

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 11, Page 2, Section 194.225, Line 37, by
2 inserting after all of said section and line the following:

3
4 "198.082. 1. Each certified nursing assistant hired to work in a skilled nursing or
5 intermediate care facility after January 1, 1980, shall have successfully completed a nursing
6 assistant training program approved by the department or shall enroll in and begin the first available
7 approved training program which is scheduled to commence within ninety days of the date of the
8 certified nursing assistant's employment and which shall be completed within four months of
9 employment. Training programs shall be offered at any facility licensed ~~[or approved]~~ by the
10 department of health and senior services; any skilled nursing or intermediate care unit in a Missouri
11 veterans home, as defined in section 42.002; or any hospital, as defined in section 197.020. Training
12 programs shall be [which is most] reasonably accessible to the enrollees in each class. The program
13 may be established by [the] a skilled nursing or intermediate care facility, unit, or hospital; by a
14 professional organization[;]; or by the department, and training shall be given by the personnel of
15 the facility, unit, or hospital; by a professional organization[;]; by the department[;]; by any
16 community college; or by the vocational education department of any high school.

17 2. As used in this section the term "certified nursing assistant" means an employee[;] who
18 has completed the training required under subsection 1 of this section, who has passed the
19 certification exam, and [including a nurse's aide or an orderly,] who is assigned by a skilled nursing
20 or intermediate care facility, unit, or hospital to provide or assist in the provision of direct resident
21 health care services under the supervision of a nurse licensed under the nursing practice law, chapter
22 335.

23 3. This section shall not apply to any person otherwise regulated or licensed to perform
24 health care services under the laws of this state. It shall not apply to volunteers or to members of
25 religious or fraternal orders which operate and administer the facility, if such volunteers or members
26 work without compensation.

27 ~~[3.]~~ 4. The training program ~~[after January 1, 1989, shall consist of at least the following:~~
28 ~~—— (1) A training program consisting]~~ requirements shall be defined in regulation by the
29 department and shall require [of] at least seventy-five classroom hours of training [on basic nursing
30 skills, clinical practice, resident safety and rights, the social and psychological problems of
31 residents, and the methods of handling and caring for mentally confused residents such as those with
32 Alzheimer's disease and related disorders,] and one hundred hours supervised and on-the-job
33 training. On-the-job training sites shall include supervised practical training in a laboratory or other
34 setting in which the trainee demonstrates knowledge while performing tasks on an individual under
35 the direct supervision of a registered nurse or a licensed practical nurse. The [one hundred hours]
36 training shall be completed within four months of employment and may consist of normal

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employment as nurse assistants or hospital nursing support staff under the supervision of a licensed nurse~~]; and~~

~~—— (2) Continuing in-service training to assure continuing competency in existing and new nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31, 1989, an entire special retraining program established by rule or regulation of the department which shall contain information on methods of handling mentally confused residents and which may be offered on premises by the employing facility].~~

[4.] 5. Certified nursing [Nursing] assistants who have not successfully completed the nursing assistant training program prior to employment may begin duties as a certified nursing assistant ~~[only after completing an initial twelve hours of basic orientation approved by the department]~~ and may provide direct resident care only if under the ~~[general]~~ direct supervision of a licensed nurse prior to completion of the seventy-five classroom hours of the training program.

6. The competency evaluation shall be performed in a facility, as defined in 42 CFR Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall function as a certified nursing assistant.

7. Persons completing the training requirements of unlicensed assistive personnel under 19 CSR 30-20.125 or its successor regulation, and who have completed the competency evaluation, shall be allowed to sit for the certified nursing assistant examination and be deemed to have fulfilled the classroom and clinical standards for designation as a certified nursing assistant.

8. The department of health and senior services may offer additional training programs and certifications to students who are already certified as nursing assistants according to regulations promulgated by the department and curriculum approved by the board."; and

Further amend said bill, Page 6, Section 302.171, Line 114, by inserting after all of said section and line the following:

"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;

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

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

(6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse

1 practitioner by a nationally recognized certifying body approved by the board of nursing;

2 (8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a
 3 nurse anesthetist by the ~~[Council on Certification of Nurse Anesthetists, the Council on~~
 4 ~~Recertification of Nurse Anesthetists,]~~ National Board of Certification and Recertification for Nurse
 5 Anesthetists or other nationally recognized certifying body approved by the board of nursing;

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

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

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

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

13 (13) "Licensure", the issuing of a license to a person who has met specified requirements
 14 authorizing the person to practice advanced practice, professional, or practical nursing ~~[to~~
 15 ~~candidates who have met the specified requirements]~~ and the recording of the names of those
 16 persons as holders of a license to practice advanced practice, professional, or practical nursing;

17 (14) "Practice of practical nursing", the performance for compensation of selected acts for
 18 the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in
 19 normal health processes. Such performance requires substantial specialized skill, judgment and
 20 knowledge. All such nursing care shall be given under the direction of a person licensed by a state
 21 regulatory board to prescribe medications and treatments or under the direction of a registered
 22 professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or
 23 supervision provided by a person licensed by a state regulatory board to prescribe medications and
 24 treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise
 25 communicated orders or directives for patient care. When practical nursing care is delivered
 26 pursuant to the direction of a person licensed by a state regulatory board to prescribe medications
 27 and treatments or under the direction of a registered professional nurse, such care may be delivered
 28 by a licensed practical nurse without direct physical oversight;

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

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

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

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

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

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

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

45 (17) "Retired license status", any person licensed in this state under this chapter who retires
 46 from such practice. Such person shall file with the board an affidavit, on a form to be furnished by
 47 the board, which states the date on which the licensee retired from such practice, an intent to retire
 48 from the practice for at least two years, and such other facts as tend to verify the retirement as the
 49 board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall

1 renew his or her license with the board as provided by this chapter and by rule and regulation.

2 335.046. 1. An applicant for a license to practice as a registered professional nurse shall
 3 submit to the board a written application on forms furnished to the applicant. The original
 4 application shall contain the applicant's statements showing the applicant's education and other such
 5 pertinent information as the board may require. The applicant shall be of good moral character and
 6 have completed at least the high school course of study, or the equivalent thereof as determined by
 7 the state board of education, and have successfully completed the basic professional curriculum in
 8 an accredited or approved school of nursing and earned a professional nursing degree or diploma.
 9 Each application shall contain a statement that it is made under oath or affirmation and that its
 10 representations are true and correct to the best knowledge and belief of the person signing same,
 11 subject to the penalties of making a false affidavit or declaration. Applicants from non-English-
 12 speaking lands shall be required to submit evidence of proficiency in the English language. The
 13 applicant must be approved by the board and shall pass an examination as required by the board.
 14 The board may require by rule as a requirement for licensure that each applicant shall pass an oral or
 15 practical examination. Upon successfully passing the examination, the board may issue to the
 16 applicant a license to practice nursing as a registered professional nurse. The applicant for a license
 17 to practice registered professional nursing shall pay a license fee in such amount as set by the board.
 18 The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as
 19 prescribed by rule.

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

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

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

46 335.047. 1. The Missouri state board of nursing may promulgate rules under chapter 536
 47 establishing the licensure, renewal procedures, fees, and the discipline of advanced practice
 48 registered nurses. An application for licensure may be denied or the license of an advanced practice
 49 registered nurse may be suspended or revoked by the board in the same manner and for violation of

1 the standards as set forth by section 335.066, or such other standards of conduct set by the board by
 2 rule.

3 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 4 under the authority delegated in this section shall become effective only if it complies with and is
 5 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and
 6 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 9 August 28, 2019, shall be invalid and void.

10 3. Nothing in this section shall prohibit a certified advance practice registered nurse from
 11 continuing to practice with a certification before such licensing rules are established by the board.

12 4. Nothing in this section shall prohibit a certified registered nurse anesthetist as defined in
 13 section 335.016 from providing anesthesia services without a collaborative practice arrangement
 14 provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or
 15 podiatrist who is immediately available, if needed, pursuant to subsection (7) of section 334.104.

16 335.051. 1. The board shall issue a license to practice nursing as either a registered
 17 professional nurse or a licensed practical nurse without examination to an applicant who has duly
 18 become licensed as a registered nurse or licensed practical nurse pursuant to the laws of another
 19 state, territory, or foreign country if the applicant meets the qualifications required of registered
 20 nurses or licensed practical nurses in this state at the time the applicant was originally licensed in the
 21 other state, territory, or foreign country.

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

23 3. Upon application, the board shall issue a temporary permit to an applicant pursuant to
 24 subsection 1 of this section for a license as either a registered professional nurse or a licensed
 25 practical nurse who has made a prima facie showing that the applicant meets all of the requirements
 26 for such a license. The temporary permit shall be effective only until the board shall have had the
 27 opportunity to investigate his or her qualifications for licensure pursuant to subsection 1 of this
 28 section and to notify the applicant that his or her application for a license has been either granted or
 29 rejected. In no event shall such temporary permit be in effect for more than twelve months after the
 30 date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for
 31 such temporary permit. The holder of a temporary permit which has not expired, or been suspended
 32 or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until
 33 such temporary permit expires, is terminated or is suspended or revoked.

34 4. The board may issue a license by endorsement to an advanced practice registered nurse
 35 licensed under the laws of another state if, in the opinion of the board, the applicant meets the
 36 qualifications for licensure in this jurisdiction. An advanced practice registered nurse licensed
 37 under this subsection shall practice in accordance with the laws of this state.

38 335.056. 1. The license of every person licensed under the provisions of [~~sections 335.011~~
 39 ~~to 335.096~~] this chapter shall be renewed as provided. An application for renewal of license shall be
 40 mailed to every person to whom a license was issued or renewed during the current licensing period.
 41 The applicant shall complete the application and return it to the board by the renewal date with a
 42 renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The
 43 certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period
 44 stated in the certificate of renewal. Any person who practices nursing as an advanced practice
 45 registered nurse, a registered professional nurse, or [as] a licensed practical nurse during the time his
 46 or her license has lapsed shall be considered an illegal practitioner and shall be subject to the
 47 penalties provided for violation of the provisions of sections 335.011 to [~~335.096~~] 335.099.

48 2. A licensee's advanced practice registered nursing license and his or her professional
 49 nursing license shall be treated as one license for the purpose of discipline, renewal, and assessment

1 of renewal fees.

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

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

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

20 4. No person shall practice or offer to practice professional nursing, practical nursing, or
21 advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate
22 that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless
23 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 to
25 use the title "nurse" in reference to himself or herself in any capacity, except individuals who are or
26 have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered
27 nurse under this chapter.

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

35 335.086. No person, firm, corporation or association shall:

36 (1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing
37 diploma, license, renewal or record or aid or abet therein;

38 (2) Practice [~~professional or practical~~] nursing as defined by sections 335.011 to [~~335.096~~]
39 335.099 under cover of any diploma, license, or record illegally or fraudulently obtained or signed
40 or issued unlawfully or under fraudulent representation;

41 (3) Practice [~~professional nursing or practical~~] nursing as defined by sections 335.011 to
42 [~~335.096~~] 335.099 unless duly licensed to do so under the provisions of sections 335.011 to
43 [~~335.096~~] 335.099;

44 (4) Use in connection with his or her name any designation tending to imply that he or she is
45 a licensed advanced practice registered nurse, a licensed registered professional nurse, or a licensed
46 practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to
47 [~~335.096~~] 335.099;

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

1 or

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

4 335.175. 1. No later than January 1, 2014, there is hereby established within the state board
5 of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by
6 Nurses". An advanced practice registered nurse (APRN) providing nursing services under a
7 collaborative practice arrangement under section 334.104 may provide such services outside the
8 geographic proximity requirements of section 334.104 if the collaborating physician and advanced
9 practice registered nurse utilize telehealth in the care of the patient and if the services are provided
10 in a rural area of need. Telehealth providers shall be required to obtain patient consent before
11 telehealth services are initiated and ensure confidentiality of medical information.

12 2. As used in this section, "telehealth" shall have the same meaning as such term is defined
13 in section 191.1145.

14 3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under
15 this section. Such rules shall address, but not be limited to, appropriate standards for the use of
16 telehealth.

17 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
18 under the authority delegated in this section shall become effective only if it complies with and is
19 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
20 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
21 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
22 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
23 August 28, 2013, shall be invalid and void.

24 4. For purposes of this section, "rural area of need" means any rural area of this state which
25 is located in a health professional shortage area as defined in section 354.650.

26 ~~[5. Under section 23.253 of the Missouri sunset act:~~

27 ~~—— (1) The provisions of the new program authorized under this section shall automatically~~
28 ~~sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and~~

29 ~~—— (2) If such program is reauthorized, the program authorized under this section shall~~
30 ~~automatically sunset twelve years after the effective date of the reauthorization of this section; and~~

31 ~~—— (3) This section shall terminate on September first of the calendar year immediately~~
32 ~~following the calendar year in which the program authorized under this section is sunset.]; and~~

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.