076, and 335.086, to read as follows:

335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;

(2) "Advanced practice nursing", the delivery of health care services by a registered professional nurse who:

(a) Has successfully completed a nationally accredited graduate or post-graduate advanced practice registered nurse program and earned a graduate degree or post-graduate certificate as a nurse practitioner, clinical nurse specialist, nurse anesthetist, or nurse midwife;

(b) Is currently certified by a board-acceptable nationally recognized certifying body as having an advanced practice clinical nursing specialty area and role appropriate to educational preparation; and

(c) Is licensed by the board as an advanced practice registered nurse; or

(d) Who meets criteria for advanced practice registered nurse licensure

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

established by the board of nursing;

(3) "Advanced practice **registered** nurse", a **registered professional** nurse [who has had education beyond the basic nursing education and is certified by a nationally recognized professional organization as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses] **licensed pursuant to this chapter to engage in the practice of advanced practice nursing within one's advanced practice clinical nursing specialty area and role as nurse practitioner, clinical nurse specialist, nurse anesthetist, or nurse midwife. Registered professional nurses who hold current licensure to practice as advanced practice registered nurses shall use the titles specified on their license;**

[(3)] (4) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;

[(4)] (5) "Board" or "state board", the state board of nursing;

[(5)] (6) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] (7) "Inactive [nurse] **license status**", as defined by rule pursuant to section 335.061;

[(7) A] (8) "**Lapsed license status**", **as defined by rule pursuant to section 335.061;**

(9) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(8)] (10) "Licensure", the issuing of a license to practice **advanced practice nursing**, professional **nursing**, or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice **advanced practice**, professional or practical nursing;

[(9)] (11) "Practical nursing", the performance [for compensation] of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional **or advanced practice registered** nurse. For the purposes of this chapter, the term "direction" shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional

or advanced practice registered nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional **or advanced practice registered** nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

(12) "Registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

[(10)] **(13) "Registered professional nursing", the performance [for compensation] of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:**

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching, **delegation, direction**, and supervision of other persons in the performance of any of the foregoing[;

(11) A "registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing].

335.017. One of the selected acts which may be performed by persons licensed under the provisions of this chapter as licensed practical nurses is the [administration of intravenous fluid treatment. The administration of intravenous fluid treatment] **establishment of peripheral vascular access for the administration of select intravenous infusion treatment modalities. Establishment of peripheral vascular access sites and administration of the select intravenous infusion treatment modalities** may be performed only by licensed practical nurses who have been instructed and trained in such procedures in a course **or program** of instruction approved by the board. The board shall have the authority to adopt and revise rules and regulations which limit and define the scope of [intravenous fluid treatment] **peripheral vascular access and intravenous infusion therapy treatment modalities** which may be performed by licensed practical nurses. Nothing herein shall be construed as prohibiting [administration of intravenous fluid treatment by] registered professional nurses **from**

establishing peripheral vascular access and administering intravenous infusion therapy treatment modalities. [The board shall submit emergency rules to the secretary of state to implement the provisions of this section within thirty days of December 15, 1983, and the board shall act promptly on applications of organizations requesting approval of their course of instruction.]

335.048. 1. An applicant for a license to title and practice as an advanced practice registered nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education, current licensure as a registered professional nurse, the applicant's advanced practice clinical nursing specialty area and role in which the applicant is certified by a nationally recognized certifying body acceptable to the board and other such pertinent information as the board may require. An applicant for licensure as an advanced practice registered nurse for whom no appropriate advanced practice clinical nursing specialty certification from a board-acceptable nationally recognized certifying body exists or is available shall submit evidence of the applicant's education, training, and experience as set forth by rule. Evidence of an equivalent mechanism to certification examinations as set forth by rule will not be accepted after December 31, 2005, and individuals will no longer be licensed without an approved advanced practice registered nurse certification examination.

2. The applicant shall be of good moral character and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma and have successfully completed a graduate or post-graduate advanced practice registered nurse program accredited by the appropriate national accrediting body and earned a graduate degree or post-graduate certificate. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant for a license to practice advanced practice nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule. Upon submission of the completed application and required fee, the board may issue to the applicant a license to practice advanced practice nursing as an advanced practice registered nurse.

3. Applicants shall be exempt from the academic requirements of subsection 2

of section 335.048 if they meet the following:

(1) Have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma; and

(2) Have enrolled in a formal advanced practice registered nurse program accredited by the appropriate national or regional accreditation body on or before September 1, 2003; and

(3) Earned an advanced practice registered nurse certificate on or before December 31, 2005; and

(4) Submitted a completed application for licensure as an advanced practice registered nurse to the board on or before December 31, 2005.

4. Upon refusal of the board to allow any applicant to obtain licensure as an advanced practice registered nurse, the board shall comply with the provisions of section 621.120, RSMo, and advise the applicant of the applicant's right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120, RSMo.

5. The board may promulgate rules specifying the criteria by which nationally recognized certifying bodies and their examinations are to be deemed acceptable to the board, standards for initial and continued licensure as an advanced practice registered nurse, and such other rules as are necessary to enable the board to carry out this provision. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

6. Upon application, the board may issue a temporary permit to an advanced practice registered nurse applicant pursuant to subsection 1 of this section who has made a prima facie showing that the applicant meets all of the requirements for such a license and submits an application in accord with the rules of the board. The temporary permit shall be effective only until the board shall have had the opportunity to investigate the applicant's qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or her application for a license has been either granted or rejected. In no event shall such temporary permit

be in effect for more than six months after the date of its issuance, nor shall a permit be reissued to the same applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit that has not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.048 until such temporary permit expires, is terminated, or is suspended or revoked.

335.049. Any registered professional nurse with a current and active registered professional nurse license who was recognized by the board to title and practice as an advanced practice nurse within a particular clinical nursing specialty area and role on or before December 31, 2003, and whose recognition is current and active shall be issued an advanced practice registered nurse license and shall be exempt from the academic requirements of subsection 2 of section 335.048.

335.056. The license of every person licensed under the provisions of [sections 335.011 to 335.096] **this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as **an advanced practice registered nurse**, a registered professional nurse or as a licensed practical nurse during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of [sections 335.011 to 335.096] **this chapter**.

335.076. 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation "R.N.". No other person [may] **shall** use the title "Registered Professional Nurse" or the abbreviation "R.N.". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person [may] **shall** use the title "Licensed Practical Nurse" or the abbreviation "L.P.N.". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. **Any person who holds a license to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", the abbreviation "A.P.R.N." and any other title designations appearing on his or her license. No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "A.P.R.N."**

No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing [or], practical nursing, **or advanced practice registered nursing** in this state [for compensation] or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse [or], practical nurse, **or advanced practice nurse** unless he **or she** has been duly licensed under the provisions of [sections 335.011 to 335.096] **this chapter**.

335.086. No person, firm, corporation or association shall:

(1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;

(2) Practice **advanced practice nursing**, professional **nursing**, or practical nursing as defined by [sections 335.011 to 335.096] **this chapter** under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice **advanced practice nursing**, professional nursing or practical nursing as defined by [sections 335.011 to 335.096] **this chapter** unless duly licensed to do so under the provisions of [sections 335.011 to 335.096] **this chapter**;

(4) Use in connection with his **or her** name any designation tending to imply that he **or she** is a licensed registered professional nurse, **advanced practice registered nurse**, or a licensed practical nurse unless duly licensed so to practice under the provisions of [sections 335.011 to 335.096] **this chapter**;

(5) Practice **advanced practice nursing**, professional nursing or practical nursing during the time his **or her** license issued under the provisions of [sections 335.011 to 335.096] **this chapter** shall be suspended or revoked; or

(6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board.