

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by
2 inserting after all of said section and line the following:

3
4 "324.950. 1. Sections 324.950 to 324.983 shall be known and may be cited as the "Missouri
5 Statewide Mechanical Contractor Licensing Act".

6 2. As used in sections 324.950 to 324.983, unless the context clearly indicates otherwise, the
7 following terms shall mean:

8 (1) "Division", the division of professional registration within the department of insurance,
9 financial institutions and professional registration;

10 (2) "License holder", any person who is granted a statewide license by the division;

11 (3) "Local license", a valid business or occupational license issued by a Missouri political
12 subdivision;

13 (4) "Mechanical contractor", a company engaged in mechanical contracting work per the
14 International Code Council (ICC) and NFPA 54, including the design, installation, maintenance,
15 construction, alteration, repair, and inspection of any:

16 (a) HVAC system;

17 (b) HVAC duct system;

18 (c) Exhaust systems;

19 (d) Combustion air or make up air;

20 (e) Chimneys and vents;

21 (f) Hydronic piping systems that are part of an HVAC
22 system;

23 (g) Boilers, water heaters, and pressure vessels;

24 (h) Process piping systems under one hundred fifty PSI;

25 (i) Fuel gas distribution piping;

26 (j) Fuel gas-fired, fuel oil-fired, and solid fuel appliances;

27 (k) Fuel oil piping and storage vessels;

28 (l) Fuel gas-fired, fuel oil-fired, and solid fuel appliance venting systems;

29 (m) Equipment and appliances intended to utilize solar energy for space heating or cooling;

30 (n) Domestic hot water heating, swimming pool heating, or process heating; and

31 (o) Refrigeration systems, including all equipment and components thereof.

32
33 Additional certification may be required by the division for a particular scope of mechanical work;

34 (5) "Office", the office of mechanical contractors within the division of professional
35 registration;

36 (6) "Person", an individual, corporation, partnership, association, or other legal entity;

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(7) "Statewide mechanical contractor license", a valid license issued by the division that allows the mechanical contractor and any of its employees or manufacturers' representatives or subcontractors to practice in any jurisdiction in Missouri regardless of local licensing requirements. Political subdivisions cannot require any member of the work force of a licensed statewide mechanical contractor to obtain an individual occupational license.

324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to 324.983 including, but not limited to, rules relating to professional conduct, continuing competency requirements for the renewal of licenses, approval of continuing competency programs, fees, and the establishment of ethical standards of business practice for persons holding a license under sections 324.950 to 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

2. For the purpose of sections 324.950 to 324.983, the division shall:

(1) Establish all applicable fees, set at an amount which shall not substantially exceed the cost of administering sections 324.950 to 324.983; and

(2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the Missouri mechanical contractor licensing fund.

324.956. There is hereby created the "Office of Mechanical Contractors" to be housed within the division of professional registration. The division shall:

(1) Employ, within the limits of the funds appropriated, persons as are necessary to carry out the provisions of sections 324.950 to 324.983, including both administrative and professional staff and legal counsel, with the discretion to hire experts in mechanical contracting to advise the division on technical matters related to mechanical contracting;

(2) Exercise all budgeting, purchasing, reporting, and related management functions;

(3) Conduct investigations to determine compliance with sections 324.950 to 324.983; and

(4) File suit in its own name on behalf of the office to enforce the provisions of sections 324.950 to 324.983.

324.959. 1. The applicant for a statewide mechanical license shall satisfy the following requirements:

(1) Be at least twenty-one years of age;

(2) Provide proof of liability insurance in the amount of five hundred thousand dollars and post bond with each political subdivision in which he or she will perform work as required by that political subdivision;

(3) Pass one of the following standardized and nationally offered mechanical assessment tests:

(a) International Code Council;

(b) Prometric; or

(c) North American Technician Excellence (NATE) certification; or a similar test that is administered by an independent professional testing agency not affiliated with any political subdivision or the state of Missouri and is approved by the division. The applicant shall pay for all costs associated with the examinations;

(4) Complete the application form provided by the division and pay any applicable

1 application fees; and

2 (5) Have completed seven thousand five hundred hours of verifiable field experience in the
 3 mechanical industry or a bachelor's or further advanced degree in mechanical or civil engineering
 4 from an accredited college or university with a minimum of three years verifiable experience
 5 directing and supervising at least one field employee.

6 2. Any applicant for licensure who holds a local license as defined in section 324.950, or
 7 other license authorizing him or her to engage in mechanical contracting, who has seven thousand
 8 five hundred hours of verifiable field experience in the mechanical industry, and who is otherwise
 9 eligible for licensure shall be issued a statewide mechanical license, therefore becoming a statewide
 10 mechanical license holder. The provisions of this subsection shall apply only to licenses issued by a
 11 political subdivision with the legal authority to issue such licenses.

12 3. If a corporation, firm, institution, organization, company, or representative thereof desires
 13 to engage in mechanical contracting licensed under sections 324.950 to 324.985, it shall have in its
 14 employ at least one license holder who possesses a statewide license in accordance with sections
 15 324.950 to 324.983. A statewide licensed mechanical license holder shall represent only one
 16 corporation, firm, institution, organization, or company at one time.

17 4. The division may issue a mechanical contractor license to any person who holds a current
 18 and active license to engage in the practice of a mechanical contractor or as a master pipefitter or
 19 master plumber issued by any other state, the District of Columbia, or territories of the United States
 20 that require standards for licensure, registration, or certification considered to be equivalent or more
 21 stringent than the requirements for licensure under sections 324.950 to 324.983.

22 324.962. 1. Political subdivisions shall not be prohibited from establishing their own local
 23 mechanical contractor's license but shall recognize a statewide license in lieu of a local license for
 24 the purposes of performing contracting work or obtaining permits to perform work within such
 25 political subdivision. No political subdivision shall require the employees of a statewide licensed
 26 mechanical contractor or its subcontractors or manufacturers' representatives to obtain journeyman
 27 licenses, apprentice licenses, or occupation licenses that require passing any examination or any
 28 special requirements to assess proficiency or mastery of the mechanical trade. The workforce of a
 29 statewide licensee shall be deemed eligible to perform mechanical contracting work and to obtain
 30 permits to perform such work from any political subdivision within the state of Missouri.

31 2. If a political subdivision does not recognize a statewide license in lieu of a local license
 32 for the purposes of performing contracting work or obtaining permits to perform work within the
 33 political subdivision, a statewide mechanical contractor licensee may file a complaint with the
 34 division. The division shall perform an investigation into the complaint, and if the division finds
 35 that the political subdivision failed to recognize a statewide license in accordance with this section,
 36 the division shall notify the political subdivision that the political subdivision has violated the
 37 provisions of this section and has thirty days to comply with this section. If after thirty days the
 38 political subdivision still does not recognize a statewide license, the division shall notify the director
 39 of the department of revenue, who shall withhold any moneys the noncompliant political
 40 subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until
 41 the director has received notice from the division that the political subdivision is in compliance with
 42 this section. Upon the political subdivision coming into compliance with the provisions of this
 43 section, the division shall notify the director of the department of revenue, who shall disburse all
 44 funds held under this subsection. Moneys held by the director of the department of revenue under
 45 this subsection shall not be deemed to be state funds and shall not be commingled with any funds of
 46 the state.

47 3. The provisions of this section shall not prohibit any political subdivision in this state
 48 from:

49 (1) Enforcing any code or law contained in this section;

1 (2) Requiring a business license to perform mechanical contracting work;

2 (3) Issuing mechanical contracting permits;

3 (4) Enforcing codes of the political subdivision; and

4 (5) Inspecting the work of a statewide mechanical contractor.

5 4. Political subdivisions that do not have the authority to issue or require mechanical
6 contractor licenses prior to August 28, 2019, shall not be granted such authority under the provisions
7 of this section.

8 324.965. There is hereby created in the state treasury the "Missouri Mechanical Contractor
9 Licensing Fund", which shall consist of moneys collected under sections 324.950 to 324.983. The
10 state treasurer shall be custodian of the fund and may approve disbursements from the fund in
11 accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used
12 solely for the administration of sections 324.950 to 324.983. The provisions of section 33.080 to the
13 contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of
14 general revenue until the amount in the fund at the end of the biennium exceeds three times the
15 amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the
16 fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the
17 appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in
18 the fund in the same manner as other funds are invested. Any interest and moneys earned on such
19 investments shall be credited to the fund.

20 324.968. 1. Licenses shall expire on a renewal date established by the division. The term of
21 licensure shall be twenty-four months. The division shall mail a renewal notice to the last known
22 address of each person licensed under sections 324.950 to 324.983 prior to the renewal date. Failure
23 to provide the division with the information required for renewal or to pay the required fee after
24 such notice shall result in the license being declared inactive. The licensee shall not practice until
25 he or she applies for reinstatement and pays the required fees. The license shall be restored if the
26 application for reinstatement is received within two years of the renewal date.

27 2. In addition to other requirements provided by sections 324.950 to 324.983 and
28 established by the division, in order to renew such license under this section, the person shall have at
29 least sixteen contact hours of industry-related training.

30 324.971. Any person operating as a mechanical contractor in a political subdivision that
31 does not require the mechanical contractor to hold a local license, or who operates as a mechanical
32 contractor in a political subdivision that requires a local license possessed by that person, shall not
33 be required to possess a statewide license under sections 324.950 to 324.983 to operate as a
34 mechanical contractor in such political subdivision.

35 324.977. The statewide license shall be regulated by the division of professional registration
36 and not a state-appointed licensing board. 324.980. 1. The division may refuse to issue any
37 certificate of registration or authority, permit, or license required under sections 324.950 to 324.983
38 for one or any combination of causes stated in subsection 2 of this section. The division shall notify
39 the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right
40 to file a complaint with the administrative hearing commission as provided by chapter 621.

41 2. The division may cause a complaint to be filed with the administrative hearing
42 commission as provided by chapter 621 against any holder of any certificate of registration or
43 authority, permit, or license required by sections 324.950 to 324.983, or any person who has failed
44 to renew or has surrendered his or her certificate of registration or authority, permit, or license for
45 any one or any combination of the following causes:

46 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
47 extent that such use impairs a person's ability to perform the work of any profession licensed or
48 regulated by sections 324.950 to 324.983;

49 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or

nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under sections 324.950 to 324.983, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty, or an act of violence;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983 or in obtaining permission to take any examination given or required under sections 324.950 to 324.983;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 324.950 to 324.983;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.950 to 324.983 granted by another political subdivision, state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.950 to 324.983 who is not licensed or registered and currently eligible to practice thereunder;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to maintain liability coverage as required for initial licensure;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(15) Failure to post bond as required by any local jurisdiction.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983.

4. An individual whose certificate of registration or authority, permit, or license has been revoked shall wait three years from the date of revocation to apply for any certificate of registration or authority, permit, or license under sections 324.950 to 324.983. Any certificate of registration or authority, permit, or license shall be issued at the discretion of the board after compliance with all the requirements of sections 324.950 to 324.983 relative to the licensing or registration of the applicant for the first time.

5. The division may file suit to enforce compliance, including the authority to seek injunctions and restraining orders to enjoin any person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a license is required upon a showing that such acts or practices were performed or offered to be

1 performed without a certificate of registration or authority, permit, or license;

2 (2) Engaging in the practice of business authorized by a license issued under a building
 3 trades contractor law upon a showing that the license holder presents a substantial probability of
 4 serious harm to the health, safety, or welfare of any resident of this state or owner or lessee of real
 5 property within this state; or

6 (3) Refusing to recognize a statewide license as a valid license within any political
 7 subdivision, or requiring journeymen or apprentices to be individually licensed or requiring
 8 subcontractors and manufacturer's representatives, or other members of the contractor's workforce to
 9 be licensed.

10 6. The division may assess fines for violations of any of the provisions of sections 324.950
 11 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon a judicial or
 12 administrative finding of violation of law.

13 7. The division may compel the production of documents, things, or persons by subpoena.

14 8. The division may refer any violations of the provisions of any state law or local ordinance
 15 relating to the work performed by a licensee to the appropriate state or local official.

16 324.983. 1. Any person that knowingly violates any provision of sections 324.950 to
 17 324.983 is guilty of a class B misdemeanor.

18 2. Any officer or agent of a corporation or member or agent of a partnership or association
 19 who knowingly and personally participates in or is an accessory to any violation of sections 324.950
 20 to 324.983 is guilty of a class B misdemeanor.

21 3. The division may file suit for any violation of sections 324.950 to 324.983 in any court of
 22 competent jurisdiction and perform such other acts as may be necessary to enforce the provisions of
 23 sections 324.950 to 324.983."; and

24
 25 Further amend said bill, Page 39, Section 334.749, Line 43, by inserting after all of said section and
 26 line the following:

27
 28 "335.016. As used in this chapter, unless the context clearly requires otherwise, the
 29 following words and terms mean:

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

32 (2) "Advanced practice registered nurse" or "APRN", a ~~[nurse who has education beyond~~
 33 ~~the basic nursing education and is certified by a nationally recognized professional organization as a~~
 34 ~~certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a~~
 35 ~~certified clinical nurse specialist. The board shall promulgate rules specifying which nationally~~
 36 ~~recognized professional organization certifications are to be recognized for the purposes of this~~
 37 ~~section. Advanced practice nurses and only such individuals may use the title "Advanced Practice~~
 38 ~~Registered Nurse" and the abbreviation "APRN"]~~ person who is licensed under the provisions of this
 39 chapter to engage in the practice of advanced practice nursing as a certified clinical nurse specialist,
 40 certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

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

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

3. Upon refusal of the board to allow any applicant to ~~[sit for]~~ take either the registered professional nurses' examination or the licensed practical nurses' examination, ~~[as the case may be,]~~ or upon refusal to issue an advanced practice registered nurse license, 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. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.047. 1. The Missouri state board of nursing may promulgate rules under chapter 536 establishing the licensure, renewal procedures, fees, and the discipline of advanced practice registered nurses. An application for licensure may be denied or the license of an advanced practice

1 registered nurse may be suspended or revoked by the board in the same manner and for violation of
 2 the standards as set forth by section 335.066, or such other standards of conduct set by the board by
 3 rule.

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

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

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

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

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

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

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

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

49 2. A licensee's advanced practice registered nursing license and his or her professional

nursing license shall be treated as one license for the purpose of discipline, renewal, and assessment of renewal fees.

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

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

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

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

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

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

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

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

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

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

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

(5) Practice [~~professional nursing or practical~~] nursing during the time his or her license

1 issued under the provisions of sections 335.011 to ~~[335.096]~~ 335.099 shall be suspended or revoked;
2 or
3 (6) Conduct a nursing education program for the preparation of professional or practical
4 nurses unless the program has been accredited by the board."; and
5
6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.