

SECOND REGULAR SESSION

HOUSE BILL NO. 1491

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LICHTENEGGER (Sponsor), KIRKTON, WOOD, ALLEN, GARDNER, MORGAN, ROWLAND, MAYFIELD, HOSKINS, WALKER, MCKENNA, KOLKMEYER, HIGDON, SHUMAKE, SPENCER, DAVIS, LANT, REIBOLDT, MCGAUGH, BURNS, ELLINGER, RUNIONS, HARRIS, WILSON, LOVE, FITZWATER AND LAFAVER (Co-sponsors).

5230H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nursing.

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

Section A. Sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, to read as follows: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", a [nurse] **person licensed pursuant to the provisions of this chapter and authorized to engage in the practice of advanced practice professional nursing and** 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". **Each APRN is accountable to patients, the nursing profession, and the board of nursing for:**

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.

- 15 (a) Complying with the requirements of sections 335.011 to 335.096, the nursing
16 practice act, and the quality of advanced nursing care rendered;
- 17 (b) Consulting with or referring patients, as appropriate, to other health care
18 providers; and
- 19 (c) Recognizing the scope of APRN practice and its boundaries;
- 20 (3) "Advanced practice registered nursing", the performance of advanced nursing
21 with or without compensation that requires advanced education and specialized training
22 to enable enhanced judgment and skill within such scope of training for patient care, and
23 includes but is not limited to the performance of acts in accordance with the registered
24 professional nursing scope of practice and the following:
- 25 (a) Patient assessment that leads to advanced diagnosis within the scope;
- 26 (b) Ordering diagnostic and therapeutic tests and procedures;
- 27 (c) Performing tests and procedures within the scope of practice and interpreting
28 and using results to further patient care;
- 29 (d) Ordering treatments consistent with specialty population training including
30 appropriate medical devices and using nursing, medical, therapeutic, and corrective
31 measures to treat illness and improve health status;
- 32 (e) Providing palliative and end-of-life advanced nursing care;
- 33 (f) Providing advanced counseling, patient education, health education, and patient
34 advocacy;
- 35 (g) Ordering appropriate medications in accordance with prescriptive authority;
- 36 (h) Delegating selected nursing activities or tasks to licensed practical nurses,
37 registered professional nurses, or other health care providers;
- 38 (i) Providing primary provider services for patient care; and
- 39 (j) Planning and initiating a therapeutic medical regimen as well as nutritional,
40 diagnostic, and supportive services including, but not limited to, home health care, hospice,
41 and therapy services;
- 42 (4) "Approval", official recognition of nursing education programs which meet standards
43 established by the board of nursing;
- 44 [(4)] (5) "Board" or "state board", the state board of nursing;
- 45 [(5)] (6) "Certified clinical nurse specialist", a registered nurse who is currently certified
46 as a clinical nurse specialist by a nationally recognized certifying board approved by the board
47 of nursing;
- 48 [(6)] (7) "Certified nurse midwife", a registered nurse who is currently certified as a
49 nurse midwife by the American [College of Nurse Midwives] **Midwifery Certification Board**,
50 or other nationally recognized certifying body approved by the board of nursing;

51 [(7)] (8) "Certified nurse practitioner", a registered nurse who is currently certified as a
52 nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

53 [(8)] (9) "Certified registered nurse anesthetist", a registered nurse who is currently
54 certified as a nurse anesthetist by the [Council on Certification of Nurse Anesthetists, the Council
55 on] **National Board of Certification and Recertification [of] for** Nurse Anesthetists, or other
56 nationally recognized certifying body approved by the board of nursing;

57 [(9)] (10) "Executive director", a qualified individual employed by the board as executive
58 secretary or otherwise to administer the provisions of this chapter under the board's direction.
59 Such person employed as executive director shall not be a member of the board;

60 [(10)] (11) "Inactive nurse", as defined by rule pursuant to section 335.061;

61 [(11)] (12) "Lapsed license status", as defined by rule under section 335.061;

62 [(12)] (13) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to
63 the provisions of this chapter to engage in the practice of practical nursing;

64 [(13)] (14) "Licensure", the issuing of a license to practice professional or practical
65 nursing to candidates who have met the specified requirements and the recording of the names
66 of those persons as holders of a license to practice professional or practical nursing;

67 [(14)] (15) "Practical nursing", the performance for compensation of selected acts for the
68 promotion of health and in the care of persons who are ill, injured, or experiencing alterations
69 in normal health processes. Such performance requires substantial specialized skill, judgment
70 and knowledge. All such nursing care shall be given under the direction of a person licensed by
71 a state regulatory board to prescribe medications and treatments or under the direction of a
72 registered professional nurse. For the purposes of this chapter, the term "direction" shall mean
73 guidance or supervision provided by a person licensed by a state regulatory board to prescribe
74 medications and treatments or a registered professional nurse, including, but not limited to, oral,
75 written, or otherwise communicated orders or directives for patient care. When practical nursing
76 care is delivered pursuant to the direction of a person licensed by a state regulatory board to
77 prescribe medications and treatments or under the direction of a registered professional nurse,
78 such care may be delivered by a licensed practical nurse without direct physical oversight;

79 [(15)] (16) "Professional nursing", the performance for compensation of any act which
80 requires substantial specialized education, judgment and skill based on knowledge and
81 application of principles derived from the biological, physical, social and nursing sciences,
82 including, but not limited to:

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

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

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

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

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

93 [(16)] (17) A "registered professional nurse" or "registered nurse", a person licensed
94 pursuant to the provisions of this chapter to engage in the practice of professional nursing;

95 [(17)] (18) "Retired license status", any person licensed in this state under this chapter
96 who retires from such practice. Such person shall file with the board an affidavit, on a form to
97 be furnished by the board, which states the date on which the licensee retired from such practice,
98 an intent to retire from the practice for at least two years, and such other facts as tend to verify
99 the retirement as the board may deem necessary; but if the licensee thereafter reengages in the
100 practice, the licensee shall renew his or her license with the board as provided by this chapter and
101 by rule and regulation.

335.019. 1. The board of nursing may grant a certificate of controlled substance
2 prescriptive authority to an advanced practice registered nurse who:

3 (1) Submits proof of successful completion of an advanced pharmacology course that
4 shall include preceptorial experience in the prescription of drugs, medicines and therapeutic
5 devices; and

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

9 (3) Provides evidence of a minimum of one thousand hours of practice in an advanced
10 practice nursing category prior to application for a certificate of prescriptive authority. The one
11 thousand hours shall not include clinical hours obtained in the advanced practice nursing
12 education program. The one thousand hours of practice in an advanced practice nursing category
13 may include transmitting a prescription order orally or telephonically or to an inpatient medical
14 record from protocols developed in collaboration with and signed by a licensed physician; and

15 (4) Has a controlled substance prescribing authority delegated in the collaborative
16 practice arrangement under section 334.104 with a physician who has an unrestricted federal
17 Drug Enforcement Administration registration number and who is actively engaged in a practice
18 comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

19 **2. All licensed APRNs are authorized to:**

20 **(1) Prescribe and institute medication therapy within such APRN's practice and**
21 **specialty or make appropriate referrals of patients to health care providers and community**
22 **resources; and**

23 **(2) Prescribe, procure, administer, and dispense samples.**

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and
3 the board may appoint, employ and fix the compensation of a legal counsel and such board
4 personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as are necessary
5 to administer the provisions of sections 335.011 to 335.096;

6 (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry
7 into effect the provisions of sections 335.011 to 335.096;

8 (3) Prescribe minimum standards for [educational] **entry level nursing education**
9 programs preparing persons for licensure pursuant to the provisions of sections 335.011 to
10 335.096;

11 (4) Provide for surveys of such programs every five years and in addition at such times
12 as it may deem necessary;

13 (5) Designate as "approved" such programs as meet the requirements of sections 335.011
14 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall
15 annually publish a list of such programs;

16 (6) Deny or withdraw approval from educational programs for failure to meet prescribed
17 minimum standards;

18 (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

19 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to
20 335.096, and may incur such necessary expenses therefor;

21 (9) Keep a record of all the proceedings; and make an annual report to the governor and
22 to the director of the department of insurance, financial institutions and professional registration;

23 (10) Establish an impaired nurse program.

24 2. The board shall set the amount of the fees which this chapter authorizes and requires
25 by rules and regulations. The fees shall be set at a level to produce revenue which shall not
26 substantially exceed the cost and expense of administering this chapter.

27 3. All fees received by the board pursuant to the provisions of sections 335.011 to
28 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of
29 nursing fund. All administrative costs and expenses of the board shall be paid from
30 appropriations made for those purposes. The board is authorized to provide funding for the
31 nursing education incentive program established in sections 335.200 to 335.203.

32 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
33 shall not be transferred and placed to the credit of general revenue until the amount in the fund
34 at the end of the biennium exceeds two times the amount of the appropriation from the board's
35 funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently
36 than yearly, then three times the appropriation from the board's funds for the preceding fiscal
37 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds
38 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal
39 year.

40 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
41 under the authority delegated in this chapter shall become effective only if it complies with and
42 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All
43 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.
44 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
45 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
46 section and chapter 536 are nonseverable and if any of the powers vested with the general
47 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
48 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
49 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

 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. (1) An applicant for initial licensure to practice as an APRN shall:**

39 **(a) Submit a completed application as established by the board. The application**
40 **shall contain:**

41 **a. The applicant's statements showing the applicant's education and other such**
42 **pertinent information as the board may require; and**

43 **b. A statement that the application is made under oath or affirmation and that the**
44 **representations contained in the application are true and correct to the best knowledge and**
45 **belief of the person signing same, subject to the penalties of making a false affidavit or**
46 **declaration;**

47 **(b) Be of good moral character, and meet the following educational requirements:**

48 **a. Prior to July 1, 1998, completion of a formal post basic educational program**
49 **from or formally affiliated with an accredited college, university, or hospital of at least one**
50 **academic year, which includes advanced nursing theory and clinical nursing practice,**
51 **leading to a graduate degree or certificate with a concentration in an advanced practice**
52 **nursing clinical specialty area;**

b. From and after July 1, 1998, completion of a graduate degree from an accredited college or university with a concentration in an advanced practice nursing clinical specialty area, which includes advanced nursing theory and clinical nursing practice;

c. From and after January 1, 2009, have completed an accredited graduate level APRN program in one of the four roles and at least one population focus;

(c) Be currently certified by a national certifying body recognized by the board in the APRN role and population foci appropriate to educational preparation;

(d) Be approved by the board; and

(e) Provide other evidence as required by rule.

(2) Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language and shall be licensed as prescribed by rule.

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

(4) Once an APRN license is issued, the license holder's APRN license and RN license shall be treated as one license for the purpose of renewal and assessment of renewal fees.

4. Upon refusal of the board to allow any applicant to sit for either the registered professional nurses' examination or the licensed practical nurses' examination, as the case may be, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

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

335.056. The license of every person licensed under the provisions of [sections 335.011 to 335.096] **this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing **as an advanced practice registered nurse**, as a registered professional nurse, or as a licensed practical nurse during the time his **or her** license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of 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 professional or practical nursing as defined [by sections 335.011 to 335.096]
5 **in this chapter** under cover of any diploma, license, or record illegally or fraudulently obtained
6 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] **this chapter** unless duly licensed to do so under the provisions of [sections 335.011
9 to 335.096] **this chapter**;

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 registered professional nurse, or a
12 licensed practical nurse unless duly licensed so to practice under the provisions of [sections
13 335.011 to 335.096] **this chapter**;

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] **this chapter** 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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