SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 659

97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, April 1, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4738S.06C

AN ACT

To repeal sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nursing.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 335.016, 335.019, 335.036, 335.046, 335.056, and 335.086, to read as follows:

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

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

2. "Advanced practice registered nurse", a nurse person licensed pursuant to the provisions of this chapter and authorized to engage in the practice of advanced practice professional nursing and 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". Each APRN is accountable to patients, the nursing profession,
and the board of nursing for:

(a) Complying with the requirements of sections 335.011 to 335.096, the nursing practice act, and the quality of advanced nursing care rendered;

(b) Consulting with or referring patients, as appropriate, to other health care providers; and

(c) Recognizing the scope of APRN practice and its boundaries;

(3) "Advanced practice registered nursing":

(a) The performance of advanced nursing with or without compensation that requires advanced education and specialized training to enable enhanced judgment and skill within such scope of training for patient care, and includes but is not limited to the performance of acts in accordance with the registered professional nursing scope of practice and the following:

   a. Patient assessment that leads to advanced diagnosis within the scope;

   b. Ordering diagnostic and therapeutic tests and procedures;

   c. Performing tests and procedures within the scope of practice and interpreting and using results to further patient care;

   d. Ordering treatments consistent with specialty population training including appropriate medical devices and using nursing, medical, therapeutic, and corrective measures to treat illness and improve health status;

   e. Providing palliative and end-of-life advanced nursing care;

   f. Providing advanced counseling, patient education, health education, and patient advocacy;

   g. Ordering appropriate medications in accordance with prescriptive authority;

   h. Delegating selected nursing activities or tasks to licensed practical nurses, registered professional nurses, or other health care providers;

   i. Providing primary provider services for patient care; and

   j. Planning and initiating a therapeutic medical regimen as well as nutritional, diagnostic, and supportive services including, but not limited to, home health care, hospice, and therapy services;

(b) The definition of advanced practice registered nursing shall not include, for the purposes of this chapter, the rendering of opinions
or giving of expert testimony in any criminal, civil, or administrative proceeding by an advanced practice registered nurse licensed by any state;

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

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

(6) "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;

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

(8) "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;

(9) "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 National Board of Certification and Recertification for Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;

(10) "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;

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

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

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

(14) "Licensure", the issuing of a license to 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 professional or practical nursing;

(15) "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;

"Professional nursing", the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;
(b) Assessment, nursing diagnosis, nursing care, 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 and assistance in the 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;

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;

"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.

335.019. 1. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

2. All licensed APRNs are authorized to:

(1) Prescribe and institute medication therapy within such APRN's practice and specialty or make appropriate referrals of patients to health care providers and community resources; and

(2) Procure, administer, and dispense samples.

3. The provisions of this section shall not apply to a certified registered nurse anesthetist who provides anesthesia services pursuant to subsection 7 of section 334.104.

335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection [10] 11 of section 324.001 as are necessary to administer the provisions of
sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational entry level nursing education programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of insurance, financial institutions and professional registration;

(10) Establish an impaired nurse program.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money 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 two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds 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
board's funds for the preceding fiscal year.

5. 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 chapter 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. All rulemaking authority delegated prior
to August 28, 1999, is of no force and effect and repealed. Nothing in this section
shall be interpreted to repeal or affect the validity of any rule filed or adopted
prior to August 28, 1999, if it fully complied with all applicable provisions of
law. 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, 1999, shall be invalid and void.

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. (1) An applicant for initial licensure to practice as an APRN shall:

(a) Submit a completed application as established by the board. The application shall contain:

a. The applicant's statements showing the applicant's education and other such pertinent information as the board may require; and

b. A statement that the application is made under oath or affirmation and that the representations contained in the application 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;

(b) Be of good moral character, and meet the following educational requirements:
a. Prior to July 1, 1998, completion of a formal post basic educational program from or formally affiliated with an accredited college, university, or hospital of at least one academic year, which includes advanced nursing theory and clinical nursing practice, leading to a graduate degree or certificate with a concentration in an advanced practice nursing clinical specialty area;

b. From and after July 1, 1998, completion of a graduate degree from an accredited college or university with a concentration in an advanced practice nursing clinical specialty area, which includes advanced nursing theory and clinical nursing practice;

c. From and after January 1, 2009, have completed an accredited graduate level APRN program in one of the four roles and at least one population focus;

(c) Be currently certified by a national certifying body recognized by the board in the APRN role and population foci appropriate to educational preparation;

(d) Be approved by the board; and

(e) Provide other evidence as required by rule.

(2) Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language and shall be licensed as prescribed by rule.

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

(4) Once an APRN license is issued, the license holder's APRN license and RN license shall be treated as one license for the purpose of renewal and assessment of renewal fees.

4. Upon refusal of the board to allow any applicant to sit for either the registered professional nurses' examination or the licensed practical nurses' examination, as the case may be, 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.

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

335.056. 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, as 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] this chapter.

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] in this chapter 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] in this chapter unless duly licensed to do so under the provisions of [sections 335.011 to 335.096] this chapter;
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 registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of [sections 335.011 to 335.096] this chapter;
5. Practice [professional nursing or practical] nursing during the time his or her license issued under the provisions of [sections 335.011 to 335.096] this chapter 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.