

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1502

AN ACT

To repeal sections 335.046, 335.051, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof five new sections relating to advanced practice registered nurses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 335.046, 335.051, 335.056, 335.076, and 335.086, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 335.046, 335.051, 335.056, 335.076, and 335.086, to read as follows:

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

1 correct to the best knowledge and belief of the person signing
2 same, subject to the penalties of making a false affidavit or
3 declaration. Applicants from non-English-speaking lands shall be
4 required to submit evidence of proficiency in the English
5 language. The applicant must be approved by the board and shall
6 pass an examination as required by the board. The board may
7 require by rule as a requirement for licensure that each
8 applicant shall pass an oral or practical examination. Upon
9 successfully passing the examination, the board may issue to the
10 applicant a license to practice nursing as a registered
11 professional nurse. The applicant for a license to practice
12 registered professional nursing shall pay a license fee in such
13 amount as set by the board. The fee shall be uniform for all
14 applicants. Applicants from foreign countries shall be licensed
15 as prescribed by rule.

16 2. An applicant for license to practice as a licensed
17 practical nurse shall submit to the board a written application
18 on forms furnished to the applicant. The original application
19 shall contain the applicant's statements showing the applicant's
20 education and other such pertinent information as the board may
21 require. Such applicant shall be of good moral character, and
22 have completed at least two years of high school, or its
23 equivalent as established by the state board of education, and
24 have successfully completed a basic prescribed curriculum in a
25 state-accredited or approved school of nursing, earned a nursing
26 degree, certificate or diploma and completed a course approved by
27 the board on the role of the practical nurse. Each application

1 shall contain a statement that it is made under oath or
2 affirmation and that its representations are true and correct to
3 the best knowledge and belief of the person signing same, subject
4 to the penalties of making a false affidavit or declaration.
5 Applicants from non-English-speaking countries shall be required
6 to submit evidence of their proficiency in the English language.
7 The applicant must be approved by the board and shall pass an
8 examination as required by the board. The board may require by
9 rule as a requirement for licensure that each applicant shall
10 pass an oral or practical examination. Upon successfully passing
11 the examination, the board may issue to the applicant a license
12 to practice as a licensed practical nurse. The applicant for a
13 license to practice licensed practical nursing shall pay a fee in
14 such amount as may be set by the board. The fee shall be uniform
15 for all applicants. Applicants from foreign countries shall be
16 licensed as prescribed by rule.

17 3. (1) An applicant for initial licensure to practice as
18 an advanced practice registered nurse shall submit a completed
19 application and fee as established by the board. The application
20 shall contain:

21 (a) Statements showing the applicant's education and other
22 such pertinent information as the board may require; and

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

27 (2) The applicant for a license to practice as an advanced

1 practice registered nurse shall pay a fee in such amount as may
2 be set by the board. The fee shall be uniform for all
3 applicants.

4 (3) An applicant shall:

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

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

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

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

17 (4) Any person holding a document of recognition to
18 practice nursing as an advanced practice registered nurse in this
19 state that is current on August 28, 2018, shall be deemed to be
20 licensed as an advanced practice registered nurse under the
21 provisions of this section and shall be eligible for renewal of
22 such license under the conditions and standards prescribed in
23 this chapter and as prescribed by rule.

24 4. In considering applications for licensure, the board may
25 require a personal appearance of the applicant. If the applicant
26 is required to appear, the time period in which a licensure
27 application shall be granted or denied shall be tolled until such

1 time as the applicant appears and the board issues its
2 determination in writing. If the applicant fails to appear at
3 either of the next two regularly scheduled board meetings, the
4 application for licensure shall be denied.

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

14 [~~4.~~] 6. The board shall not deny a license because of sex,
15 religion, race, ethnic origin, age or political affiliation.

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

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

27 3. Upon application, the board shall issue a temporary

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

17 4. The board may issue a license by endorsement to an
18 advanced practice registered nurse licensed under the laws of
19 another state if, in the opinion of the board, the applicant
20 meets the qualifications for licensure in this jurisdiction.

21 335.056. 1. The license of every person licensed under the
22 provisions of [~~sections 335.011 to 335.096~~] this chapter shall be
23 renewed as provided. An application for renewal of license shall
24 be mailed to every person to whom a license was issued or renewed
25 during the current licensing period. The applicant shall
26 complete the application and return it to the board by the
27 renewal date with a renewal fee in an amount to be set by the

1 board. The fee shall be uniform for all applicants. The
2 certificates of renewal shall render the holder thereof a legal
3 practitioner of nursing for the period stated in the certificate
4 of renewal. Any person who practices nursing as an advanced
5 practice registered nurse, a registered professional nurse, or
6 ~~[as]~~ a licensed practical nurse during the time his license has
7 lapsed shall be considered an illegal practitioner and shall be
8 subject to the penalties provided for violation of the provisions
9 of sections 335.011 to ~~[335.096]~~ 335.099.

10 2. A licensee's advanced practice registered nursing
11 license and his or her professional nursing license shall be
12 treated as one license for the purpose of renewal and assessment
13 of renewal fees.

14 3. In order to renew an advanced practice registered nurse
15 license, the advanced practice registered nurse shall maintain
16 certification in the appropriate advanced practice registered
17 nurse role through an ongoing certification maintenance program
18 of a nationally recognized certifying body recognized by the
19 board and meet other requirements as prescribed by rule.

20 335.076. 1. Any person who holds a license to practice
21 professional nursing in this state may use the title "Registered
22 Professional Nurse" and the abbreviation "R.N.". No other person
23 shall use the title "Registered Professional Nurse" or the
24 abbreviation "R.N.". No other person shall assume any title or
25 use any abbreviation or any other words, letters, signs, or
26 devices to indicate that the person using the same is a
27 registered professional nurse.

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

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

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

1 this chapter.

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

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

19 335.086. No person, firm, corporation or association shall:

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

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

27 (3) Practice [~~professional nursing or practical~~] nursing as

1 defined by sections 335.011 to ~~[335.096]~~ 335.099 unless duly
2 licensed to do so under the provisions of sections 335.011 to
3 ~~[335.096]~~ 335.099;

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

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

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