

HOUSE BILL NO. 502

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

1260H.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335.036, 335.046, 335.051, 335.056, 335.061, 335.066, 335.071, 335.076, 335.081, 335.086, and 335.221, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 335.011, 335.016, 335.036, 335.046, 335.051, 335.056, 335.061, 335.066, 335.071,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, to read as follows:

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

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

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 **under the provisions of this chapter to engage in the practice of advanced practice nursing**
13 **as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner,**
14 **or certified registered nurse anesthetist;**

15 (3) "Approval", official recognition of nursing education programs which meet standards
16 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 of
20 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 nurse
25 practitioner by a nationally recognized certifying body approved by the board of nursing;

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

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

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

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

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

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

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

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

60 ~~[(15)]~~ **(16) "Practice of professional nursing"**, the performance for compensation of any
61 act **or action** which requires substantial specialized education, judgment and skill based on
62 knowledge and application of principles derived from the biological, physical, social,
63 **behavioral**, and nursing sciences, including, but not limited to:

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

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

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

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

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

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

76 ~~[(17)]~~ **(18) "Retired license status"**, any person licensed in this state under this chapter
77 who retires from such practice. Such person shall file with the board an affidavit, on a form to
78 be furnished by the board, which states the date on which the licensee retired from such practice,
79 an intent to retire from the practice for at least two years, and such other facts as tend to verify
80 the retirement as the board may deem necessary; but if the licensee thereafter reengages in the
81 practice, the licensee shall renew his or her license with the board as provided by this chapter and
82 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, and
3 the board may appoint, employ and fix the compensation of a legal counsel and such board
4 personnel as defined in subdivision (4) of subsection 11 of section 324.001 as are necessary to
5 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 carry
7 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 times
11 as it may deem necessary;

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

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

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

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

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

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

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

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

36 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal
37 year.

38 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
39 under the authority delegated in this chapter shall become effective only if it complies with and
40 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All
41 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.
42 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
43 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
44 section and chapter 536 are nonseverable and if any of the powers vested with the general
45 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
46 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
47 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
2 submit to the board a written application on forms furnished to the applicant. The original
3 application shall contain the applicant's statements showing the applicant's education and other
4 such pertinent information as the board may require. The applicant shall be of good moral
5 character and have completed at least the high school course of study, or the equivalent thereof
6 as determined by the state board of education, and have successfully completed the basic
7 professional curriculum in an accredited or approved school of nursing and earned a professional
8 nursing degree or diploma. Each application shall contain a statement that it is made under oath
9 or affirmation and that its representations are true and correct to the best knowledge and belief
10 of the person signing same, subject to the penalties of making a false affidavit or declaration.
11 Applicants from non-English-speaking lands shall be required to submit evidence of proficiency
12 in the English language. The applicant must be approved by the board and shall pass an
13 examination as required by the board. The board may require by rule as a requirement for
14 licensure that each applicant shall pass an oral or practical examination. Upon successfully
15 passing the examination, the board may issue to the applicant a license to practice nursing as a
16 registered professional nurse. The applicant for a license to practice registered professional
17 nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for
18 all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

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

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

38 **3. (1) An applicant for license to practice as an advanced practice registered nurse**
39 **shall submit to the board a written application on forms furnished to the applicant. The**
40 **original application shall contain:**

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

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

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

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

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

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

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

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

62 (4) Any person holding a document of recognition to practice nursing as an
63 advanced practice registered nurse in this state that is current on August 28, 2021, shall
64 be deemed to be licensed as an advanced practice registered nurse under the provisions of
65 this section and shall be eligible for renewal of such license under the conditions and
66 standards prescribed in this chapter and as prescribed by rule.

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

73 ~~[4.]~~ 5. The board shall not deny a license because of sex, religion, race, ethnic origin,
74 age or political affiliation.

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

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

9 3. Upon application, the board shall issue a temporary permit to an applicant pursuant
10 to subsection 1 of this section for a license as ~~[either]~~ an advanced practice registered nurse,
11 a registered professional nurse, or a licensed practical nurse who has made a prima facie showing
12 that the applicant meets all of the requirements for such a license. The temporary permit shall
13 be effective only until the board shall have had the opportunity to investigate his or her
14 qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that
15 his or her application for a license has been either granted or rejected. In no event shall such
16 temporary permit be in effect for more than twelve months after the date of its issuance nor shall
17 a permit be reissued to the same applicant. No fee shall be charged for such temporary permit.
18 The holder of a temporary permit which has not expired, or been suspended or revoked, shall be
19 deemed to be the holder of a license issued pursuant to section 335.046 until such temporary
20 permit expires, is terminated or is suspended 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 of
3 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 board
5 by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be
6 uniform for all applicants. The certificates of renewal shall render the holder thereof a legal
7 practitioner of nursing for the period stated in the certificate of renewal. Any person who
8 practices nursing as **an advanced practice registered nurse**, a registered professional nurse, or
9 ~~as~~ a licensed practical nurse during the time his **or her** license has lapsed shall be considered
10 an illegal practitioner and shall be subject to the penalties provided for violation of the provisions
11 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 sections
3 335.011 to ~~335.096~~ **335.099** and by rule and regulation. The board may by rule and regulation
4 provide for an inactive license status. In the event the board shall refuse to renew the license
5 pursuant to one of the provisions of this section and related requirements for relicensure, the
6 individual may appeal to the administrative hearing commission pursuant to the provisions of
7 section 621.120.

8 2. Any licensee who allows his or her license to lapse by failing to renew the license as
9 provided in sections 335.011 to ~~335.096~~ **335.099** shall be reinstated as provided by this chapter
10 and by rule and regulation. The board may by rule and regulation provide for a lapsed license
11 status. In the event the board shall refuse to renew the license pursuant to one of the provisions
12 of this section and related requirements for relicensure, the individual may appeal to the
13 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 or
2 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 alternative
6 program as provided in section 335.067. The board shall notify the applicant in writing of the

7 reasons for the refusal and shall advise the applicant of his or her right to file a complaint with
8 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 who
12 has failed to renew or has surrendered his or her certificate of registration or authority, permit
13 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 guilty
20 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
21 States, for any offense reasonably related to the qualifications, functions or duties of any
22 profession licensed or regulated pursuant to sections 335.011 to ~~335.096~~ **335.099**, for any
23 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 by
30 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 of
33 this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that
34 degree of skill and learning ordinarily used under the same or similar circumstances by the
35 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 licensed
38 or regulated by this chapter, including, but not limited to, the following:

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

- 42 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to
43 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 training,
47 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 an
56 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 board
59 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 client;
- 70 (r) Intentionally or negligently causing physical or emotional harm to a patient, resident,
71 or client;
- 72 (s) Failing to furnish appropriate details of a patient's, client's, or resident's nursing needs
73 to succeeding nurses legally qualified to provide continuing nursing services to a patient, client,
74 or resident;
- 75 (7) Violation of, or assisting or enabling any person to violate, any provision of sections
76 335.011 to ~~[335.096]~~ **335.099**, or of any lawful rule or regulation adopted pursuant to sections
77 335.011 to ~~[335.096]~~ **335.099**;

78 (8) Impersonation of any person holding a certificate of registration or authority, permit
79 or license or allowing any person to use his or her certificate of registration or authority, permit,
80 license or diploma from any school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148 5. An individual whose license has been revoked shall wait one year from the date of
149 revocation to apply for relicensure. Relicensure shall be at the discretion of the board after
150 compliance with all the requirements of sections 335.011 to [~~335.096~~] **335.099** relative to the
151 licensing of an applicant for the first time.

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

155 7. Any person, organization, association or corporation who reports or provides
156 information to the board of nursing pursuant to the provisions of sections 335.011 to [~~335.259~~]
157 **335.257** and who does so in good faith shall not be subject to an action for civil damages as a
158 result thereof.

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

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

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

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

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

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

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

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

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

181 9. The board shall submit existing affidavits and existing certified court records together
182 with a complaint alleging the facts in support of the board's request for an emergency suspension
183 or restriction to the administrative hearing commission and shall supply the administrative

184 hearing commission with the last home or business addresses on file with the board for the
185 licensee. Within one business day of the filing of the complaint, the administrative hearing
186 commission shall return a service packet to the board. The service packet shall include the
187 board's complaint and any affidavits or records the board intends to rely on that have been filed
188 with the administrative hearing commission. The service packet may contain other information
189 in the discretion of the administrative hearing commission. Within twenty-four hours of
190 receiving the packet, the board shall either personally serve the licensee or leave a copy of the
191 service packet at all of the licensee's current addresses on file with the board. Prior to the
192 hearing, the licensee may file affidavits and certified court records for consideration by the
193 administrative hearing commission.

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

201 11. (1) The administrative hearing commission shall hold a hearing within forty-five
202 days of the board's filing of the complaint to determine if cause for discipline exists. The
203 administrative hearing commission may grant a request for a continuance, but shall in any event
204 hold the hearing within one hundred twenty days of the board's initial filing. The board shall be
205 granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less
206 than thirty days, the board may be granted leave to amend if public safety requires.

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

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

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

217 13. If the administrative hearing commission does not find probable cause and does not
218 grant the emergency suspension or restriction, the board shall remove all reference to such
219 emergency suspension or restriction from its public records. Records relating to the suspension

220 or restriction shall be maintained in the board's files. The board or licensee may use such records
221 in the course of any litigation to which they are both parties. Additionally, such records may be
222 released upon a specific, written request of the licensee.

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

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

232 16. (1) The board may initiate a hearing before the board for discipline of any licensee's
233 license or certificate upon receipt of one of the following:

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

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

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

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

247 (3) Upon a finding that cause exists to discipline a licensee's license, the board may
248 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 it
3 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 submitted
6 to the board. If the board determines that the requirements for an accredited nursing education
7 program are met, such program shall be approved as a nursing education program for

8 professional or for practical nurses upon payment of a fee in an amount to be set by the board and
9 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 surveys
12 shall be submitted to the board. If the board determines that any approved nursing education
13 program is not maintaining the standards required by sections 335.011 to ~~[335.096]~~ **335.099** and
14 by the board, notice thereof in writing specifying the defect or defects shall be immediately given
15 to the institution conducting the program. A program which fails to correct these conditions to
16 the satisfaction of the board within a reasonable time shall, after notice and hearing, be removed
17 from the board's listing of approved programs. All hearings shall be conducted in accordance
18 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 state
2 may use the title "Registered Professional Nurse" and the abbreviation [~~"R.N.,"~~] **"RN"**. No other
3 person shall use the title "Registered Professional Nurse" or the abbreviation [~~"R.N.,"~~] **"RN"**.
4 No other person shall assume any title or use any abbreviation or any other words, letters, signs,
5 or devices to indicate that the person using the same is a registered professional nurse.

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

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

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

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

28 6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a
29 Christian Science nurse from using the title "Christian Science nurse", so long as such person
30 provides only religious nonmedical services when offering or providing such services to those
31 who choose to rely upon healing by spiritual means alone and does not hold his or her own
32 religious organization and does not hold himself or herself out as a registered nurse, advanced
33 practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical
34 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 out
2 as a nurse licensed to practice in this state, no provision of sections 335.011 to [~~335.096~~] **335.099**
3 shall be construed as prohibiting:

4 (1) The practice of any profession for which a license is required and issued pursuant to
5 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 services
8 rendered in licensed long-term care facilities shall be limited to administering medication,
9 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 licensing
19 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 her
 31 official duties or to the practice of any legally qualified nurse serving in the Armed Forces of the
 32 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 this
 40 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 **or**
 11 **she** is a licensed **advanced practice registered nurse, a licensed** registered professional nurse,
 12 or a licensed practical nurse unless duly licensed so to practice under the provisions of sections
 13 335.011 to ~~[335.096]~~ **335.099**;

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

17 (6) Conduct a nursing education program for the preparation of professional or practical
 18 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 from
 3 each person licensed or relicensed pursuant to sections 335.011 to ~~[335.096]~~ **335.099**, in the

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

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