

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

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

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

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

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

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

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

(4) "Mechanical contractor", a company engaged in mechanical contracting work per a uniform mechanical code, including the design, installation, maintenance, construction, alteration, repair, and inspection of any:

(a) HVAC system;

(b) HVAC duct system;

(c) Exhaust systems;

(d) Combustion air or make up air;

(e) Chimneys and vents, excluding work covered by a standardized plumbing code;

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

(g) Boilers, water heaters, and pressure vessels, excluding work covered by a standardized plumbing code;

(h) Process piping systems;

(i) Fuel gas distribution piping, excluding work covered by a standardized plumbing code;

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

(k) Fuel oil piping and storage vessels;

(l) Fuel gas-fired, fuel oil-fired, and solid fuel appliance venting systems, excluding work covered by a standardized plumbing code;

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

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- 1 (n) Process heating;
- 2 (o) Refrigeration systems, including all equipment and components thereof;
- 3 (p) Backflow preventers for mechanical equipment, excluding work covered by a
- 4 standardized plumbing code;
- 5 (q) Medical gas piping for mechanical equipment, excluding work covered by a
- 6 standardized plumbing code;
- 7 (r) Air, oxygen, and vacuum piping for mechanical equipment, excluding work covered by a
- 8 standardized plumbing code;
- 9 (s) Fire suppression systems; and
- 10 (t) Chillers and cooling towers.

11
12 Additional certification may be required by the division for a particular scope of mechanical work;
13 (5) "Office", the office of mechanical contractors within the division of professional
14 registration;

15 (6) "Person", an individual, corporation, partnership, association, or other legal entity;
16 (7) "Statewide mechanical contractor license", a valid mechanical contractor license issued
17 by the division.

18 324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules
19 as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may
20 promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to
21 324.983 including, but not limited to, rules relating to professional conduct, continuing competency
22 requirements for the renewal of statewide mechanical contractor licenses, approval of continuing
23 competency programs, fees, and the establishment of ethical standards of business practice for
24 persons holding a statewide mechanical contractor license under sections 324.950 to 324.983. Any
25 rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority
26 delegated in this section shall become effective only if it complies with and is subject to all of the
27 provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are
28 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
29 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
30 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
31 August 28, 2019, shall be invalid and void.

32 2. For the purpose of sections 324.950 to 324.983, the division shall:
33 (1) Establish all applicable fees, set at an amount which shall not substantially exceed the
34 cost of administering sections 324.950 to 324.983; and
35 (2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such funds
36 to the department of revenue for deposit to the state treasury to the credit of the Missouri mechanical
37 contractor licensing fund.

38 324.956. There is hereby created the "Office of Mechanical Contractors" to be housed
39 within the division of professional registration. The division shall:

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

44 (2) Exercise all budgeting, purchasing, reporting, and related management functions;
45 (3) Conduct investigations to determine compliance with sections 324.950 to 324.983; and
46 (4) File suit in its own name on behalf of the office to enforce the provisions of sections
47 324.950 to 324.983.

48 324.959. 1. The applicant for a statewide mechanical contractor license shall satisfy the
49 following requirements:

1 (1) Be at least twenty-one years of age;
 2 (2) Provide proof of liability insurance in the amount of five hundred thousand dollars and
 3 post bond with each political subdivision in which he or she will perform work as required by that
 4 political subdivision;
 5 (3) Pass one of the following standardized and nationally offered mechanical assessment
 6 tests:
 7 (a) International Code Council;
 8 (b) Prometric; or
 9 (c) International Association of Plumbing and Mechanical Officials (IAPMO) Certification;
 10 or
 11 a similar test that is administered by an independent professional testing agency not affiliated with
 12 any political subdivision or the state of Missouri and is approved by the division. The applicant
 13 shall pay for all costs associated with the examinations;
 14 (4) Complete the application form provided by the division and pay any applicable
 15 application fees; and
 16 (5) Have completed seven thousand five hundred hours of verifiable field experience in the
 17 mechanical industry or a bachelor's or further advanced degree in mechanical or civil engineering
 18 from an accredited college or university with a minimum of three years verifiable experience
 19 directing and supervising at least one field employee.
 20 2. Any applicant for licensure who holds a local contractor license as defined in section
 21 324.950, or other license authorizing him or her to engage in mechanical contracting, who has seven
 22 thousand five hundred hours of verifiable field experience in the mechanical industry, and who is
 23 otherwise eligible for licensure shall be issued a statewide mechanical contractor license, therefore
 24 becoming a statewide mechanical contractor license holder. The provisions of this subsection shall
 25 apply only to contractor licenses issued by a political subdivision with the legal authority to issue
 26 such contractor licenses.
 27 3. If a corporation, firm, institution, organization, company, or representative thereof desires
 28 to engage in mechanical contracting licensed under sections 324.950 to 324.985, it shall have in its
 29 employ at least one license holder who possesses a statewide mechanical contractor license in
 30 accordance with sections 324.950 to 324.983. A statewide mechanical contractor licensed
 31 mechanical license holder shall represent only one corporation, firm, institution, organization, or
 32 company at one time.
 33 4. The division may issue a statewide mechanical contractor license to any person who
 34 holds a current and active mechanical contractor license to engage in the practice of a mechanical
 35 contractor or as a master pipefitter.
 36 324.962. 1. Political subdivisions shall not be prohibited from establishing their own local
 37 mechanical contractor's license but shall recognize a statewide mechanical contractor license in lieu
 38 of a local contractor license for the purposes of performing contracting work or obtaining permits to
 39 perform work within such political subdivision.
 40 2. If a political subdivision does not recognize a statewide mechanical contractor license in
 41 lieu of a local contractor license for the purposes of performing contracting work within the political
 42 subdivision, a statewide mechanical contractor licensee may file a complaint with the division. The
 43 division shall perform an investigation into the complaint, and if the division finds that the political
 44 subdivision failed to recognize a statewide mechanical contractor license in accordance with this
 45 section, the division shall notify the political subdivision that the political subdivision has violated
 46 the provisions of this section and has thirty days to comply with this section. If after thirty days the
 47 political subdivision still does not recognize a statewide mechanical contractor license, the division
 48 shall notify the director of the department of revenue, who shall withhold any moneys the
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noncompliant political subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until the director has received notice from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue, who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

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

- (1) Enforcing any code or law contained in this section;
- (2) Requiring a business license to perform mechanical contracting work;
- (3) Issuing mechanical contracting permits;
- (4) Enforcing codes and ordinances of the political subdivision;
- (5) Inspecting the work of a statewide mechanical contractor license holder;
- (6) Implementing a uniform mechanical code and National Fire Protection Association (NFPA);
- (7) Issuing a local mechanical contractor license; and
- (8) Licensing, and requiring licensure of, a mechanical contractor's workforce with individual occupational license.

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

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

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

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

324.971. Any person operating as a mechanical contractor in a political subdivision that does not require the mechanical contractor to hold a local contractor license, or who operates as a mechanical contractor in a political subdivision that requires a local contractor license possessed by

1 that person, shall not be required to possess a statewide mechanical contractor license under sections
2 324.950 to 324.983 to operate as a mechanical contractor in such political subdivision.

3 324.977. The statewide mechanical contractor license shall be regulated by the division of
4 professional registration and not a state-appointed licensing board.

5 324.980. 1. The division may refuse to issue any certificate of registration or authority,
6 permit, or license required under sections 324.950 to 324.983 for one or any combination of causes
7 stated in subsection 2 of this section. The division shall notify the applicant in writing of the
8 reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the
9 administrative hearing commission as provided by chapter 621.

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

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

18 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
19 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for
20 any offense reasonably related to the qualifications, functions, or duties of any profession licensed
21 or regulated under sections 324.950 to 324.983, for any offense involving a controlled substance, or
22 for any offense an essential element of which is fraud, dishonesty, or an act of violence;

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

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

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
29 the performance of the functions or duties of any profession licensed or regulated by sections
30 324.950 to 324.983;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;

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

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

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

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

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

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

47 (13) Violation of any professional trust or confidence;

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

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

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

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

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

17 (1) Offering to engage or engaging in the performance of any acts or practices for which a
 18 license is required upon a showing that such acts or practices were performed or offered to be
 19 performed without a certificate of registration or authority, permit, or license;

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

24 (3) Refusing to recognize a statewide mechanical contractor license as a valid license within
 25 any political subdivision.

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

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

30 8. The division may refer any violations of the provisions of any state law or local ordinance
 31 relating to the work performed by a statewide mechanical contractor licensee to the appropriate state
 32 or local official.

33 324.983. 1. Any person that knowingly violates any provision of sections 324.950 to
 34 324.983 is guilty of a class B misdemeanor.

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

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

41
 42 Further amend said bill, Page 39, Section 334.749, Line 43, by inserting after all of said section and
 43 line the following:

44
 45 "335.016. As used in this chapter, unless the context clearly requires otherwise, the
 46 following words and terms mean:

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

49 (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 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

1 sciences, including, but not limited to:

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

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

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

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

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

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

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

20 335.046. 1. An applicant for a license to practice as a registered professional nurse shall
21 submit to the board a written application on forms furnished to the applicant. The original
22 application shall contain the applicant's statements showing the applicant's education and other such
23 pertinent information as the board may require. The applicant shall be of good moral character and
24 have completed at least the high school course of study, or the equivalent thereof as determined by
25 the state board of education, and have successfully completed the basic professional curriculum in
26 an accredited or approved school of nursing and earned a professional nursing degree or diploma.
27 Each application shall contain a statement that it is made under oath or affirmation and that its
28 representations are true and correct to the best knowledge and belief of the person signing same,
29 subject to the penalties of making a false affidavit or declaration. Applicants from non-English-
30 speaking lands shall be required to submit evidence of proficiency in the English language. The
31 applicant must be approved by the board and shall pass an examination as required by the board.
32 The board may require by rule as a requirement for licensure that each applicant shall pass an oral or
33 practical examination. Upon successfully passing the examination, the board may issue to the
34 applicant a license to practice nursing as a registered professional nurse. The applicant for a license
35 to practice registered professional nursing shall pay a license fee in such amount as set by the board.
36 The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as
37 prescribed by rule.

38 2. An applicant for license to practice as a licensed practical nurse shall submit to the board
39 a written application on forms furnished to the applicant. The original application shall contain the
40 applicant's statements showing the applicant's education and other such pertinent information as the
41 board may require. Such applicant shall be of good moral character, and have completed at least
42 two years of high school, or its equivalent as established by the state board of education, and have
43 successfully completed a basic prescribed curriculum in a state-accredited or approved school of
44 nursing, earned a nursing degree, certificate or diploma and completed a course approved by the
45 board on the role of the practical nurse. Each application shall contain a statement that it is made
46 under oath or affirmation and that its representations are true and correct to the best knowledge and
47 belief of the person signing same, subject to the penalties of making a false affidavit or declaration.
48 Applicants from non-English-speaking countries shall be required to submit evidence of their
49 proficiency in the English language. The applicant must be approved by the board and shall pass an

1 examination as required by the board. The board may require by rule as a requirement for licensure
 2 that each applicant shall pass an oral or practical examination. Upon successfully passing the
 3 examination, the board may issue to the applicant a license to practice as a licensed practical nurse.
 4 The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as
 5 may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign
 6 countries shall be licensed as prescribed by rule.

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

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

15 335.047. 1. The Missouri state board of nursing may promulgate rules under chapter 536
 16 establishing the licensure, renewal procedures, fees, and the discipline of advanced practice
 17 registered nurses. An application for licensure may be denied or the license of an advanced practice
 18 registered nurse may be suspended or revoked by the board in the same manner and for violation of
 19 the standards as set forth by section 335.066, or such other standards of conduct set by the board by
 20 rule.

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

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

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

34 335.051. 1. The board shall issue a license to practice nursing as either a registered
 35 professional nurse or a licensed practical nurse without examination to an applicant who has duly
 36 become licensed as a registered nurse or licensed practical nurse pursuant to the laws of another
 37 state, territory, or foreign country if the applicant meets the qualifications required of registered
 38 nurses or licensed practical nurses in this state at the time the applicant was originally licensed in the
 39 other state, territory, or foreign country.

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

41 3. Upon application, the board shall issue a temporary permit to an applicant pursuant to
 42 subsection 1 of this section for a license as either a registered professional nurse or a licensed
 43 practical nurse who has made a prima facie showing that the applicant meets all of the requirements
 44 for such a license. The temporary permit shall be effective only until the board shall have had the
 45 opportunity to investigate his or her qualifications for licensure pursuant to subsection 1 of this
 46 section and to notify the applicant that his or her application for a license has been either granted or
 47 rejected. In no event shall such temporary permit be in effect for more than twelve months after the
 48 date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for
 49 such temporary permit. The holder of a temporary permit which has not expired, or been suspended

or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

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

335.056. 1. 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, 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]~~ 335.099.

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

1 does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse
 2 practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist,
 3 unless otherwise authorized by law to do so.

4 335.086. No person, firm, corporation or association shall:

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

7 (2) Practice [~~professional or practical~~] nursing as defined by sections 335.011 to [335.096]
 8 335.099 under cover of any diploma, license, or record illegally or fraudulently obtained or signed
 9 or issued unlawfully or under fraudulent representation;

10 (3) Practice [~~professional nursing or practical~~] nursing as defined by sections 335.011 to
 11 [335.096] 335.099 unless duly licensed to do so under the provisions of sections 335.011 to
 12 [335.096] 335.099;

13 (4) Use in connection with his or her name any designation tending to imply that he or she is
 14 a licensed advanced practice registered nurse, a licensed registered professional nurse, or a licensed
 15 practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to
 16 [335.096] 335.099;

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

20 (6) Conduct a nursing education program for the preparation of professional or practical
 21 nurses unless the program has been accredited by the board."; and

22
 23 Further amend said bill by amending the title, enacting clause, and intersectional references
 24 accordingly.

25
 26 THIS SUBSTITUTES 0840H02.06H