

SECOND REGULAR SESSION

SENATE BILL NO. 646

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4604S.01I

AN ACT

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

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

Section A. Sections 335.016, 335.019, 335.046, 335.056, and 335.086, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 335.016, 335.018, 335.019, 335.046, 335.056, and 335.086, to read as follows: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 registered nurse" **or "APRN"**, a [nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"] **person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing in one of the four APRN roles recognized in this section;**

(3) "Approval", official recognition of nursing education programs which

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

17 meet standards established by the board of nursing;

18 (4) "Board" or "state board", the state board of nursing;

19 (5) "Certified clinical nurse specialist", a registered nurse who is currently
20 certified as a clinical nurse specialist by a nationally recognized certifying board
21 approved by the board of nursing. **A certified clinical nurse specialist is**
22 **one of the four APRN roles;**

23 (6) "Certified nurse midwife", a registered nurse who is currently certified
24 as a nurse midwife by the American College of Nurse Midwives, or other
25 nationally recognized certifying body approved by the board of nursing. **A**
26 **certified nurse midwife is one of the four APRN roles;**

27 (7) "Certified nurse practitioner", a registered nurse who is currently
28 certified as a nurse practitioner by a nationally recognized certifying body
29 approved by the board of nursing. **A certified nurse practitioner is one of**
30 **the four APRN roles;**

31 (8) "Certified registered nurse anesthetist", a registered nurse who is
32 currently certified as a nurse anesthetist by the [Council on Certification of
33 Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists,]
34 **National Board of Certification and Recertification for Nurse**
35 **Anesthetists** or other nationally recognized certifying body approved by the
36 board of nursing. **A certified registered nurse anesthetist is one of the**
37 **four APRN roles;**

38 (9) "Collaborative agreement", a written mutual agreement
39 **between an APRN licensee who has not met the required two years of**
40 **advanced practice nursing experience and a physician or an advanced**
41 **practice registered nurse with more than two years of experience**
42 **licensed under this chapter;**

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

47 [(10)] (11) "Inactive nurse", as defined by rule pursuant to section
48 335.061;

49 [(11)] (12) "Lapsed license status", as defined by rule under section
50 335.061;

51 [(12)] (13) "Licensed practical nurse" or "practical nurse", a person
52 licensed pursuant to the provisions of this chapter to engage in the practice of

53 practical nursing;

54 [(13)] (14) "Licensure", the issuing of a license **to an individual**
55 **authorizing the individual** to practice **advanced practice**, professional, or
56 practical nursing to candidates who have met the specified requirements and the
57 recording of the names of those persons as holders of a license to practice
58 **advanced practice**, professional, or practical nursing;

59 [(14)] (15) "Population focus", **one of the following six areas of**
60 **practice for which an advanced practice registered nurse has the**
61 **education and training to provide care and services:**

62 (a) A family or individual across the lifespan;

63 (b) Adult-gerontology;

64 (c) Pediatrics;

65 (d) Neonatal;

66 (e) Women's health or gender-related; and

67 (f) Psychiatric or mental health;

68 (16) "Practice of advanced practice nursing":

69 (a) The practice of advanced practice nursing that includes, but
70 is not limited to:

71 a. The practice of professional nursing as defined in this section
72 performed with or without compensation or personal profit;

73 b. Conducting an advanced assessment beyond a registered
74 nurse's assessment;

75 c. Ordering and interpreting diagnostic procedures;

76 d. Establishing primary and differential diagnoses;

77 e. Prescribing, ordering, administering, dispensing, and
78 furnishing therapeutic measures, including the authority to:

79 (i) Diagnose, prescribe, and institute therapy or referrals of
80 patients to health care agencies, health care providers, and community
81 resources;

82 (ii) Prescribe, order, procure, administer, dispense, and furnish
83 pharmacological agents, including over the counter and legend drugs;

84 (iii) Prescribe, order, procure, administer, dispense, and furnish
85 controlled substances listed in Schedules III, IV, and V of section
86 195.017, and Schedule II - hydrocodone with a certificate of controlled
87 substance prescriptive authority as part of a collaborative practice
88 arrangement; and

89 (iv) Plan and initiate a therapeutic regimen that includes

90 ordering and prescribing nonpharmacological interventions including,
91 but not limited to, durable medical equipment, medical devices,
92 nutrition, blood and blood products, and diagnostic and supportive
93 services including, but not limited to, home health care, hospice, and
94 physical and occupational therapy;

95 f. Delegating and assigning the performance of therapeutic
96 measures to assistive personnel;

97 g. Consulting with other disciplines and providing referrals to
98 health care agencies, health care providers, and community resources;
99 and

100 h. Other acts that require education and training consistent with
101 professional standards and commensurate with the APRN's education,
102 certification, demonstrated competencies, and experience;

103 (b) Advanced practice nursing shall be practiced in accordance
104 with the APRN's graduate-level education and certification in one of
105 four recognized roles, with at least one population focus, including a:

106 a. Certified clinical nurse specialist;

107 b. Certified nurse midwife;

108 c. Certified nurse practitioner; and

109 d. Certified registered nurse anesthetist;

110 (c) When providing direct patient care, an APRN shall wear
111 identification that clearly identifies the nurse as an APRN, unless
112 wearing identification creates a safety or health risk for either the
113 nurse or the patient;

114 (d) Nothing in this subdivision shall alter the definition of the
115 practice of professional nursing;

116 (17) "Practice of practical nursing", the performance for compensation
117 of selected acts for the promotion of health and in the care of persons who are ill,
118 injured, or experiencing alterations in normal health processes. Such
119 performance requires substantial specialized skill, judgment, and knowledge. All
120 such nursing care shall be given under the direction of a person licensed by a
121 state regulatory board to prescribe medications and treatments or under the
122 direction of a registered professional nurse. For the purposes of this chapter, the
123 term "direction" shall mean guidance or [supervision] oversight provided by a
124 person licensed by a state regulatory board to prescribe medications and
125 treatments or a registered professional nurse, including, but not limited to, oral,
126 written, or otherwise communicated orders or directives for patient care. When

127 practical nursing care is delivered pursuant to the direction of a person licensed
128 by a state regulatory board to prescribe medications and treatments or under the
129 direction of a registered professional nurse, such care may be delivered by a
130 licensed practical nurse without direct physical oversight;

131 [(15)] (18) "**Practice of professional nursing**", the performance for
132 compensation of any act **or function** which requires substantial specialized
133 education, judgment, and skill based on knowledge and application of principles
134 derived from the biological, physical, social, **behavioral**, and nursing sciences,
135 including, but not limited to:

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

138 (b) Assessment, **data collection**, nursing diagnosis, nursing care,
139 **evaluation**, and counsel of persons who are ill, injured, or experiencing
140 alterations in normal health processes;

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

144 (d) The coordination, **initiation, performance**, and assistance in the
145 **determination and** delivery of a plan of health care with all members of a
146 health team;

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

149 [(16)] (19) A "registered professional nurse" or "registered nurse", a
150 person licensed pursuant to the provisions of this chapter to engage in the
151 practice of professional nursing;

152 [(17)] (20) "Retired license status", any person licensed in this state
153 under this chapter who retires from such practice. Such person shall file with the
154 board an affidavit, on a form to be furnished by the board, which states the date
155 on which the licensee retired from such practice, an intent to retire from the
156 practice for at least two years, and such other facts as tend to verify the
157 retirement as the board may deem necessary; but if the licensee thereafter
158 reengages in the practice, the licensee shall renew his or her license with the
159 board as provided by this chapter and by rule and regulation.

335.018. An advanced practice registered nurse that has:

- 2 (1) **Been issued a license under section 335.046 or an advanced**
3 **practice registered nurse license under section 335.016;**

4 (2) Passed any examination, written or oral, or both, which the
5 board may require;
6 (3) Maintained such license for a period of two years; and
7 (4) Engaged in the practice of advanced practice nursing in
8 collaboration with a physician under section 334.104, for a period of not
9 less than two years may thereafter upon notice, with evidence of
10 completion of the requirements in subdivisions (1) to (4) of this section
11 to the board, practice advanced practice nursing without a
12 collaborative agreement.

335.019. 1. An advanced practice registered nurse's prescriptive
2 authority shall include authority to:

3 (1) Prescribe, dispense, and administer nonscheduled legend
4 drugs and medications as defined under section 338.330 within such
5 APRN's practice and specialty; and

6 (2) Notwithstanding any other provision of this chapter, receive,
7 prescribe, administer, and provide nonscheduled legend drug samples
8 from pharmaceutical manufacturers to patients at no charge to the
9 patient or any other party.

10 2. The board of nursing may grant a certificate of controlled substance
11 prescriptive authority to an advanced practice registered nurse, **as defined in**
12 **section 335.016**, who[:

13 (1)] submits proof of successful completion of an advanced pharmacology
14 course that shall include [preceptorial experience in] the prescription of drugs,
15 medicines, and therapeutic devices[; and

16 (2) Provides documentation of a minimum of three hundred clock hours
17 preceptorial experience in the prescription of drugs, medicines, and therapeutic
18 devices with a qualified preceptor; and

19 (3) Provides evidence of a minimum of one thousand hours of practice in
20 an advanced practice nursing category prior to application for a certificate of
21 prescriptive authority. The one thousand hours shall not include clinical hours
22 obtained in the advanced practice nursing education program. The one thousand
23 hours of practice in an advanced practice nursing category may include
24 transmitting a prescription order orally or telephonically or to an inpatient
25 medical record from protocols developed in collaboration with and signed by a
26 licensed physician; and

27 (4) Has a controlled substance prescribing authority delegated in the

28 collaborative practice arrangement under section 334.104 with a physician who
29 has an unrestricted federal Drug Enforcement Administration registration
30 number and who is actively engaged in a practice comparable in scope, specialty,
31 or expertise to that of the advanced practice registered nurse].

32 **3. The board of nursing may grant a certificate of controlled**
33 **substance prescriptive authority to an advanced practice registered**
34 **nurse, as defined under section 335.016, to administer, dispense, or**
35 **prescribe controlled substances listed in Schedules III, IV, and V of**
36 **section 195.017, and Schedule II - hydrocodone within the parameters**
37 **of a collaborative practice arrangement; except that, such certificate**
38 **shall not delegate the authority to administer any controlled substances**
39 **listed in Schedules III, IV, and V of section 195.017, or Schedule II -**
40 **hydrocodone for the purpose of inducing sedation or general anesthesia**
41 **for therapeutic, diagnostic, or surgical procedures.**

42 **4. Advanced practice registered nurses, except for certified**
43 **registered nurse anesthetists, shall not administer any controlled**
44 **substances listed in Schedules III, IV, and V of section 195.017, or**
45 **Schedule II - hydrocodone for the purpose of inducing general**
46 **anesthesia for procedures that are outside the advanced practice**
47 **registered nurse's scope of practice.**

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] **shall** be approved by the board and shall pass
16 an 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] shall** be approved by
39 the board and shall pass an examination as required by the board. The board
40 may require by rule as a requirement for licensure that each applicant shall pass
41 an 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 a license to practice as an advanced**
48 **practice registered nurse shall submit a completed application as**
49 **established by the board. The application shall, at a minimum, contain:**

50 **(a) The applicant's advanced nursing education and other**
51 **pertinent information as the board may require;**

52 **(b) A statement under oath or affirmation that the applicant is**

53 of good moral character and that the representations contained in the
54 application are true and correct to the best knowledge and belief of the
55 applicant, subject to the penalties of making a false affidavit or
56 declaration;

57 (c) Documentation that demonstrates the following educational
58 requirements:

59 a. Prior to July 1, 1998, completion of a formal post-basic
60 educational program from or formally affiliated with an accredited
61 college, university, or hospital of at least one academic year, which
62 includes advanced nurse theory and clinical nursing practice, leading
63 to a graduate degree or certificate with a concentration in an advanced
64 nursing clinical specialty area;

65 b. From July 1, 1998, to June 30, 2009, completion of a graduate
66 degree from an accredited college or university with a concentration
67 in an advanced practice nursing clinical specialty area, which includes
68 advanced nursing theory and clinical nursing practice;

69 c. On or after July 1, 2009, completion of an accredited graduate-
70 level advanced practice registered nursing program that prepared the
71 applicant for one of the four APRN roles in at least one population
72 focus;

73 (d) Documentation of current certification in one of the four
74 APRN roles from a nationally recognized certifying body approved by
75 the board, or current documentation of recognition as an advanced
76 practice registered nurse issued by the board prior to January 1, 2018;
77 and

78 (e) Other evidence as required by board rule, including, as may
79 be applicable, evidence of proficiency in the English language.

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

83 (3) Upon issuance of a license, the license holder's advanced
84 practice registered nursing license and his or her professional nursing
85 license shall be treated as one license for the purpose of renewal and
86 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] **in this chapter** unless duly licensed to do so under
10 the 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 **licensed** registered professional nurse, or a licensed practical nurse unless duly
14 licensed so to practice under the provisions of [sections 335.011 to 335.096] **this**
15 **chapter**;
- 16 (5) Practice **advanced practice nursing**, professional nursing, or
17 practical nursing during the time his **or her** license issued under the provisions
18 of [sections 335.011 to 335.096] **this chapter** shall be suspended or revoked; or

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

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