

FIRST REGULAR SESSION

SENATE BILL NO. 400

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Read 1st time February 18, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1907S.02I

AN ACT

To repeal sections 335.016, 335.046, 335.051, 335.056, 335.076, 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, 335.046, 335.051, 335.056, 335.076, and
2 335.086, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 335.016, 335.046, 335.051, 335.056, 335.076, 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" **or "APRN"**, a [nurse who has
6 education beyond the basic nursing education and is certified by a nationally
7 recognized professional organization as a certified nurse practitioner, certified
8 nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse
9 specialist. The board shall promulgate rules specifying which nationally
10 recognized professional organization certifications are to be recognized for the
11 purposes of this section. Advanced practice nurses and only such individuals may
12 use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"]
13 **person who is licensed under the provisions of this chapter to engage**
14 **in the practice of advanced practice nursing as a certified clinical**
15 **nurse specialist, certified nurse midwife, certified nurse practitioner,**
16 **or certified registered nurse anesthetist;**

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

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

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

20 (5) "Certified clinical nurse specialist", a registered nurse who is currently
21 certified as a clinical nurse specialist by a nationally recognized certifying board
22 approved by the board of nursing;

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;

26 (7) "Certified nurse practitioner", a registered nurse who is currently
27 certified as a nurse practitioner by a nationally recognized certifying body
28 approved by the board of nursing;

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

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

39 (10) "Inactive nurse", as defined by rule pursuant to section 335.061;

40 (11) "Lapsed license status", as defined by rule under section 335.061;

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

44 (13) "Licensure", the issuing of a license **to a person who has met**
45 **specified requirements authorizing the person** to practice **advanced**
46 **practice**, professional, or practical nursing [to candidates who have met the
47 specified requirements] and the recording of the names of those persons as
48 holders of a license to practice **advanced practice**, professional, or practical
49 nursing;

50 (14) **"Practice of advanced practice nursing":**

51 **(a) The practice of advanced practice nursing that includes, but**
52 **is not limited to:**

- 53 a. The practice of professional nursing as defined in this section
54 performed with or without compensation or personal profit;
- 55 b. Conducting an advanced biological, physical, social, or
56 behavioral assessment using nursing and other sciences;
- 57 c. Ordering and interpreting diagnostic procedures;
- 58 d. Establishing primary and differential diagnoses;
- 59 e. Prescribing, ordering, administering, dispensing, and
60 furnishing therapeutic measures, including the authority to:
- 61 (i) Diagnose, prescribe, and institute therapy or referrals of
62 patients to health care agencies, health care providers, and community
63 resources;
- 64 (ii) Prescribe, order, procure, administer, dispense, and furnish
65 pharmacological agents, including over-the-counter and legend drugs;
- 66 (iii) Prescribe, order, procure, administer, dispense, and furnish
67 controlled substances listed in Schedules III, IV, and V of section
68 195.017, and Schedule II - hydrocodone with a certificate of controlled
69 substance prescriptive authority as part of a collaborative practice
70 arrangement; and
- 71 (iv) Plan and initiate a therapeutic regimen that includes
72 ordering and prescribing nonpharmacological interventions including,
73 but not limited to, durable medical equipment, medical devices,
74 nutrition, blood and blood products, and diagnostic and supportive
75 services including, but not limited to, home health care, hospice, and
76 physical and occupational therapy;
- 77 f. Delegating and assigning the performance of therapeutic
78 measures to assistive personnel;
- 79 g. Consulting with other disciplines and providing referrals to
80 health care agencies, health care providers, and community resources;
81 and
- 82 h. Other acts that require education and training consistent with
83 professional standards and commensurate with the APRN's education,
84 certification, demonstrated competencies, and experience;
- 85 (b) Advanced practice nursing shall be practiced in accordance
86 with the APRN's graduate-level education and certification as a:
- 87 a. Certified clinical nurse specialist;
- 88 b. Certified nurse midwife;
- 89 c. Certified nurse practitioner; or

90 **d. Certified registered nurse anesthetist;**

91 **(c) Nothing in this subdivision shall alter the definition of the**
92 **practice of professional nursing;**

93 **(15) "Practice of practical nursing"**, the performance for compensation
94 of selected acts for the promotion of health and in the care of persons who are ill,
95 injured, or experiencing alterations in normal health processes. Such
96 performance requires substantial specialized skill, judgment and knowledge. All
97 such nursing care shall be given under the direction of a person licensed by a
98 state regulatory board to prescribe medications and treatments or under the
99 direction of a registered professional nurse. For the purposes of this chapter, the
100 term "direction" shall mean guidance or supervision provided by a person licensed
101 by a state regulatory board to prescribe medications and treatments or a
102 registered professional nurse, including, but not limited to, oral, written, or
103 otherwise communicated orders or directives for patient care. When practical
104 nursing care is delivered pursuant to the direction of a person licensed by a state
105 regulatory board to prescribe medications and treatments or under the direction
106 of a registered professional nurse, such care may be delivered by a licensed
107 practical nurse without direct physical oversight;

108 ~~[(15)]~~ **(16) "Practice of professional nursing"**, the performance for
109 compensation of any act **or action** which requires substantial specialized
110 education, judgment and skill based on knowledge and application of principles
111 derived from the biological, physical, social, **behavioral** and nursing sciences,
112 including, but not limited to:

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

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

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

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

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

126 [(16) A] (17) "Registered professional nurse" or "registered nurse", a
127 person licensed pursuant to the provisions of this chapter to engage in the
128 practice of professional nursing;

129 [(17)] (18) "Retired license status", any person licensed in this state
130 under this chapter who retires from such practice. Such person shall file with the
131 board an affidavit, on a form to be furnished by the board, which states the date
132 on which the licensee retired from such practice, an intent to retire from the
133 practice for at least two years, and such other facts as tend to verify the
134 retirement as the board may deem necessary; but if the licensee thereafter
135 reengages in the practice, the licensee shall renew his or her license with the
136 board as provided by this chapter and by rule and regulation.

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**
48 **advanced practice registered nurse shall submit a completed**
49 **application and fee as established by the board. The application shall**
50 **contain:**

51 **(a) Statements showing the applicant's education and other such**
52 **pertinent information as the board may require; and**

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

57 **(2) The applicant for a license to practice as an advanced**
58 **practice registered nurse shall pay a fee in such amount as may be set**
59 **by the board. The fee shall be uniform for all applicants.**

60 **(3) An applicant shall:**

61 **(a) Hold a current registered professional nurse license and shall**

62 **not hold a license currently under discipline or under any restrictions**
63 **as a registered professional nurse or advanced practice registered**
64 **nurse in any state or territory;**

65 **(b) Have completed an accredited graduate or postgraduate level**
66 **advanced practice registered nurse program in one of the four**
67 **recognized roles;**

68 **(c) Be currently certified by a national certifying body**
69 **recognized by the Missouri state board of nursing in the advanced**
70 **practice registered nurse role; and**

71 **(d) Provide other documentation as prescribed by rule.**

72 **(4) Any person holding a document of recognition to practice**
73 **nursing as an advanced practice registered nurse in this state that is**
74 **current on August 28, 2019, shall be deemed to be licensed as an**
75 **advanced practice registered nurse under the provisions of this section**
76 **and shall be eligible for renewal of such license under the conditions**
77 **and standards prescribed in this chapter and as prescribed by rule.**

78 **4. In considering applications for licensure, the board may**
79 **require a personal appearance of the applicant. If the applicant is**
80 **required to appear, the time period in which a licensure application**
81 **shall be granted or denied shall be tolled until such time as the**
82 **applicant appears and the board issues its determination in writing. If**
83 **the applicant fails to appear at either of the next two regularly**
84 **scheduled board meetings, the application for licensure shall be denied.**

85 **5. Upon refusal of the board to allow any applicant to [sit for] take either**
86 **the registered professional nurses' examination or the licensed practical nurses'**
87 **examination, [as the case may be,] or upon refusal to issue an advanced**
88 **practice registered nurse license, the board shall comply with the provisions**
89 **of section 621.120 and advise the applicant of his or her right to have a hearing**
90 **before the administrative hearing commission. The administrative hearing**
91 **commission shall hear complaints taken pursuant to section 621.120.**

92 **[4.] 6. The board shall not deny a license because of sex, religion, race,**
93 **ethnic origin, age or political affiliation.**

335.051. 1. The board shall issue a license to practice nursing as either
2 a registered professional nurse or a licensed practical nurse without examination
3 to an applicant who has duly become licensed as a registered nurse or licensed
4 practical nurse pursuant to the laws of another state, territory, or foreign country

5 if the applicant meets the qualifications required of registered nurses or licensed
6 practical nurses in this state at the time the applicant was originally licensed in
7 the other state, territory, or foreign country.

8 2. Applicants from foreign countries shall be licensed as prescribed by
9 rule.

10 3. Upon application, the board shall issue a temporary permit to an
11 applicant pursuant to subsection 1 of this section for a license as either a
12 registered professional nurse or a licensed practical nurse who has made a prima
13 facie showing that the applicant meets all of the requirements for such a
14 license. The temporary permit shall be effective only until the board shall have
15 had the opportunity to investigate his **or her** qualifications for licensure
16 pursuant to subsection 1 of this section and to notify the applicant that his or her
17 application for a license has been either granted or rejected. In no event shall
18 such temporary permit be in effect for more than twelve months after the date of
19 its issuance nor shall a permit be reissued to the same applicant. No fee shall be
20 charged for such temporary permit. The holder of a temporary permit which has
21 not expired, or been suspended or revoked, shall be deemed to be the holder of a
22 license issued pursuant to section 335.046 until such temporary permit expires,
23 is terminated or is suspended or revoked.

24 **4. The board may issue a license by endorsement to an advanced**
25 **practice registered nurse licensed under the laws of another state if, in**
26 **the opinion of the board, the applicant meets the qualifications for**
27 **licensure in this jurisdiction.**

335.056. 1. 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**, a
10 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] **335.099**.

14 **2. A licensee's advanced practice registered nursing license and**
15 **his or her professional nursing license shall be treated as one license**
16 **for the purpose of renewal and assessment of renewal fees.**

17 **3. In order to renew an advanced practice registered nurse**
18 **license, the advanced practice registered nurse shall maintain**
19 **certification in the appropriate advanced practice registered nurse role**
20 **through an ongoing certification maintenance program of a nationally**
21 **recognized certifying body recognized by the board and meet other**
22 **requirements as prescribed by rule.**

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

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

13 3. Any person who holds a license [or recognition] to practice advanced
14 practice nursing in this state may use the title "Advanced Practice Registered
15 Nurse", **the designations of "certified registered nurse anesthetist",**
16 **"certified nurse midwife", "certified clinical nurse specialist", and**
17 **"certified nurse practitioner",** and the [abbreviation] **abbreviations "APRN",**
18 [and any other title designations appearing on his or her license] **"CRNA",**
19 **"CNM", "CNS", and "NP", respectively.** No other person shall use the title
20 "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other
21 person shall assume any title or use any abbreviation or any other words, letters,
22 signs, or devices to indicate that the person using the same is an advanced
23 practice registered nurse.

24 4. No person shall practice or offer to practice professional nursing,
25 practical nursing, or advanced practice nursing in this state or use any title, sign,
26 abbreviation, card, or device to indicate that such person is a practicing
27 professional nurse, practical nurse, or advanced practice nurse unless he or she

28 has been duly licensed under the provisions of this chapter.

29 5. In the interest of public safety and consumer awareness, it is unlawful
30 for any person to use the title "nurse" in reference to himself or herself in any
31 capacity, except individuals who are or have been licensed as a registered nurse,
32 licensed practical nurse, or advanced practice registered nurse under this chapter.

33 6. Notwithstanding any law to the contrary, nothing in this chapter shall
34 prohibit a Christian Science nurse from using the title "Christian Science nurse",
35 so long as such person provides only religious nonmedical services when offering
36 or providing such services to those who choose to rely upon healing by spiritual
37 means alone and does not hold his or her own religious organization and does not
38 hold himself or herself out as a registered nurse, advanced practice registered
39 nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse
40 specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

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] **335.099** under cover of any diploma, license, or record
6 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] **335.099** unless duly licensed to do so under the
10 provisions of sections 335.011 to [335.096] **335.099**;

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]
15 **335.099**;

16 (5) Practice [professional nursing or practical] nursing during the time his
17 **or her** license issued under the provisions of sections 335.011 to [335.096]
18 **335.099** 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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