

SECOND REGULAR SESSION

# SENATE BILL NO. 714

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3994S.011

## 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Section A. Sections 335.016, 335.046, 335.051, 335.056, 335.076, and 335.086, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 335.016, 335.046, 335.051, 335.056, 335.076, and 335.086, to read as follows: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 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 as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, 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] **Midwifery**  
25 **Certification Board**, or other nationally recognized certifying body approved  
26 by the board of nursing;

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;

30 (8) "Certified registered nurse anesthetist", a registered nurse who is  
31 currently certified as a nurse anesthetist by the Council on Certification of Nurse  
32 Anesthetists, the [Council on Recertification of Nurse Anesthetists,] **National**  
33 **Board of Certification and Recertification for Nurse Anesthetists** or  
34 other nationally recognized certifying body approved by the 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 practice professional or  
45 practical nursing] to candidates who have met the [specified] requirements  
46 **specified under this chapter authorizing the person to engage in the**  
47 **practice of advanced practice, professional, or practical nursing** and the  
48 recording of the names of those persons as holders of a license to practice  
49 **advanced practice**, professional or practical nursing;

50 (14) "**Practice of practical nursing**", the performance for compensation  
51 of selected acts for the promotion of health and in the care of persons who are ill,  
52 injured, or experiencing alterations in normal health processes. Such

53 performance requires substantial specialized skill, judgment and knowledge. All  
54 such nursing care shall be given under the direction of a person licensed by a  
55 state regulatory board to prescribe medications and treatments or under the  
56 direction of a registered professional nurse. For the purposes of this chapter, the  
57 term "direction" shall mean guidance or supervision provided by a person licensed  
58 by a state regulatory board to prescribe medications and treatments or a  
59 registered professional nurse, including, but not limited to, oral, written, or  
60 otherwise communicated orders or directives for patient care. When practical  
61 nursing care is delivered pursuant to the direction of a person licensed by a state  
62 regulatory board to prescribe medications and treatments or under the direction  
63 of a registered professional nurse, such care may be delivered by a licensed  
64 practical nurse without direct physical oversight;

65 (15) "**Practice of professional nursing**", the performance for  
66 compensation of any act **or action** which requires substantial specialized  
67 education, judgment and skill based on knowledge and application of principles  
68 derived from the biological, physical, social, **behavioral** and nursing sciences,  
69 including, but not limited to:

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

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

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

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

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

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

86 (17) "Retired license status", any person licensed in this state under this  
87 chapter who retires from such practice. Such person shall file with the board an  
88 affidavit, on a form to be furnished by the board, which states the date on which

89 the licensee retired from such practice, an intent to retire from the practice for  
90 at least two years, and such other facts as tend to verify the retirement as the  
91 board may deem necessary; but if the licensee thereafter reengages in the  
92 practice, the licensee shall renew his or her license with the board as provided by  
93 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 license to practice as an advanced**  
48 **practice registered nurse shall submit to the board a written**  
49 **application on forms furnished to the applicant. The original**  
50 **application shall 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 representatives 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 or**  
62 **privilege to practice and shall not be currently subject to discipline or**  
63 **any restrictions and shall not hold an encumbered license or privilege**  
64 **to practice as a registered professional nurse or advanced practice**  
65 **registered nurse in any state or territory;**

66 **(b) Have completed an accredited graduate-level advanced**  
67 **practice registered nurse program and achieved at least one**

68 **certification as a clinical nurse specialist, nurse midwife, nurse**  
69 **practitioner, or registered nurse anesthetist, with at least one**  
70 **population focus prescribed by rule of the board;**

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

74 **(d) Have a population focus on his or her certification,**  
75 **corresponding with his or her educational advanced practice registered**  
76 **nurse program.**

77 **(4) Any person holding a document of recognition to practice**  
78 **nursing as an advanced practice registered nurse in this state that is**  
79 **current on August 28, 2020, shall be deemed to be licensed as an**  
80 **advanced practice registered nurse under the provisions of this section**  
81 **and shall be eligible for renewal of such license under the conditions**  
82 **and standards prescribed in this chapter and as prescribed by rule.**

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

90 [4.] 5. The board shall not deny a license because of sex, religion, race,  
91 ethnic origin, age or political affiliation.

335.051. 1. The board shall issue a license to practice nursing as [either]  
2 **an advanced practice registered nurse**, a registered professional nurse, or  
3 a licensed practical nurse without examination to an applicant who has duly  
4 become licensed as [a] **an advanced practice registered nurse**, registered  
5 nurse, or licensed practical nurse pursuant to the laws of another state, territory,  
6 or foreign country if the applicant meets the qualifications required of **advanced**  
7 **practice registered nurses**, registered nurses, or licensed practical nurses in  
8 this state at the time the applicant was originally licensed in the other state,  
9 territory, or foreign country.

10 2. Applicants from foreign countries shall be licensed as prescribed by  
11 rule.

12 3. Upon application, the board shall issue a temporary permit to an

13 applicant pursuant to subsection 1 of this section for a license as [either] **an**  
14 **advanced practice registered nurse**, a registered professional nurse, or a  
15 licensed practical nurse who has made a prima facie showing that the applicant  
16 meets all of the requirements for such a license. The temporary permit shall be  
17 effective only until the board shall have had the opportunity to investigate his **or**  
18 **her** qualifications for licensure pursuant to subsection 1 of this section and to  
19 notify the applicant that his or her application for a license has been either  
20 granted or rejected. In no event shall such temporary permit be in effect for more  
21 than twelve months after the date of its issuance nor shall a permit be reissued  
22 to the same applicant. No fee shall be charged for such temporary permit. The  
23 holder of a temporary permit which has not expired, or been suspended or  
24 revoked, shall be deemed to be the holder of a license issued pursuant to section  
25 335.046 until such temporary permit expires, is terminated or is suspended or  
26 revoked.

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. The renewal of advanced practice registered nurse licenses**  
15 **and registered professional nurses licenses shall occur at the same time**  
16 **as prescribed by rule. Failure to renew and maintain the registered**  
17 **professional nurse license or privilege to practice, or to provide the**  
18 **required fee and evidence of active certification or maintenance of**  
19 **certification as prescribed by rules and regulations shall result in**  
20 **expiration of the advanced practice registered nurse license.**

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."] "RN". No other person shall use the title "Registered  
4 Professional Nurse" or the abbreviation ["R.N."] "RN". No other person shall  
5 assume any title or use any abbreviation or any other words, letters, signs, or  
6 devices to indicate that the person using the same is a registered professional  
7 nurse.

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

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

25         4. No person shall practice or offer to practice professional nursing,  
26 practical nursing, or advanced practice nursing in this state or use any title, sign,  
27 abbreviation, card, or device to indicate that such person is a practicing  
28 professional nurse, practical nurse, or advanced practice nurse unless he or she  
29 has been duly licensed under the provisions of this chapter.

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

34         6. Notwithstanding any law to the contrary, nothing in this chapter shall  
35 prohibit a Christian Science nurse from using the title "Christian Science nurse",  
36 so long as such person provides only religious nonmedical services when offering  
37 or providing such services to those who choose to rely upon healing by spiritual  
38 means alone and does not hold his or her own religious organization and does not

39 hold himself or herself out as a registered nurse, advanced practice registered  
40 nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse  
41 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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