

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 275, Page 22, Section 196.100, Line 18, 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 intermediate care
5 facility after January 1, 1980, shall have successfully completed a nursing assistant training program
6 approved by the department or shall enroll in and begin the first available approved training program which is
7 scheduled to commence within ninety days of the date of the certified nursing assistant's employment and
8 which shall be completed within four months of employment. Training programs shall be offered at any
9 facility licensed ~~[or approved]~~ by the department of health and senior services; any skilled nursing or
10 intermediate care unit in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined
11 in section 197.020. Training programs shall be [which is most] reasonably accessible to the enrollees in each
12 class. The program may be established by ~~[the]~~ a skilled nursing or intermediate care facility, unit, or
13 hospital; by a professional organization~~[-]~~; or by the department, and training shall be given by the personnel
14 of the facility, unit, or hospital; by a professional organization~~[-]~~; by the department~~[-]~~; by any community
15 college; or by the vocational education department of any high school.

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

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

24 ~~[3-]~~ 4. The training program ~~[after January 1, 1989, shall consist of at least the following:~~
25 ~~— (1) A training program consisting]~~ requirements shall be defined in regulation by the department and
26 shall require [of] at least seventy-five classroom hours of training [on basic nursing skills, clinical practice,
27 resident safety and rights, the social and psychological problems of residents, and the methods of handling
28 and caring for mentally confused residents such as those with Alzheimer's disease and related disorders,] and
29 one hundred hours supervised and on-the-job training. On-the-job training sites shall include supervised
30 practical training in a laboratory or other setting in which the trainee demonstrates knowledge while
31 performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical
32 nurse. The [one hundred hours] training shall be completed within four months of employment and may
33 consist of normal employment as nurse assistants or hospital nursing support staff under the supervision of a
34 licensed nurse[-] and

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

40 ~~[4-]~~ 5. Certified nursing [Nursing] assistants who have not successfully completed the nursing

Action Taken _____ Date _____

1 assistant training program prior to employment may begin duties as a certified nursing assistant [~~only after~~
2 ~~completing an initial twelve hours of basic orientation approved by the department~~] and may provide direct
3 resident care only if under the [~~general~~] direct supervision of a licensed nurse prior to completion of the
4 seventy-five classroom hours of the training program.

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

8 7. Persons completing the training requirements of unlicensed assistive personnel under 19 CSR 30-
9 20.125 or its successor regulation, and who have completed the competency evaluation, shall be allowed to
10 sit for the certified nursing assistant examination and be deemed to have fulfilled the classroom and clinical
11 standards for designation as a certified nursing assistant.

12 8. The department of health and senior services may offer additional training programs and
13 certifications to students who are already certified as nursing assistants according to regulations promulgated
14 by the department and curriculum approved by the board."; and
15

16 Further amend said bill, Page 44, Section 334.749, Line 43, by inserting after all of said section and line the
17 following:
18

19 "335.046. 1. An applicant for a license to practice as a registered professional nurse shall submit to
20 the board a written application on forms furnished to the applicant. The original application shall contain the
21 applicant's statements showing the applicant's education and other such pertinent information as the board
22 may require. The applicant shall be of good moral character and have completed at least the high school
23 course of study, or the equivalent thereof as determined by the state board of education, and have successfully
24 completed the basic professional curriculum in an accredited or approved school of nursing and earned a
25 professional nursing degree or diploma. Each application shall contain a statement that it is made under oath
26 or affirmation and that its representations are true and correct to the best knowledge and belief of the person
27 signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-
28 English-speaking lands shall be required to submit evidence of proficiency in the English language. The
29 applicant must be approved by the board and shall pass an examination as required by the board. The board
30 may require by rule as a requirement for licensure that each applicant shall pass an oral or practical
31 examination. Upon successfully passing the examination, the board may issue to the applicant a license to
32 practice nursing as a registered professional nurse. The applicant for a license to practice registered
33 professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for
34 all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

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

51 3. (1) An applicant for initial licensure to practice as an advanced practice registered nurse shall
52 submit a completed application and fee as established by the board. The application shall contain:

53 (a) Statements showing the applicant's education and other such pertinent information as the board

1 may require; and

2 (b) A statement that it is made under oath or affirmation and that its representations are true and
 3 correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false
 4 affidavit or declaration.

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

7 (3) An applicant shall:

8 (a) Hold a current registered professional nurse license or privilege to practice and shall not hold a
 9 license or privilege to practice currently under discipline or under any restrictions as a registered professional
 10 nurse or advanced practice registered nurse in any state or territory;

11 (b) Have completed an accredited graduate or postgraduate level advanced practice registered nurse
 12 program in one of the following recognized roles:

13 a. Certified nurse practitioner;

14 b. Certified nurse midwife;

15 c. Clinical nurse specialist; or

16 d. Certified registered nurse anesthetist;

17 (c) Be currently certified by a national certifying body recognized by the Missouri state board of
 18 nursing in the advanced practice registered nurse role; and

19 (d) Provide other documentation as prescribed by rule.

20 (4) Any person holding a document of recognition to practice nursing as an advanced practice
 21 registered nurse in this state that is current on August 28, 2019, shall be deemed to be licensed as an
 22 advanced practice registered nurse under the provisions of this section and shall be eligible for renewal of
 23 such license under the conditions and standards prescribed in this chapter and as prescribed by rule.

24 4. In considering applications for licensure, the board may require a personal appearance of the
 25 applicant. If the applicant is required to appear, the time period in which a licensure application shall be
 26 granted or denied shall be tolled until such time as the applicant appears and the board issues its
 27 determination in writing. If the applicant fails to appear at either of the next two regularly scheduled board
 28 meetings, the application for licensure shall be denied.

29 5. Upon refusal of the board to allow any applicant to ~~[sit for]~~ take either the registered professional
 30 nurses' examination or the licensed practical nurses' examination, ~~[as the case may be,]~~ or upon refusal to
 31 issue an advanced practice registered nurse license, the board shall comply with the provisions of section
 32 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing
 33 commission. The administrative hearing commission shall hear complaints taken pursuant to section
 34 621.120.

35 [4.] 6. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political
 36 affiliation.

37 335.047. 1. The licensure of advanced practice registered nurses shall take place within processes
 38 established by rules of the state board of nursing. The state board of nursing is hereby directed to promulgate
 39 rules under chapter 536 establishing licensing and renewal procedures, scope of practice guidelines, and
 40 licensing fees, and address such other matters pertaining to advanced practice registered nurses that are
 41 necessary to protect the public and discipline the profession. An application for licensure may be denied or
 42 the licensure of an advanced practice registered nurse may be suspended or revoked by the board in the same
 43 manner and for violation of the standards as set forth by section 335.066, or such other standards of conduct
 44 set by the board by rule.

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

51 3. Notwithstanding any other provision of law, the collaborative practice arrangement, which shall
 52 meet the requirements of section 334.104, shall specify the services an advanced practice registered nurse
 53 may provide pursuant to the arrangement. The arrangement may be more limiting in scope than the scope of

1 practice defined by the state board of nursing. Nothing in this section shall prohibit a certified registered
 2 nurse anesthetist, as defined in section 335.016, from providing anesthesia services without a collaborative
 3 practice arrangement, provided that he or she is under the supervision of an anesthesiologist or other
 4 physician, dentist, or podiatrist who is immediately available if needed, pursuant to subsection 7 of section
 5 334.104.

6 335.051. 1. The board shall issue a license to practice nursing as either a registered professional
 7 nurse or a licensed practical nurse without examination to an applicant who has duly become licensed as a
 8 registered nurse or licensed practical nurse pursuant to the laws of another state, territory, or foreign country
 9 if the applicant meets the qualifications required of registered nurses or licensed practical nurses in this state
 10 at the time the applicant was originally licensed in the other state, territory, or foreign country.

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

12 3. Upon application, the board shall issue a temporary permit to an applicant pursuant to subsection
 13 1 of this section for a license as either a registered professional nurse or a licensed practical nurse who has
 14 made a prima facie showing that the applicant meets all of the requirements for such a license. The
 15 temporary permit shall be effective only until the board shall have had the opportunity to investigate his or
 16 her qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or
 17 her application for a license has been either granted or rejected. In no event shall such temporary permit be in
 18 effect for more than twelve months after the date of its issuance nor shall a permit be reissued to the same
 19 applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit which has
 20 not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to
 21 section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

22 4. The board may issue a license by endorsement to an advanced practice registered nurse licensed
 23 under the laws of another state if, in the opinion of the board, the applicant meets the qualifications for
 24 licensure in this jurisdiction, provided that any such advanced practice registered nurse shall practice pursuant
 25 to all scope of practice laws in this state. Any advanced practice registered nurse licensed by this subsection
 26 shall practice in accordance with the laws of this state.

27 335.056. 1. The license of every person licensed under the provisions of [~~sections 335.011 to~~
 28 ~~335.096~~] this chapter shall be renewed as provided. An application for renewal of license shall be mailed to
 29 every person to whom a license was issued or renewed during the current licensing period. The applicant
 30 shall complete the application and return it to the board by the renewal date with a renewal fee in an amount
 31 to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the
 32 holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person
 33 who practices nursing as an advanced practice registered nurse, a registered professional nurse, or [~~as~~] a
 34 licensed practical nurse during the time his or her license has lapsed shall be considered an illegal practitioner
 35 and shall be subject to the penalties provided for violation of the provisions of sections 335.011 to [~~335.096~~]
 36 ~~335.099~~.

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

39 3. In order to renew an advanced practice registered nurse license, the advanced practice registered
 40 nurse shall maintain certification in his or her advanced practice registered nurse role through an ongoing
 41 certification maintenance program of a nationally recognized certifying body recognized by the board and
 42 meet other requirements as prescribed by rule.

43 335.076. 1. Any person who holds a license to practice professional nursing in this state may use the
 44 title "Registered Professional Nurse" and the abbreviation "R.N.". No other person shall use the title
 45 "Registered Professional Nurse" or the abbreviation "R.N.". No other person shall assume any title or use
 46 any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a
 47 registered professional nurse.

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

53 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 license issued under the provisions of sections 335.011 to ~~[335.096]~~ 335.099 shall be suspended or revoked; or

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

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

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

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

(2) 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

1 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
2 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

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

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

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

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

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

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.