

SECOND REGULAR SESSION

HOUSE BILL NO. 1441

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

3195H.03I

DANA RADEMAN MILLER, Chief Clerk

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 seven 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Section A. Sections 335.016, 335.046, 335.051, 335.056, 335.076, and 335.086, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 335.016, 335.046, 335.047, 335.051, 335.056, 335.076, and 335.086, to read as follows: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;**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 (4) "Board" or "state board", the state board of nursing;
- 18 (5) "Certified clinical nurse specialist", a registered nurse who is currently certified as
19 a clinical nurse specialist by a nationally recognized certifying board approved by the board of
20 nursing;
- 21 (6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse
22 midwife by the American ~~[College of Nurse-Midwives]~~ **Midwifery Certification Board**, or
23 other nationally recognized certifying body approved by the board of nursing;
- 24 (7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse
25 practitioner by a nationally recognized certifying body approved by the board of nursing;
- 26 (8) "Certified registered nurse anesthetist", a registered nurse who is currently certified
27 as a nurse anesthetist by the ~~[Council on Certification of Nurse Anesthetists, the Council on
28 Recertification of Nurse Anesthetists,]~~ **National Board of Certification and Recertification
29 for Nurse Anesthetists** or other nationally recognized certifying body approved by the board of
30 nursing;
- 31 (9) "Executive director", a qualified individual employed by the board as executive
32 secretary or otherwise to administer the provisions of this chapter under the board's direction.
33 Such person employed as executive director shall not be a member of the board;
- 34 (10) "Inactive nurse", as defined by rule pursuant to section 335.061;
- 35 (11) "Lapsed license status", as defined by rule under section 335.061;
- 36 (12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the
37 provisions of this chapter to engage in the practice of practical nursing;
- 38 (13) "Licensure", the issuing of a license ~~[to practice professional or practical nursing]~~
39 to candidates who have met the ~~[specified]~~ requirements **specified under this chapter**
40 **authorizing the person to engage in the practice of advanced practice, professional, or**
41 **practical nursing** and the recording of the names of those persons as holders of a license to
42 practice **advanced practice**, professional, or practical nursing;
- 43 (14) "**Practice of practical nursing**", the performance for compensation of selected acts
44 for the promotion of health and in the care of persons who are ill, injured, or experiencing
45 alterations in normal health processes. Such performance requires substantial specialized skill,
46 judgment and knowledge. All such nursing care shall be given under the direction of a person
47 licensed by a state regulatory board to prescribe medications and treatments or under the
48 direction of a registered professional nurse. For the purposes of this chapter, the term "direction"
49 shall mean guidance or supervision provided by a person licensed by a state regulatory board to
50 prescribe medications and treatments or a registered professional nurse, including, but not
51 limited to, oral, written, or otherwise communicated orders or directives for patient care. When
52 practical nursing care is delivered pursuant to the direction of a person licensed by a state

53 regulatory board to prescribe medications and treatments or under the direction of a registered
54 professional nurse, such care may be delivered by a licensed practical nurse without direct
55 physical oversight;

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

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

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

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

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

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

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

72 (17) "Retired license status", any person licensed in this state under this chapter who
73 retires from such practice. Such person shall file with the board an affidavit, on a form to be
74 furnished by the board, which states the date on which the licensee retired from such practice,
75 an intent to retire from the practice for at least two years, and such other facts as tend to verify
76 the retirement as the board may deem necessary; but if the licensee thereafter reengages in the
77 practice, the licensee shall renew his or her license with the board as provided by this chapter and
78 by rule and regulation.

335.046. 1. An applicant for a license to practice as a registered professional nurse shall
2 submit to the board a written application on forms furnished to the applicant. The original
3 application shall contain the applicant's statements showing the applicant's education and other
4 such pertinent information as the board may require. The applicant shall be of good moral
5 character and have completed at least the high school course of study, or the equivalent thereof
6 as determined by the state board of education, and have successfully completed the basic
7 professional curriculum in an accredited or approved school of nursing and earned a professional
8 nursing degree or diploma. Each application shall contain a statement that it is made under oath
9 or affirmation and that its representations are true and correct to the best knowledge and belief
10 of the person signing same, subject to the penalties of making a false affidavit or declaration.

11 Applicants from non-English-speaking lands shall be required to submit evidence of proficiency
12 in the English language. The applicant must be approved by the board and shall pass an
13 examination as required by the board. The board may require by rule as a requirement for
14 licensure that each applicant shall pass an oral or practical examination. Upon successfully
15 passing the examination, the board may issue to the applicant a license to practice nursing as a
16 registered professional nurse. The applicant for a license to practice registered professional
17 nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for
18 all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

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

38 3. **An applicant for license to practice as an advanced practice registered nurse**
39 **shall submit to the board a written application on forms furnished to the applicant. The**
40 **original application shall contain the applicant's statements showing the applicant's**
41 **education and other such pertinent information as the board may require. The applicant**
42 **shall hold a current registered professional nurse license or privilege to practice and shall**
43 **not be currently subject to discipline or any restrictions and shall not hold an encumbered**
44 **license or privilege to practice as a registered professional nurse or advanced practice**
45 **registered nurse in any state or territory. The applicant shall have completed an**
46 **accredited graduate-level advanced practice registered nurse program and achieved at**

47 least one certification as a clinical nurse specialist, nurse midwife, nurse practitioner, or
48 registered nurse anesthetist, with at least one population focus prescribed by rule of the
49 board. The applicant shall be currently certified as an advanced practice registered nurse
50 by a national certifying body recognized by the board, and his or her advanced practice
51 registered nurse certification shall have a population focus corresponding with the
52 applicant's educational advanced practice registered nurse program. Each application
53 shall contain a statement that it is made under oath or affirmation and that its
54 representations are true and correct to the best knowledge and belief of the person signing
55 the same, subject to the penalties of making a false affidavit or declaration. The applicant
56 for a license to practice as an advanced practice registered nurse shall pay a license fee in
57 such amount as set by the board. The fee shall be uniform for all applicants.

58 4. Any person holding a document of recognition to practice nursing as an
59 advanced practice registered nurse in this state that is current on August 28, 2020, shall
60 be deemed to be licensed as an advanced practice registered nurse under the provisions of
61 this section and shall be eligible for renewal of such license under the conditions and
62 standards prescribed in this chapter and as prescribed by rule.

63 5. Upon refusal of the board to allow any applicant to ~~[sit for]~~ take either the registered
64 professional nurses' examination or the licensed practical nurses' examination~~], as the case may~~
65 ~~be], or upon refusal to issue an advanced practice registered nurse license,~~ the board shall
66 comply with the provisions of section 621.120 and advise the applicant of his or her right to have
67 a hearing before the administrative hearing commission. The administrative hearing commission
68 shall hear complaints taken pursuant to section 621.120.

69 [4.] 6. The board shall not deny a license because of sex, religion, race, ethnic origin, age
70 or political affiliation.

335.047. 1. The board may promulgate rules under chapter 536 establishing the
2 licensure, renewal procedures, fees, and discipline of advanced practice registered nurses.
3 An application for licensure may be denied or the license of an advanced practice
4 registered nurse may be disciplined, suspended, or revoked by the board in the same
5 manner and for violation of the standards as set forth by section 335.066, or such other
6 standards of conduct set by the board by rule.

7 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
8 created under the authority delegated in this section shall become effective only if it
9 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
10 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
11 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
12 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

13 **grant of rule making authority and any rule proposed or adopted after August 28, 2020,**
14 **shall be invalid and void.**

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

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

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

335.056. **1.** The license of every person licensed under the provisions of ~~[sections~~
2 ~~335.011 to 335.096]~~ **this chapter** shall be renewed as provided. An application for renewal of
3 license shall be mailed to every person to whom a license was issued or renewed during the
4 current licensing period. The applicant shall complete the application and return it to the board
5 by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be
6 uniform for all applicants. The certificates of renewal shall render the holder thereof a legal
7 practitioner of nursing for the period stated in the certificate of renewal. Any person who
8 practices nursing as **an advanced practice registered nurse**, a registered professional nurse, or
9 ~~[as]~~ a licensed practical nurse during the time his **or her** license has lapsed shall be considered
10 an illegal practitioner and shall be subject to the penalties provided for violation of the provisions
11 of sections 335.011 to ~~[335.096]~~ **335.099**.

12 **2. The renewal of advanced practice registered nurse licenses and registered**
13 **professional nurse licenses shall occur at the same time as prescribed by rule. Failure to**
14 **renew and maintain the registered professional nurse license or privilege to practice or to**

15 **provide the required fee and evidence of active certification or maintenance of certification**
16 **as prescribed by rules and regulations shall result in expiration of the advanced practice**
17 **registered nurse license.**

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

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

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

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

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

28 6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a
29 Christian Science nurse from using the title "Christian Science nurse", so long as such person
30 provides only religious nonmedical services when offering or providing such services to those
31 who choose to rely upon healing by spiritual means alone and does not hold his or her own
32 religious organization and does not hold himself or herself out as a registered nurse, advanced

33 practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical
34 nurse 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 furnish any
3 nursing diploma, license, renewal or record or aid or abet therein;

4 (2) Practice [~~professional or practical~~] nursing as defined by sections 335.011 to
5 [~~335.096~~] **335.099** under cover of any diploma, license, or record illegally or fraudulently
6 obtained or signed or issued unlawfully or under fraudulent representation;

7 (3) Practice [~~professional nursing or practical~~] nursing as defined by sections 335.011
8 to [~~335.096~~] **335.099** unless duly licensed to do so under the provisions of sections 335.011 to
9 [~~335.096~~] **335.099**;

10 (4) Use in connection with his **or her** name any designation tending to imply that he **or**
11 **she** is a licensed **advanced practice registered nurse, a licensed** registered professional nurse,
12 or a licensed practical nurse unless duly licensed so to practice under the provisions of sections
13 335.011 to [~~335.096~~] **335.099**;

14 (5) Practice [~~professional nursing or practical~~] nursing during the time his **or her** license
15 issued under the provisions of sections 335.011 to [~~335.096~~] **335.099** shall be suspended or
16 revoked; or

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

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