

FIRST REGULAR SESSION

HOUSE BILL NO. 700

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time March 19, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2142L.011

AN ACT

To repeal sections 335.016, 335.017, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof seven new sections relating to licensing of nurses.

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

Section A. Sections 335.016, 335.017, 335.056, 335.076, and 335.086, RSMo, are
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 335.016,
3 335.017, 335.048, 335.049, 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
2 following words and terms mean:

3 (1) "Accredited", the official authorization or status granted by an agency for a program
4 through a voluntary process;

5 (2) **"Advanced practice nursing", the performance of those acts defined in**
6 **subdivision (11) of this section and such additional advanced nursing acts and delegated**
7 **medical acts as are consistent with the specialized education, training, certification, and**
8 **licensure of the advanced practice registered nurse;**

9 (3) "Advanced practice **registered** nurse", a **registered professional** nurse [who has had
10 education beyond the basic nursing education and is certified by a nationally recognized
11 professional organization as having a nursing specialty, or who meets criteria for advanced
12 practice nurses established by the board of nursing. The board of nursing may promulgate rules
13 specifying which professional nursing organization certifications are to be recognized as
14 advanced practice nurses, and may set standards for education, training and experience required
15 for those without such specialty certification to become advanced practice nurses] **licensed**

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

16 pursuant to this chapter to engage in the practice of advanced practice nursing within one's
17 advanced practice clinical nursing specialty area and role as nurse practitioner, clinical
18 nurse specialist, nurse anesthetist, or nurse midwife and who:

19 (a) Has successfully completed a nationally accredited graduate or post-graduate
20 advanced practice registered nurse program and earned a graduate degree or post-
21 graduate certificate as a nurse practitioner, clinical nurse specialist, nurse anesthetist, or
22 nurse midwife;

23 (b) Is currently certified by a board-acceptable nationally recognized certifying
24 body as having an advanced practice clinical nursing specialty area and role appropriate
25 to educational preparation; and

26 (c) Is licensed by the board as an advanced practice registered nurse; or

27 (d) Who meets criteria for advanced practice registered nurse licensure established
28 by the board of nursing;

29 [(3)] (4) "Approval", official recognition of nursing education programs which meet
30 standards established by the board of nursing;

31 [(4)] (5) "Board" or "state board", the state board of nursing;

32 [(5)] (6) "Executive director", a qualified individual employed by the board as executive
33 secretary or otherwise to administer the provisions of this chapter under the board's direction.
34 Such person employed as executive director shall not be a member of the board;

35 [(6)] (7) "Inactive [nurse] license status", as defined by rule pursuant to section
36 335.061;

37 [(7) A] (8) "Lapsed license status", as defined by rule pursuant to section 335.061;

38 (9) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the
39 provisions of this chapter to engage in the practice of practical nursing;

40 [(8)] (10) "Licensure", the issuing of a license to practice **advanced practice nursing**,
41 professional **nursing**, or practical nursing to candidates who have met the specified requirements
42 and the recording of the names of those persons as holders of a license to practice **advanced**
43 **practice**, professional or practical nursing;

44 [(9)] (11) "Practical nursing", the performance [for compensation] of selected acts for
45 the promotion of health and in the care of persons who are ill, injured, or experiencing alterations
46 in normal health processes. Such performance requires substantial specialized skill, judgment
47 and knowledge. All such nursing care shall be given under the direction of a person licensed by
48 a state regulatory board to prescribe medications and treatments or under the direction of a
49 registered professional **or advanced practice registered** nurse. For the purposes of this chapter,
50 the term "direction" shall mean guidance or supervision provided by a person licensed by a state
51 regulatory board to prescribe medications and treatments or a registered professional **or**

52 **advanced practice registered** nurse, including, but not limited to, oral, written, or otherwise
53 communicated orders or directives for patient care. When practical nursing care is delivered
54 pursuant to the direction of a person licensed by a state regulatory board to prescribe medications
55 and treatments or under the direction of a registered professional **or advanced practice**
56 **registered** nurse, such care may be delivered by a licensed practical nurse without direct physical
57 oversight;

58 **(12) "Registered professional nurse" or "registered nurse", a person licensed**
59 **pursuant to the provisions of this chapter to engage in the practice of professional nursing;**

60 [(10)] **(13) "Registered professional nursing", the performance [for compensation] of**
61 any act which requires substantial specialized education, judgment and skill based on knowledge
62 and application of principles derived from the biological, physical, social and nursing sciences,
63 including, but not limited to:

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

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

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

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

72 (e) The teaching, **delegation, direction**, and supervision of other persons in the
73 performance of any of the foregoing;

74 **(f) The performance of such medical acts as may be delegated by a collaborating**
75 **physician;**

76 [(11)] **(14) A "registered professional nurse" or "registered nurse", a person licensed**
77 **pursuant to the provisions of this chapter to engage in the practice of professional nursing.**

335.017. One of the selected acts which may be performed by persons licensed under the
2 provisions of this chapter as licensed practical nurses is the [administration of intravenous fluid
3 treatment. The administration of intravenous fluid treatment] **establishment of peripheral**
4 **vascular access for the administration of select intravenous infusion treatment modalities.**
5 **Establishment of peripheral vascular access sites and administration of the select**
6 **intravenous infusion treatment modalities** may be performed only by licensed practical nurses
7 who have been instructed and trained in such procedures in a course **or program** of instruction
8 approved by the board. The board shall have the authority to adopt and revise rules and
9 regulations which limit and define the scope of [intravenous fluid treatment] **peripheral**
10 **vascular access and intravenous infusion therapy treatment modalities** which may be

11 performed by licensed practical nurses. Nothing herein shall be construed as prohibiting
12 [administration of intravenous fluid treatment by] registered professional nurses **from**
13 **establishing peripheral vascular access and administering intravenous infusion therapy**
14 **treatment modalities.** [The board shall submit emergency rules to the secretary of state to
15 implement the provisions of this section within thirty days of December 15, 1983, and the board
16 shall act promptly on applications of organizations requesting approval of their course of
17 instruction.]

335.048. 1. An applicant for a license to title and practice as an advanced practice
2 **registered nurse shall submit to the board a written application on forms furnished to the**
3 **applicant. The original application shall contain the applicant's statements showing the**
4 **applicant's education, current licensure as a registered professional nurse, the applicant's**
5 **advanced practice clinical nursing specialty area and role in which the applicant is certified**
6 **by a nationally recognized certifying body acceptable to the board and other such pertinent**
7 **information as the board may require. An applicant for licensure as an advanced practice**
8 **registered nurse for whom no appropriate advanced practice clinical nursing speciality**
9 **certification from a board-acceptable nationally recognized certifying body exists or is**
10 **available shall submit evidence of the applicant's education, training, and experience as set**
11 **forth by rule. Evidence of an equivalent mechanism to certification examinations as set**
12 **forth by rule will not be accepted after December 31, 2005, and individuals will no longer**
13 **be licensed without an approved advanced practice registered nurse certification**
14 **examination.**

15 **2. The applicant shall be of good moral character and have successfully completed**
16 **the basic professional curriculum in an accredited or approved school of nursing and**
17 **earned a professional nursing degree or diploma and have successfully completed a**
18 **graduate or post-graduate advanced practice registered nurse program accredited by the**
19 **appropriate national accrediting body and earned a graduate degree or post-graduate**
20 **certificate. Each application shall contain a statement that it is made under oath or**
21 **affirmation and that its representations are true and correct to the best knowledge and**
22 **belief of the person signing same, subject to the penalties of making a false affidavit or**
23 **declaration. Applicants from non-English-speaking lands shall be required to submit**
24 **evidence of proficiency in the English language. The applicant for a license to practice**
25 **advanced practice nursing shall pay a license fee in such amount as set by the board. The**
26 **fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed**
27 **as prescribed by rule. Upon submission of the completed application and required fee, the**
28 **board may issue to the applicant a license to practice advanced practice nursing as an**
29 **advanced practice registered nurse.**

30 **3. Applicants shall be exempt from the academic requirements of subsection 2 of**
31 **this section if they meet the following:**

32 **(1) Have successfully completed the basic professional curriculum in an accredited**
33 **or approved school of nursing and earned a professional nursing degree or diploma; and**

34 **(2) Have enrolled in a formal advanced practice registered nurse program**
35 **accredited by the appropriate national or regional accreditation body on or before**
36 **September 1, 2003; and**

37 **(3) Earned an advanced practice registered nurse certificate on or before December**
38 **31, 2005; and**

39 **(4) Submitted a completed application for licensure as an advanced practice**
40 **registered nurse to the board on or before December 31, 2005.**

41 **4. Upon refusal of the board to allow any applicant to obtain licensure as an**
42 **advanced practice registered nurse, the board shall comply with the provisions of section**
43 **621.120, RSMo, and advise the applicant of the applicant's right to have a hearing before**
44 **the administrative hearing commission. The administrative hearing commission shall hear**
45 **complaints taken pursuant to section 621.120, RSMo.**

46 **5. The board may promulgate rules specifying the criteria by which nationally**
47 **recognized certifying bodies and their examinations are to be deemed acceptable to the**
48 **board, other criteria for initial and continued licensure as an advanced practice registered**
49 **nurse, and such other rules as are necessary to enable the board to carry out this provision.**

50 **6. Upon application, the board may issue a temporary permit to an advanced**
51 **practice registered nurse applicant pursuant to subsection 1 of this section who has made**
52 **a prima facie showing that the applicant meets all of the requirements for such a license**
53 **and submits an application in accord with the rules of the board. The temporary permit**
54 **shall be effective only until the board shall have had the opportunity to investigate the**
55 **applicant's qualifications for licensure pursuant to subsection 1 of this section and to notify**
56 **the applicant that his or her application for a license has been either granted or rejected.**
57 **In no event shall such temporary permit be in effect for more than six months after the**
58 **date of its issuance, nor shall a permit be reissued to the same applicant. No fee shall be**
59 **charged for such temporary permit. The holder of a temporary permit that has not**
60 **expired, or been suspended or revoked, shall be deemed to be the holder of a license issued**
61 **pursuant to section 335.048 until such temporary permit expires, is terminated, or is**
62 **suspended or revoked.**

335.049. Any registered professional nurse with a current and active registered
2 **professional nurse license who was recognized by the board to title and practice as an**
3 **advanced practice nurse within a particular clinical nursing specialty area and role on or**

4 **before December 31, 2003, and whose recognition is current and active shall be issued an**
5 **advanced practice registered nurse license and shall be exempt from the academic**
6 **requirements of subsection 2 of section 335.048.**

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

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.". No other person
3 [may] **shall** use the title "Registered Professional Nurse" or the abbreviation "R.N.". No other
4 person shall assume any title or use any abbreviation or any other words, letters, signs, or devices
5 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.". No other person [may] **shall** use
8 the title "Licensed Practical Nurse" or the abbreviation "L.P.N.". No other person shall assume
9 any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the
10 person using the same is a licensed practical nurse.

11 3. **Any person who holds a license to practice advanced practice nursing in this**
12 **state may use the title "Advanced Practice Registered Nurse", the abbreviation "A.P.R.N."**
13 **and any other title designations appearing on his or her license. No other person shall use**
14 **the title "Advanced Practice Registered Nurse" or the abbreviation "A.P.R.N."**
15 **No other person shall assume any title or use any abbreviation or any other words, letters,**
16 **signs, or devices to indicate that the person using the same is an advanced practice**
17 **registered nurse.**

18 4. No person shall practice or offer to practice professional nursing [or], practical
19 nursing, **or advanced practice registered nursing** in this state [for compensation] or use any
20 title, sign, abbreviation, card, or device to indicate that such person is a practicing professional
21 nurse [or], practical nurse, **or advanced practice nurse** unless he **or she** has been duly licensed
22 under the provisions of [sections 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 furnish any
3 nursing diploma, license, renewal or record or aid or abet therein;
- 4 (2) Practice **advanced practice nursing**, professional **nursing**, or practical nursing as
5 defined by [sections 335.011 to 335.096] **this chapter** under cover of any diploma, license, or
6 record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent
7 representation;
- 8 (3) Practice **advanced practice nursing**, professional nursing or practical nursing as
9 defined by [sections 335.011 to 335.096] **this chapter** unless duly licensed to do so under the
10 provisions of [sections 335.011 to 335.096] **this chapter**;
- 11 (4) Use in connection with his **or her** name any designation tending to imply that he **or**
12 **she** is a licensed registered professional nurse, **advanced practice registered nurse**, or a
13 licensed practical nurse unless duly licensed so to practice under the provisions of [sections
14 335.011 to 335.096] **this chapter**;
- 15 (5) Practice **advanced practice nursing**, professional nursing or practical nursing during
16 the time his **or her** license issued under the provisions of [sections 335.011 to 335.096] **this**
17 **chapter** shall be suspended or revoked; or
- 18 (6) Conduct a nursing education program for the preparation of professional or practical
19 nurses unless the program has been accredited by the board.