

SECOND REGULAR SESSION

HOUSE BILL NO. 1578

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

4264H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 335.011, 335.016, 335.036, 335.046, 335.051, 335.056, 335.061, 335.066, 335.071, 335.076, 335.081, 335.086, and 335.221, RSMo, and to enact in lieu thereof thirteen new sections relating to nurses.

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

Section A. Sections 335.011, 335.016, 335.036, 335.046, 335.051, 335.056, 335.061, 2 335.066, 335.071, 335.076, 335.081, 335.086, and 335.221, RSMo, are repealed and thirteen 3 new sections enacted in lieu thereof, to be known as sections 335.011, 335.016, 335.036, 4 335.046, 335.051, 335.056, 335.061, 335.066, 335.071, 335.076, 335.081, 335.086, and 5 335.221, to read as follows:

335.011. Sections 335.011 to ~~[335.096]~~ **335.099** may be known as "The Nursing 2 Practice Act".

335.016. As used in this chapter, unless the context clearly requires otherwise, the 2 following words and terms mean:

3 (1) "Accredited", the official authorization or status granted by an agency for a 4 program through a voluntary process;

5 (2) "Advanced practice registered nurse" or "APRN", a ~~[nurse who has education~~ 6 ~~beyond the basic nursing education and is certified by a nationally recognized professional~~ 7 ~~organization as a certified nurse practitioner, certified nurse midwife, certified registered~~ 8 ~~nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules~~ 9 ~~specifying which nationally recognized professional organization certifications are to be~~ 10 ~~recognized for the purposes of this section. Advanced practice nurses and only such~~ 11 ~~individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation~~

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 ~~"APRN"~~ **person who is licensed under the provisions of this chapter to engage in the**
13 **practice of advanced practice nursing as a certified clinical nurse specialist, certified**
14 **nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;**

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

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

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

21 (6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse
22 midwife by the American ~~[College of Nurse-Midwives]~~ **Midwifery Certification Board**, or
23 other nationally recognized certifying body approved by the board of nursing;

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

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

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

36 (10) "Inactive ~~[nurse]~~ **license status**", as defined by rule pursuant to section 335.061;

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

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

40 (13) "Licensure", the issuing of a license ~~[to practice professional or practical~~
41 ~~nursing]~~ to candidates who have met the ~~[specified]~~ requirements **specified under this**
42 **chapter authorizing the person to engage in the practice of advanced practice,**
43 **professional, or practical nursing** and the recording of the names of those persons as
44 holders of a license to practice **advanced practice**, professional, or practical nursing;

45 (14) "**Practice of advanced practice nursing**", the performance for compensation
46 **of activities and services consistent with the required education, training, certification,**
47 **demonstrated competencies, and experiences of an advanced practice registered nurse;**

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

61 ~~[(15)]~~ **(16) "Practice of professional nursing"**, the performance for compensation of
62 any act **or action** which requires substantial specialized education, judgment and skill based
63 on knowledge and application of principles derived from the biological, physical, social,
64 **behavioral**, and nursing sciences, including, but not limited to:

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

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

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

71 (d) The coordination and assistance in the **determination and** delivery of a plan of
72 health care with all members of a health team;

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

75 ~~[(16) A]~~ **(17) "Registered professional nurse" or "registered nurse"**, a person licensed
76 pursuant to the provisions of this chapter to engage in the practice of professional nursing;

77 ~~[(17)]~~ **(18) "Retired license status"**, any person licensed in this state under this chapter
78 who retires from such practice. Such person shall file with the board an affidavit, on a form
79 to be furnished by the board, which states the date on which the licensee retired from such
80 practice, an intent to retire from the practice for at least two years, and such other facts as tend
81 to verify the retirement as the board may deem necessary; but if the licensee thereafter
82 reengages in the practice, the licensee shall renew his or her license with the board as
83 provided by this chapter and by rule and regulation.

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer,
3 and the board may appoint, employ and fix the compensation of a legal counsel and such
4 board personnel as defined in subdivision (4) of subsection 11 of section 324.001 as are
5 necessary to administer the provisions of sections 335.011 to ~~335.096~~ **335.099**;

6 (2) Adopt and revise such rules and regulations as may be necessary to enable it to
7 carry into effect the provisions of sections 335.011 to ~~335.096~~ **335.099**;

8 (3) Prescribe minimum standards for educational programs preparing persons for
9 licensure pursuant to the provisions of sections 335.011 to ~~335.096~~ **335.099**;

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

12 (5) Designate as "approved" such programs as meet the requirements of sections
13 335.011 to ~~335.096~~ **335.099** and the rules and regulations enacted pursuant to such sections;
14 and the board shall annually publish a list of such programs;

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

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

19 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to
20 ~~335.096~~ **335.099**, and may incur such necessary expenses therefor;

21 (9) Keep a record of all the proceedings; and make an annual report to the governor
22 and to the director of the department of commerce and insurance.

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

26 3. All fees received by the board pursuant to the provisions of sections 335.011 to
27 ~~335.096~~ **335.099** shall be deposited in the state treasury and be placed to the credit of the
28 state board of nursing fund. All administrative costs and expenses of the board shall be paid
29 from appropriations made for those purposes. The board is authorized to provide funding for
30 the nursing education incentive program established in sections 335.200 to 335.203.

31 4. The provisions of section 33.080 to the contrary notwithstanding, money in this
32 fund shall not be transferred and placed to the credit of general revenue until the amount in
33 the fund at the end of the biennium exceeds two times the amount of the appropriation from
34 the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal
35 less frequently than yearly, then three times the appropriation from the board's funds for the
36 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
37 fund which exceeds the appropriate multiple of the appropriations from the board's funds for
38 the preceding fiscal year.

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is
40 created under the authority delegated in this chapter shall become effective only if it complies
41 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
42 All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
43 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any
44 rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable
45 provisions of law. This section and chapter 536 are nonseverable and if any of the powers
46 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date
47 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
48 rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid
49 and void.

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

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

27 completed a course approved by the board on the role of the practical nurse. Each application
28 shall contain a statement that it is made under oath or affirmation and that its representations
29 are true and correct to the best knowledge and belief of the person signing same, subject to the
30 penalties of making a false affidavit or declaration. Applicants from non-English-speaking
31 countries shall be required to submit evidence of their proficiency in the English language.
32 The applicant must be approved by the board and shall pass an examination as required by the
33 board. The board may require by rule as a requirement for licensure that each applicant shall
34 pass an oral or practical examination. Upon successfully passing the examination, the board
35 may issue to the applicant a license to practice as a licensed practical nurse. The applicant for
36 a license to practice licensed practical nursing shall pay a fee in such amount as may be set by
37 the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall
38 be licensed as prescribed by rule.

39 **3. (1) An applicant for license to practice as an advanced practice registered**
40 **nurse shall submit to the board a written application on forms furnished to the**
41 **applicant. The original application shall contain:**

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

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

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

50 **(3) An applicant shall:**

51 **(a) Hold a current registered professional nurse license or privilege to practice,**
52 **shall not be currently subject to discipline or any restrictions, and shall not hold an**
53 **encumbered license or privilege to practice as a registered professional nurse or**
54 **advanced practice registered nurse in any state or territory;**

55 **(b) Have completed an accredited graduate-level advanced practice registered**
56 **nurse program and achieved at least one certification as a clinical nurse specialist, nurse**
57 **midwife, nurse practitioner, or registered nurse anesthetist, with at least one population**
58 **focus prescribed by rule of the board;**

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

61 **(d) Have a population focus on his or her certification, corresponding with his or**
62 **her educational advanced practice registered nurse program.**

63 **(4) Any person holding a document of recognition to practice nursing as an**
64 **advanced practice registered nurse in this state that is current on August 28, 2022, shall**
65 **be deemed to be licensed as an advanced practice registered nurse under the provisions**
66 **of this section and shall be eligible for renewal of such license under the conditions and**
67 **standards prescribed in this chapter and as prescribed by rule.**

68 **4.** Upon refusal of the board to allow any applicant to ~~[sit for]~~ **take** either the
69 registered professional nurses' examination or the licensed practical nurses' examination, ~~[as~~
70 ~~the case may be,]~~ **or upon refusal to issue an advanced practice registered nurse license,**
71 the board shall comply with the provisions of section 621.120 and advise the applicant of his
72 or her right to have a hearing before the administrative hearing commission. The
73 administrative hearing commission shall hear complaints taken pursuant to section 621.120.

74 ~~[4-]~~ **5.** The board shall not deny a license because of sex, religion, race, ethnic origin,
75 age or political affiliation.

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

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

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

 335.056. 1. The license of every person licensed under the provisions of ~~[sections~~
2 ~~335.011 to 335.096]~~ **this chapter** shall be renewed as provided. An application for renewal

3 of license shall be mailed to every person to whom a license was issued or renewed during the
4 current licensing period. The applicant shall complete the application and return it to the
5 board by the renewal date with a renewal fee in an amount to be set by the board. The fee
6 shall be uniform for all applicants. The certificates of renewal shall render the holder thereof
7 a legal practitioner of nursing for the period stated in the certificate of renewal. Any person
8 who practices nursing as **an advanced practice registered nurse**, a registered professional
9 nurse, or ~~as~~ a licensed practical nurse during the time his **or her** license has lapsed shall be
10 considered an illegal practitioner and shall be subject to the penalties provided for violation of
11 the provisions of sections 335.011 to ~~[335.096]~~ **335.099**.

12 **2. The renewal of advanced practice registered nurse licenses and registered**
13 **professional nurse licenses shall occur at the same time as prescribed by rule. Failure to**
14 **renew and maintain the registered professional nurse license or privilege to practice or**
15 **failure to provide the required fee and evidence of active certification or maintenance of**
16 **certification as prescribed by rules and regulations shall result in expiration of the**
17 **advanced practice registered nurse license.**

335.061. 1. Any licensee who allows his or her license to be placed on inactive status
2 as provided in sections 335.011 to ~~[335.096]~~ **335.099** shall be reinstated as provided by
3 sections 335.011 to ~~[335.096]~~ **335.099** and by rule and regulation. The board may by rule and
4 regulation provide for an inactive license status. In the event the board shall refuse to renew
5 the license pursuant to one of the provisions of this section and related requirements for
6 relicensure, the individual may appeal to the administrative hearing commission pursuant to
7 the provisions of section 621.120.

8 2. Any licensee who allows his or her license to lapse by failing to renew the license
9 as provided in sections 335.011 to ~~[335.096]~~ **335.099** shall be reinstated as provided by this
10 chapter and by rule and regulation. The board may by rule and regulation provide for a lapsed
11 license status. In the event the board shall refuse to renew the license pursuant to one of the
12 provisions of this section and related requirements for relicensure, the individual may appeal
13 to the administrative hearing commission pursuant to the provisions of sections 621.120.

335.066. 1. The board may refuse to issue or reinstate any certificate of registration
2 or authority, permit or license required pursuant to this chapter for one or any combination of
3 causes stated in subsection 2 of this section or the board may, as a condition to issuing or
4 reinstating any such permit or license, require a person to submit himself or herself for
5 identification, intervention, treatment, or monitoring by the intervention program and
6 alternative program as provided in section 335.067. The board shall notify the applicant in
7 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
8 complaint with the administrative hearing commission as provided by chapter 621.

9 2. The board may cause a complaint to be filed with the administrative hearing
10 commission as provided by chapter 621 against any holder of any certificate of registration or
11 authority, permit or license required by sections 335.011 to ~~335.096~~ **335.099** or any person
12 who has failed to renew or has surrendered his or her certificate of registration or authority,
13 permit or license for any one or any combination of the following causes:

14 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,
15 by the federal government, or by the department of health and senior services by regulation,
16 regardless of impairment, or alcoholic beverage to an extent that such use impairs a person's
17 ability to perform the work of any profession licensed or regulated by sections 335.011 to
18 ~~335.096~~ **335.099**. A blood alcohol content of .08 shall create a presumption of impairment;

19 (2) The person has been finally adjudicated and found guilty, or entered a plea of
20 guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the
21 United States, for any offense reasonably related to the qualifications, functions or duties of
22 any profession licensed or regulated pursuant to sections 335.011 to ~~335.096~~ **335.099**, for
23 any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
24 offense involving moral turpitude, whether or not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
26 registration or authority, permit or license issued pursuant to sections 335.011 to ~~335.096~~
27 **335.099** or in obtaining permission to take any examination given or required pursuant to
28 sections 335.011 to ~~335.096~~ **335.099**;

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

31 (5) Incompetency, gross negligence, or repeated negligence in the performance of the
32 functions or duties of any profession licensed or regulated by this chapter. For the purposes
33 of this subdivision, "repeated negligence" means the failure, on more than one occasion, to
34 use that degree of skill and learning ordinarily used under the same or similar circumstances
35 by the member of the applicant's or licensee's profession;

36 (6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or
37 unprofessional conduct in the performance of the functions or duties of any profession
38 licensed or regulated by this chapter, including, but not limited to, the following:

39 (a) Willfully and continually overcharging or overtreating patients; or charging for
40 visits which did not occur unless the services were contracted for in advance, or for services
41 which were not rendered or documented in the patient's records;

42 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception,
43 to obtain or retain a patient or discourage the use of a second opinion or consultation;

44 (c) Willfully and continually performing inappropriate or unnecessary treatment,
45 diagnostic tests, or nursing services;

- 46 (d) Delegating professional responsibilities to a person who is not qualified by
47 training, skill, competency, age, experience, or licensure to perform such responsibilities;
- 48 (e) Performing nursing services beyond the authorized scope of practice for which the
49 individual is licensed in this state;
- 50 (f) Exercising influence within a nurse-patient relationship for purposes of engaging a
51 patient in sexual activity;
- 52 (g) Being listed on any state or federal sexual offender registry;
- 53 (h) Failure of any applicant or licensee to cooperate with the board during any
54 investigation;
- 55 (i) Failure to comply with any subpoena or subpoena duces tecum from the board or
56 an order of the board;
- 57 (j) Failure to timely pay license renewal fees specified in this chapter;
- 58 (k) Violating a probation agreement, order, or other settlement agreement with this
59 board or any other licensing agency;
- 60 (l) Failing to inform the board of the nurse's current residence within thirty days of
61 changing residence;
- 62 (m) Any other conduct that is unethical or unprofessional involving a minor;
- 63 (n) A departure from or failure to conform to nursing standards;
- 64 (o) Failure to establish, maintain, or communicate professional boundaries with the
65 patient. A nurse may provide health care services to a person with whom the nurse has a
66 personal relationship as long as the nurse otherwise meets the standards of the profession;
- 67 (p) Violating the confidentiality or privacy rights of the patient, resident, or client;
- 68 (q) Failing to assess, accurately document, or report the status of a patient, resident, or
69 client, or falsely assessing, documenting, or reporting the status of a patient, resident, or
70 client;
- 71 (r) Intentionally or negligently causing physical or emotional harm to a patient,
72 resident, or client;
- 73 (s) Failing to furnish appropriate details of a patient's, client's, or resident's nursing
74 needs to succeeding nurses legally qualified to provide continuing nursing services to a
75 patient, client, or resident;
- 76 (7) Violation of, or assisting or enabling any person to violate, any provision of
77 sections 335.011 to ~~335.096~~ **335.099**, or of any lawful rule or regulation adopted pursuant to
78 sections 335.011 to ~~335.096~~ **335.099**;
- 79 (8) Impersonation of any person holding a certificate of registration or authority,
80 permit or license or allowing any person to use his or her certificate of registration or
81 authority, permit, license or diploma from any school;

82 (9) Disciplinary action against the holder of a license or other right to practice any
83 profession regulated by sections 335.011 to ~~335.096~~ **335.099** granted by another state,
84 territory, federal agency or country upon grounds for which revocation or suspension is
85 authorized in this state;

86 (10) A person is finally adjudged insane or incompetent by a court of competent
87 jurisdiction;

88 (11) Assisting or enabling any person to practice or offer to practice any profession
89 licensed or regulated by sections 335.011 to ~~335.096~~ **335.099** who is not registered and
90 currently eligible to practice pursuant to sections 335.011 to ~~335.096~~ **335.099**;

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

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

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

97 (15) Violation of the drug laws or rules and regulations of this state, any other state or
98 the federal government;

99 (16) Placement on an employee disqualification list or other related restriction or
100 finding pertaining to employment within a health-related profession issued by any state or
101 federal government or agency following final disposition by such state or federal government
102 or agency;

103 (17) Failure to successfully complete the intervention or alternative program for
104 substance use disorder;

105 (18) Knowingly making or causing to be made a false statement or misrepresentation
106 of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter
107 208 or chapter 630, or for payment from Title XVIII or Title XIX of the federal Medicare
108 program;

109 (19) Failure or refusal to properly guard against contagious, infectious, or
110 communicable diseases or the spread thereof; maintaining an unsanitary office or
111 performing professional services under unsanitary conditions; or failure to report the
112 existence of an unsanitary condition in the office of a physician or in any health care facility
113 to the board, in writing, within thirty days after the discovery thereof;

114 (20) A pattern of personal use or consumption of any controlled substance or any
115 substance which requires a prescription unless it is prescribed, dispensed, or administered by
116 a provider who is authorized by law to do so or a pattern of abuse of any prescription
117 medication;

118 (21) Habitual intoxication or dependence on alcohol, evidence of which may include
119 more than one alcohol-related enforcement contact as defined by section 302.525;

120 (22) Failure to comply with a treatment program or an aftercare program entered into
121 as part of a board order, settlement agreement, or licensee's professional health program;

122 (23) Failure to submit to a drug or alcohol screening when requested by an employer
123 or by the board. Failure to submit to a drug or alcohol screening shall create the presumption
124 that the test would have been positive for a drug for which the individual did not have a
125 prescription in a drug screening or positive for alcohol in an alcohol screening;

126 (24) Adjudged by a court in need of a guardian or conservator, or both, obtaining a
127 guardian or conservator, or both, and who has not been restored to capacity;

128 (25) Diversion **of** or attempting to divert any medication, controlled substance, or
129 medical supplies;

130 (26) Failure to answer, failure to disclose, or failure to fully provide all information
131 requested on any application or renewal for a license. This includes disclosing all pleas of
132 guilt or findings of guilt in a case where the imposition of sentence was suspended, whether
133 or not the case is now confidential;

134 (27) Physical or mental illness, including but not limited to deterioration through the
135 aging process or loss of motor skill, or disability that impairs the licensee's ability to practice
136 the profession with reasonable judgment, skill, or safety. This does not include temporary
137 illness which is expected to resolve within a short period of time;

138 (28) Any conduct that constitutes a serious danger to the health, safety, or welfare of a
139 patient or the public.

140 3. After the filing of such complaint, the proceedings shall be conducted in
141 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing
142 commission that the grounds, provided in subsection 2 of this section, for disciplinary action
143 are met, the board may, singly or in combination, censure or place the person named in the
144 complaint on probation on such terms and conditions as the board deems appropriate for a
145 period not to exceed five years, or may suspend, for a period not to exceed three years, or
146 revoke the license, certificate, or permit.

147 4. For any hearing before the full board, the board shall cause the notice of the
148 hearing to be served upon such licensee in person or by certified mail to the licensee at the
149 licensee's last known address. If service cannot be accomplished in person or by certified
150 mail, notice by publication as described in subsection 3 of section 506.160 shall be allowed;
151 any representative of the board is authorized to act as a court or judge would in that section;
152 any employee of the board is authorized to act as a clerk would in that section.

153 5. An individual whose license has been revoked shall wait one year from the date of
154 revocation to apply for relicensure. Relicensure shall be at the discretion of the board after

155 compliance with all the requirements of sections 335.011 to ~~[335.096]~~ **335.099** relative to the
156 licensing of an applicant for the first time.

157 6. The board may notify the proper licensing authority of any other state concerning
158 the final disciplinary action determined by the board on a license in which the person whose
159 license was suspended or revoked was also licensed of the suspension or revocation.

160 7. Any person, organization, association or corporation who reports or provides
161 information to the board of nursing pursuant to the provisions of sections 335.011 to
162 ~~[335.259]~~ **335.257** and who does so in good faith shall not be subject to an action for civil
163 damages as a result thereof.

164 8. The board may apply to the administrative hearing commission for an emergency
165 suspension or restriction of a license for the following causes:

166 (1) Engaging in sexual conduct as defined in section 566.010, with a patient who is
167 not the licensee's spouse, regardless of whether the patient consented;

168 (2) Engaging in sexual misconduct with a minor or person the licensee believes to be
169 a minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal
170 under state or federal law;

171 (3) Possession of a controlled substance in violation of chapter 195 or any state or
172 federal law, rule, or regulation, excluding record-keeping violations;

173 (4) Use of a controlled substance without a valid prescription;

174 (5) The licensee is adjudicated incapacitated or disabled by a court of competent
175 jurisdiction;

176 (6) Habitual intoxication or dependence upon alcohol or controlled substances or
177 failure to comply with a treatment or aftercare program entered into pursuant to a board order,
178 settlement agreement, or as part of the licensee's professional health program;

179 (7) A report from a board-approved facility or a professional health program stating
180 the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have
181 waived all objections to the admissibility of testimony from the provider of the examination
182 and admissibility of the examination reports. The licensee shall sign all necessary releases for
183 the board to obtain and use the examination during a hearing; or

184 (8) Any conduct for which the board may discipline that constitutes a serious danger
185 to the health, safety, or welfare of a patient or the public.

186 9. The board shall submit existing affidavits and existing certified court records
187 together with a complaint alleging the facts in support of the board's request for an emergency
188 suspension or restriction to the administrative hearing commission and shall supply the
189 administrative hearing commission with the last home or business addresses on file with the
190 board for the licensee. Within one business day of the filing of the complaint, the
191 administrative hearing commission shall return a service packet to the board. The service

192 packet shall include the board's complaint and any affidavits or records the board intends to
193 rely on that have been filed with the administrative hearing commission. The service packet
194 may contain other information in the discretion of the administrative hearing commission.
195 Within twenty-four hours of receiving the packet, the board shall either personally serve the
196 licensee or leave a copy of the service packet at all of the licensee's current addresses on file
197 with the board. Prior to the hearing, the licensee may file affidavits and certified court
198 records for consideration by the administrative hearing commission.

199 10. Within five days of the board's filing of the complaint, the administrative hearing
200 commission shall review the information submitted by the board and the licensee and shall
201 determine based on that information if probable cause exists pursuant to subsection 8 of this
202 section and shall issue its findings of fact and conclusions of law. If the administrative
203 hearing commission finds that there is probable cause, the administrative hearing commission
204 shall enter the order requested by the board. The order shall be effective upon personal
205 service or by leaving a copy at all of the licensee's current addresses on file with the board.

206 11. (1) The administrative hearing commission shall hold a hearing within forty-five
207 days of the board's filing of the complaint to determine if cause for discipline exists. The
208 administrative hearing commission may grant a request for a continuance, but shall in any
209 event hold the hearing within one hundred twenty days of the board's initial filing. The board
210 shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing.
211 If less than thirty days, the board may be granted leave to amend if public safety requires.

212 (2) If no cause for discipline exists, the administrative hearing commission shall issue
213 findings of fact, conclusions of law, and an order terminating the emergency suspension or
214 restriction.

215 (3) If cause for discipline exists, the administrative hearing commission shall issue
216 findings of fact and conclusions of law and order the emergency suspension or restriction to
217 remain in full force and effect pending a disciplinary hearing before the board. The board
218 shall hold a hearing following the certification of the record by the administrative hearing
219 commission and may impose any discipline otherwise authorized by state law.

220 12. Any action under this section shall be in addition to and not in lieu of any
221 discipline otherwise in the board's power to impose and may be brought concurrently with
222 other actions.

223 13. If the administrative hearing commission does not find probable cause and does
224 not grant the emergency suspension or restriction, the board shall remove all reference to such
225 emergency suspension or restriction from its public records. Records relating to the
226 suspension or restriction shall be maintained in the board's files. The board or licensee may
227 use such records in the course of any litigation to which they are both parties. Additionally,
228 such records may be released upon a specific, written request of the licensee.

229 14. If the administrative hearing commission grants temporary authority to the board
230 to restrict or suspend the nurse's license, such temporary authority of the board shall become
231 final authority if there is no request by the nurse for a full hearing within thirty days of the
232 preliminary hearing. The administrative hearing commission shall, if requested by the nurse
233 named in the complaint, set a date to hold a full hearing under the provisions of chapter 621
234 regarding the activities alleged in the initial complaint filed by the board.

235 15. If the administrative hearing commission refuses to grant temporary authority to
236 the board or restrict or suspend the nurse's license under subsection 8 of this section, such
237 dismissal shall not bar the board from initiating a subsequent disciplinary action on the same
238 grounds.

239 16. (1) The board may initiate a hearing before the board for discipline of any
240 licensee's license or certificate upon receipt of one of the following:

241 (a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in
242 a criminal prosecution under the laws of any state or of the United States for any offense
243 involving the qualifications, functions, or duties of any profession licensed or regulated under
244 this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any
245 offense involving moral turpitude, whether or not sentence is imposed;

246 (b) Evidence of final disciplinary action against the licensee's license, certification, or
247 registration issued by any other state, by any other agency or entity of this state or any other
248 state, or the United States or its territories, or any other country;

249 (c) Evidence of certified court records finding the licensee has been judged
250 incapacitated or disabled under Missouri law or under the laws of any other state or of the
251 United States or its territories.

252 (2) The board shall provide the licensee not less than ten days' notice of any hearing
253 held pursuant to chapter 536.

254 (3) Upon a finding that cause exists to discipline a licensee's license, the board may
255 impose any discipline otherwise available.

335.071. 1. Any institution desiring to conduct an approved educational program of
2 professional nursing or of practical nursing shall apply to the board and submit evidence that
3 it is prepared to meet standards established by this law and the board.

4 2. The board, through its executive officer or other authorized representatives, shall
5 initially survey a nursing education program. A written report of the survey shall be
6 submitted to the board. If the board determines that the requirements for an accredited
7 nursing education program are met, such program shall be approved as a nursing education
8 program for professional or for practical nurses upon payment of a fee in an amount to be set
9 by the board and in accord with board rules.

10 3. The board, through its executive officer or other authorized representatives, shall
11 periodically survey all nursing education programs in the state. Written reports of such
12 surveys shall be submitted to the board. If the board determines that any approved nursing
13 education program is not maintaining the standards required by sections 335.011 to ~~[335.096]~~
14 **335.099** and by the board, notice thereof in writing specifying the defect or defects shall be
15 immediately given to the institution conducting the program. A program which fails to
16 correct these conditions to the satisfaction of the board within a reasonable time shall, after
17 notice and hearing, be removed from the board's listing of approved programs. All hearings
18 shall be conducted in accordance with chapter 621.

19 4. All such approved programs shall pay an annual registration fee in an amount to be
20 determined by the board.

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

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

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

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

25 5. In the interest of public safety and consumer awareness, it is unlawful for any
26 person to use the title "nurse" in reference to himself or herself in any capacity, except

27 individuals who are or have been licensed as a registered nurse, licensed practical nurse, or
28 advanced practice registered nurse under this chapter.

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

 335.081. So long as the person involved does not represent or hold himself or herself
2 out as a nurse licensed to practice in this state, no provision of sections 335.011 to ~~335.096~~
3 **335.099** shall be construed as prohibiting:

4 (1) The practice of any profession for which a license is required and issued pursuant
5 to the laws of this state by a person duly licensed to practice that profession;

6 (2) The services rendered by technicians, nurses' aides or their equivalent trained and
7 employed in public or private hospitals and licensed long-term care facilities except the
8 services rendered in licensed long-term care facilities shall be limited to administering
9 medication, excluding injectable other than insulin;

10 (3) The providing of nursing care by friends or members of the family of the person
11 receiving such care;

12 (4) The incidental care of the sick, aged, or infirm by domestic servants or persons
13 primarily employed as housekeepers;

14 (5) The furnishing of nursing assistance in the case of an emergency situation;

15 (6) The practice of nursing under proper supervision:

16 (a) As a part of the course of study by students enrolled in approved schools of
17 professional nursing or in schools of practical nursing;

18 (b) By graduates of accredited nursing programs pending the results of the first
19 licensing examination or ninety days after graduation, whichever first occurs;

20 (c) A graduate nurse who is prevented from attending the first licensing examination
21 following graduation by reason of active duty in the military may practice as a graduate nurse
22 pending the results of the first licensing examination scheduled by the board following the
23 release of such graduate nurse from active military duty or pending the results of the first
24 licensing examination taken by the graduate nurse while involved in active military service
25 whichever comes first;

26 (7) The practice of nursing in this state by any legally qualified nurse duly licensed to
27 practice in another state whose engagement requires such nurse to accompany and care for a
28 patient temporarily residing in this state for a period not to exceed six months;

29 (8) The practice of any legally qualified nurse who is employed by the government of
 30 the United States or any bureau, division or agency thereof, while in the discharge of his or
 31 her official duties or to the practice of any legally qualified nurse serving in the Armed Forces
 32 of the United States while stationed within this state;

33 (9) Nonmedical nursing care of the sick with or without compensation when done in
 34 connection with the practice of the religious tenets of any church by adherents thereof, as long
 35 as they do not engage in the practice of nursing as defined in sections 335.011 to ~~[335.096]~~
 36 **335.099**;

37 (10) The practice of any legally qualified and licensed nurse of another state, territory,
 38 or foreign country whose responsibilities include transporting patients into, out of, or through
 39 this state while actively engaged in patient transport that does not exceed forty-eight hours in
 40 this state.

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

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

4 (2) Practice ~~[professional or practical]~~ nursing as defined by sections 335.011 to
 5 ~~[335.096]~~ **335.099** under cover of any diploma, license, or record illegally or fraudulently
 6 obtained or signed or issued unlawfully or under fraudulent representation;

7 (3) Practice ~~[professional nursing or practical]~~ nursing as defined by sections 335.011
 8 to ~~[335.096]~~ **335.099** unless duly licensed to do so under the provisions of sections 335.011 to
 9 ~~[335.096]~~ **335.099**;

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

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

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

335.221. The board, in addition to any other duties it may have regarding licensure of
 2 nurses, shall collect, at the time of licensure or licensure renewal, an education surcharge
 3 from each person licensed or relicensed pursuant to sections 335.011 to ~~[335.096]~~ **335.099**, in
 4 the amount of one dollar per year for practical nurses and five dollars per year for professional
 5 nurses. These funds shall be deposited in the professional and practical nursing student loan
 6 and nurse loan repayment fund. All expenditures authorized by sections 335.212 to ~~[335.259]~~
 7 **335.257** shall be paid from funds appropriated by the general assembly from the professional

8 and practical nursing student loan and nurse loan repayment fund. The provisions of section
9 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed
10 to the credit of general revenue.

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