

SECOND REGULAR SESSION

SENATE BILL NO. 659

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed January 6, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4738S.03I

AN ACT

To repeal sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nursing.

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

Section A. Sections 335.016, 335.019, 335.036, 335.046, 335.056, and
2 335.086, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, to
4 read as follows:

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

- 3 (1) "Accredited", the official authorization or status granted by an agency
4 for a program through a voluntary process;
- 5 (2) "Advanced practice registered nurse", a **[nurse] person licensed**
6 **pursuant to the provisions of this chapter and authorized to engage in**
7 **the practice of advanced practice professional nursing** and who has
8 education beyond the basic nursing education and is certified by a nationally
9 recognized professional organization as a certified nurse practitioner, certified
10 nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse
11 specialist. The board shall promulgate rules specifying which nationally
12 recognized professional organization certifications are to be recognized for the
13 purposes of this section. Advanced practice nurses and only such individuals may
14 use the title "Advanced Practice Registered Nurse" and the abbreviation
15 "APRN". **Each APRN is accountable to patients, the nursing profession,**
16 **and the board of nursing for:**

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

17 **(a) Complying with the requirements of sections 335.011 to**
18 **335.096, the nursing practice act, and the quality of advanced nursing**
19 **care rendered;**

20 **(b) Consulting with or referring patients, as appropriate, to**
21 **other health care providers; and**

22 **(c) Recognizing the scope of APRN practice and its boundaries;**

23 **(3) "Advanced practice registered nursing", the performance of**
24 **population-focused advanced nursing with or without compensation**
25 **that requires advanced education and specialized training to enable**
26 **enhanced judgment and skill within such scope of training for patient**
27 **care, and includes but is not limited to the performance of acts in**
28 **accordance with the registered professional nursing scope of practice**
29 **and the following:**

30 **(a) Patient assessment that leads to advanced diagnosis within**
31 **the population-focused scope;**

32 **(b) Ordering diagnostic and therapeutic tests and procedures;**

33 **(c) Performing tests and procedures within the scope of practice**
34 **and interpreting and using results to further patient care;**

35 **(d) Ordering treatments consistent with specialty population**
36 **training including appropriate medical devices and using nursing,**
37 **medical, therapeutic, and corrective measures to treat illness and**
38 **improve health status;**

39 **(e) Providing palliative and end-of-life advanced nursing care;**

40 **(f) Providing advanced counseling, patient education, health**
41 **education, and patient advocacy;**

42 **(g) Ordering appropriate medications in accordance with**
43 **prescriptive authority;**

44 **(h) Delegating selected nursing activities or tasks to licensed**
45 **practical nurses, registered professional nurses, or other health care**
46 **providers;**

47 **(i) Providing primary provider services for population-focused**
48 **patient care; and**

49 **(j) Planning and initiating a therapeutic medical regimen as well**
50 **as nutritional, diagnostic, and supportive services including, but not**
51 **limited to, home health care, hospice, and therapy services;**

52 **(4) "Approval", official recognition of nursing education programs which**
53 **meet standards established by the board of nursing;**

54 [(4)] (5) "Board" or "state board", the state board of nursing;

55 [(5)] (6) "Certified clinical nurse specialist", a registered nurse who is
56 currently certified as a clinical nurse specialist by a nationally recognized
57 certifying board approved by the board of nursing;

58 [(6)] (7) "Certified nurse midwife", a registered nurse who is currently
59 certified as a nurse midwife by the American [College of Nurse Midwives]
60 **Midwifery Certification Board**, or other nationally recognized certifying body
61 approved by the board of nursing;

62 [(7)] (8) "Certified nurse practitioner", a registered nurse who is
63 currently certified as a nurse practitioner by a nationally recognized certifying
64 body approved by the board of nursing;

65 [(8)] (9) "Certified registered nurse anesthetist", a registered nurse who
66 is currently certified as a nurse anesthetist by the [Council on Certification of
67 Nurse Anesthetists, the Council on] **National Board of Certification and**
68 **Recertification [of] for Nurse Anesthetists**, or other nationally recognized
69 certifying body approved by the board of nursing;

70 [(9)] (10) "Executive director", a qualified individual employed by the
71 board as executive secretary or otherwise to administer the provisions of this
72 chapter under the board's direction. Such person employed as executive director
73 shall not be a member of the board;

74 [(10)] (11) "Inactive nurse", as defined by rule pursuant to section
75 335.061;

76 [(11)] (12) "Lapsed license status", as defined by rule under section
77 335.061;

78 [(12)] (13) "Licensed practical nurse" or "practical nurse", a person
79 licensed pursuant to the provisions of this chapter to engage in the practice of
80 practical nursing;

81 [(13)] (14) "Licensure", the issuing of a license to practice professional
82 or practical nursing to candidates who have met the specified requirements and
83 the recording of the names of those persons as holders of a license to practice
84 professional or practical nursing;

85 [(14)] (15) "Practical nursing", the performance for compensation of
86 selected acts for the promotion of health and in the care of persons who are ill,
87 injured, or experiencing alterations in normal health processes. Such
88 performance requires substantial specialized skill, judgment and knowledge. All
89 such nursing care shall be given under the direction of a person licensed by a

90 state regulatory board to prescribe medications and treatments or under the
91 direction of a registered professional nurse. For the purposes of this chapter, the
92 term "direction" shall mean guidance or supervision provided by a person licensed
93 by a state regulatory board to prescribe medications and treatments or a
94 registered professional nurse, including, but not limited to, oral, written, or
95 otherwise communicated orders or directives for patient care. When practical
96 nursing care is delivered pursuant to the direction of a person licensed by a state
97 regulatory board to prescribe medications and treatments or under the direction
98 of a registered professional nurse, such care may be delivered by a licensed
99 practical nurse without direct physical oversight;

100 [(15)] **(16)** "Professional nursing", the performance for compensation of
101 any act which requires substantial specialized education, judgment and skill
102 based on knowledge and application of principles derived from the biological,
103 physical, social and nursing sciences, including, but not limited to:

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

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

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

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

113 (e) The teaching and supervision of other persons in the performance of
114 any of the foregoing;

115 [(16)] **(17)** A "registered professional nurse" or "registered nurse", a
116 person licensed pursuant to the provisions of this chapter to engage in the
117 practice of professional nursing;

118 [(17)] **(18)** "Retired license status", any person licensed in this state
119 under this chapter who retires from such practice. Such person shall file with the
120 board an affidavit, on a form to be furnished by the board, which states the date
121 on which the licensee retired from such practice, an intent to retire from the
122 practice for at least two years, and such other facts as tend to verify the
123 retirement as the board may deem necessary; but if the licensee thereafter
124 reengages in the practice, the licensee shall renew his or her license with the
125 board as provided by this chapter and by rule and regulation.

335.019. 1. The board of nursing may grant a certificate of controlled
2 substance prescriptive authority to an advanced practice registered nurse who:
3 (1) Submits proof of successful completion of an advanced pharmacology
4 course that shall include preceptorial experience in the prescription of drugs,
5 medicines and therapeutic devices; and
6 (2) Provides documentation of a minimum of three hundred clock hours
7 preceptorial experience in the prescription of drugs, medicines, and therapeutic
8 devices with a qualified preceptor; and
9 (3) Provides evidence of a minimum of one thousand hours of practice in
10 an advanced practice nursing category prior to application for a certificate of
11 prescriptive authority. The one thousand hours shall not include clinical hours
12 obtained in the advanced practice nursing education program. The one thousand
13 hours of practice in an advanced practice nursing category may include
14 transmitting a prescription order orally or telephonically or to an inpatient
15 medical record from protocols developed in collaboration with and signed by a
16 licensed physician; and
17 (4) Has a controlled substance prescribing authority delegated in the
18 collaborative practice arrangement under section 334.104 with a physician who
19 has an unrestricted federal Drug Enforcement Administration registration
20 number and who is actively engaged in a practice comparable in scope, specialty,
21 or expertise to that of the advanced practice registered nurse.

22 **2. All licensed APRNs are authorized to:**

23 **(1) Prescribe and institute medication therapy within such**
24 **APRN's population-focused practice and specialty or make appropriate**
25 **referrals of patients to health care providers and community resources;**
26 **and**

27 **(2) Prescribe, procure, administer, and dispense samples.**

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also
3 be treasurer, and the board may appoint, employ and fix the compensation of a
4 legal counsel and such board personnel as defined in subdivision (4) of subsection
5 [10] 11 of section 324.001 as are necessary to administer the provisions of
6 sections 335.011 to 335.096;

7 (2) Adopt and revise such rules and regulations as may be necessary to
8 enable it to carry into effect the provisions of sections 335.011 to 335.096;

9 (3) Prescribe minimum standards for [educational] **entry level nursing**

10 **education** programs preparing persons for licensure pursuant to the provisions
11 of sections 335.011 to 335.096;

12 (4) Provide for surveys of such programs every five years and in addition
13 at such times as it may deem necessary;

14 (5) Designate as "approved" such programs as meet the requirements of
15 sections 335.011 to 335.096 and the rules and regulations enacted pursuant to
16 such sections; and the board shall annually publish a list of such programs;

17 (6) Deny or withdraw approval from educational programs for failure to
18 meet prescribed minimum standards;

19 (7) Examine, license, and cause to be renewed the licenses of duly
20 qualified applicants;

21 (8) Cause the prosecution of all persons violating provisions of sections
22 335.011 to 335.096, and may incur such necessary expenses therefor;

23 (9) Keep a record of all the proceedings; and make an annual report to the
24 governor and to the director of the department of insurance, financial institutions
25 and professional registration;

26 (10) Establish an impaired nurse program.

27 2. The board shall set the amount of the fees which this chapter
28 authorizes and requires by rules and regulations. The fees shall be set at a level
29 to produce revenue which shall not substantially exceed the cost and expense of
30 administering this chapter.

31 3. All fees received by the board pursuant to the provisions of sections
32 335.011 to 335.096 shall be deposited in the state treasury and be placed to the
33 credit of the state board of nursing fund. All administrative costs and expenses
34 of the board shall be paid from appropriations made for those purposes. The
35 board is authorized to provide funding for the nursing education incentive
36 program established in sections 335.200 to 335.203.

37 4. The provisions of section 33.080 to the contrary notwithstanding, money
38 in this fund shall not be transferred and placed to the credit of general revenue
39 until the amount in the fund at the end of the biennium exceeds two times the
40 amount of the appropriation from the board's funds for the preceding fiscal year
41 or, if the board requires by rule, permit renewal less frequently than yearly, then
42 three times the appropriation from the board's funds for the preceding fiscal
43 year. The amount, if any, in the fund which shall lapse is that amount in the
44 fund which exceeds the appropriate multiple of the appropriations from the
45 board's funds for the preceding fiscal year.

46 5. Any rule or portion of a rule, as that term is defined in section 536.010,
47 that is created under the authority delegated in this chapter shall become
48 effective only if it complies with and is subject to all of the provisions of chapter
49 536 and, if applicable, section 536.028. All rulemaking authority delegated prior
50 to August 28, 1999, is of no force and effect and repealed. Nothing in this section
51 shall be interpreted to repeal or affect the validity of any rule filed or adopted
52 prior to August 28, 1999, if it fully complied with all applicable provisions of
53 law. This section and chapter 536 are nonseverable and if any of the powers
54 vested with the general assembly pursuant to chapter 536 to review, to delay the
55 effective date or to disapprove and annul a rule are subsequently held
56 unconstitutional, then the grant of rulemaking authority and any rule proposed
57 or adopted after August 28, 1999, shall be invalid and void.

335.046. 1. An applicant for a license to practice as a registered
2 professional nurse shall submit to the board a written application on forms
3 furnished to the applicant. The original application shall contain the applicant's
4 statements showing the applicant's education and other such pertinent
5 information as the board may require. The applicant shall be of good moral
6 character and have completed at least the high school course of study, or the
7 equivalent thereof as determined by the state board of education, and have
8 successfully completed the basic professional curriculum in an accredited or
9 approved school of nursing and earned a professional nursing degree or
10 diploma. Each application shall contain a statement that it is made under oath
11 or affirmation and that its representations are true and correct to the best
12 knowledge and belief of the person signing same, subject to the penalties of
13 making a false affidavit or declaration. Applicants from non-English-speaking
14 lands shall be required to submit evidence of proficiency in the English
15 language. The applicant must be approved by the board and shall pass an
16 examination as required by the board. The board may require by rule as a
17 requirement for licensure that each applicant shall pass an oral or practical
18 examination. Upon successfully passing the examination, the board may issue
19 to the applicant a license to practice nursing as a registered professional
20 nurse. The applicant for a license to practice registered professional nursing
21 shall pay a license fee in such amount as set by the board. The fee shall be
22 uniform for all applicants. Applicants from foreign countries shall be licensed as
23 prescribed by rule.

24 2. An applicant for license to practice as a licensed practical nurse shall

25 submit to the board a written application on forms furnished to the
26 applicant. The original application shall contain the applicant's statements
27 showing the applicant's education and other such pertinent information as the
28 board may require. Such applicant shall be of good moral character, and have
29 completed at least two years of high school, or its equivalent as established by the
30 state board of education, and have successfully completed a basic prescribed
31 curriculum in a state-accredited or approved school of nursing, earned a nursing
32 degree, certificate or diploma and completed a course approved by the board on
33 the role of the practical nurse. Each application shall contain a statement that
34 it is made under oath or affirmation and that its representations are true and
35 correct to the best knowledge and belief of the person signing same, subject to the
36 penalties of making a false affidavit or declaration. Applicants from
37 non-English-speaking countries shall be required to submit evidence of their
38 proficiency in the English language. The applicant must be approved by the
39 board and shall pass an examination as required by the board. The board may
40 require by rule as a requirement for licensure that each applicant shall pass an
41 oral or practical examination. Upon successfully passing the examination, the
42 board may issue to the applicant a license to practice as a licensed practical
43 nurse. The applicant for a license to practice licensed practical nursing shall pay
44 a fee in such amount as may be set by the board. The fee shall be uniform for all
45 applicants. Applicants from foreign countries shall be licensed as prescribed by
46 rule.

47 **3. (1) An applicant for initial licensure to practice as an APRN**
48 **shall:**

49 **(a) Submit a completed application as established by the**
50 **board. The application shall contain:**

51 **a. The applicant's statements showing the applicant's education**
52 **and other such pertinent information as the board may require; and**

53 **b. A statement that the application is made under oath or**
54 **affirmation and that the representations contained in the application**
55 **are true and correct to the best knowledge and belief of the person**
56 **signing same, subject to the penalties of making a false affidavit or**
57 **declaration;**

58 **(b) Be of good moral character, and meet the following**
59 **educational requirements:**

60 **a. Prior to July 1, 1998, completion of a formal post basic**

61 educational program from or formally affiliated with an accredited
62 college, university, or hospital of at least one academic year, which
63 includes advanced nursing theory and clinical nursing practice, leading
64 to a graduate degree or certificate with a concentration in an advanced
65 practice nursing clinical specialty area;

66 **b. From and after July 1, 1998, completion of a graduate degree**
67 **from an accredited college or university with a concentration in an**
68 **advanced practice nursing clinical specialty area, which includes**
69 **advanced nursing theory and clinical nursing practice;**

70 **c. From and after January 1, 2009, have completed an accredited**
71 **graduate level APRN program in one of the four roles and at least one**
72 **population focus;**

73 **(c) Be currently certified by a national certifying body**
74 **recognized by the board in the APRN role and population foci**
75 **appropriate to educational preparation;**

76 **(d) Be approved by the board; and**

77 **(e) Provide other evidence as required by rule.**

78 **(2) Applicants from non-English-speaking lands shall be required**
79 **to submit evidence of proficiency in the English language and shall be**
80 **licensed as prescribed by rule.**

81 **(3) The applicant for a license to practice as an advanced**
82 **practice registered nurse shall pay a license fee in such amount as set**
83 **by the board. The fee shall be uniform for all applicants.**

84 **(4) Once an APRN license is issued, the license holder's APRN**
85 **license and RN license shall be treated as one license for the purpose**
86 **of renewal and assessment of renewal fees.**

87 **4. Upon refusal of the board to allow any applicant to sit for either the**
88 **registered professional nurses' examination or the licensed practical nurses'**
89 **examination, as the case may be, the board shall comply with the provisions of**
90 **section 621.120 and advise the applicant of his or her right to have a hearing**
91 **before the administrative hearing commission. The administrative hearing**
92 **commission shall hear complaints taken pursuant to section 621.120.**

93 **[4.] 5. The board shall not deny a license because of sex, religion, race,**
94 **ethnic origin, age or political affiliation.**

 335.056. The license of every person licensed under the provisions of
2 [sections 335.011 to 335.096] **this chapter** shall be renewed as provided. An
3 application for renewal of license shall be mailed to every person to whom a

4 license was issued or renewed during the current licensing period. The applicant
5 shall complete the application and return it to the board by the renewal date with
6 a renewal fee in an amount to be set by the board. The fee shall be uniform for
7 all applicants. The certificates of renewal shall render the holder thereof a legal
8 practitioner of nursing for the period stated in the certificate of renewal. Any
9 person who practices nursing **as an advanced practice registered nurse**, as
10 a registered professional nurse, or as a licensed practical nurse during the time
11 his **or her** license has lapsed shall be considered an illegal practitioner and shall
12 be subject to the penalties provided for violation of the provisions of [sections
13 335.011 to 335.096] **this chapter**.

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

- 2 (1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to
3 furnish any nursing diploma, license, renewal or record or aid or abet therein;
- 4 (2) Practice professional or practical nursing as defined [by sections
5 335.011 to 335.096] **in this chapter** under cover of any diploma, license, or
6 record illegally or fraudulently obtained or signed or issued unlawfully or under
7 fraudulent representation;
- 8 (3) Practice [professional nursing or practical] nursing as defined [by
9 sections 335.011 to 335.096] **this chapter** unless duly licensed to do so under the
10 provisions of [sections 335.011 to 335.096] **this chapter**;
- 11 (4) Use in connection with his **or her** name any designation tending to
12 imply that he **or she** is a licensed **advanced practice registered nurse**, a
13 registered professional nurse, or a licensed practical nurse unless duly licensed
14 so to practice under the provisions of [sections 335.011 to 335.096] **this chapter**;
- 15 (5) Practice [professional nursing or practical] nursing during the time his
16 **or her** license issued under the provisions of [sections 335.011 to 335.096] **this**
17 **chapter** shall be suspended or revoked; or
- 18 (6) Conduct a nursing education program for the preparation of
19 professional or practical nurses unless the program has been accredited by the
20 board.

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