

FIRST REGULAR SESSION

SENATE BILL NO. 41

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

0774S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 335.016, 335.046, 335.051, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nurses.

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

Section A. Sections 335.016, 335.046, 335.051, 335.056,
2 335.076, and 335.086, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 335.016,
4 335.046, 335.051, 335.056, 335.076, and 335.086, to read as
5 follows:

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

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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 "Advanced Practice Registered Nurse" and the abbreviation
18 "APRN"] **person who is licensed under the provisions of this**
19 **chapter to engage in the practice of advanced practice**
20 **nursing as a certified clinical nurse specialist, certified**
21 **nurse midwife, certified nurse practitioner, or certified**
22 **registered nurse anesthetist;**

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

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

28 (5) "Certified clinical nurse specialist", a
29 registered nurse who is currently certified as a clinical
30 nurse specialist by a nationally recognized certifying board
31 approved by the board of nursing;

32 (6) "Certified nurse midwife", a registered nurse who
33 is currently certified as a nurse midwife by the American
34 [College of Nurse Midwives] **Midwifery Certification Board,**
35 or other nationally recognized certifying body approved by
36 the board of nursing;

37 (7) "Certified nurse practitioner", a registered nurse
38 who is currently certified as a nurse practitioner by a
39 nationally recognized certifying body approved by the board
40 of nursing;

41 (8) "Certified registered nurse anesthetist", a
42 registered nurse who is currently certified as a nurse
43 anesthetist by the Council on Certification of Nurse
44 Anesthetists, the [Council on Recertification of Nurse
45 Anesthetists] **National Board of Certification and**
46 **Recertification for Nurse Anesthetists,** or other nationally
47 recognized certifying body approved by the board of nursing;

48 (9) "Executive director", a qualified individual
49 employed by the board as executive secretary or otherwise to
50 administer the provisions of this chapter under the board's
51 direction. Such person employed as executive director shall
52 not be a member of the board;

53 (10) "Inactive nurse", as defined by rule pursuant to
54 section 335.061;

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

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

60 (13) "Licensure", the issuing of a license [to
61 practice professional or practical nursing] to candidates
62 who have met the [specified] requirements **specified under**
63 **this chapter authorizing the person to engage in the**
64 **practice of advanced practice, professional, or practical**
65 **nursing** and the recording of the names of those persons as
66 holders of a license to practice **advanced practice,**
67 professional, or practical nursing;

68 (14) "**Practice of advanced practice nursing**", the
69 **performance for compensation of activities and services**
70 **consistent with the required education, training,**
71 **certification, demonstrated competencies, and experiences of**
72 **an advanced practice registered nurse;**

73 (15) "**Practice of practical nursing**", the performance
74 for compensation of selected acts for the promotion of
75 health and in the care of persons who are ill, injured, or
76 experiencing alterations in normal health processes. Such
77 performance requires substantial specialized skill, judgment
78 and knowledge. All such nursing care shall be given under
79 the direction of a person licensed by a state regulatory

80 board to prescribe medications and treatments or under the
81 direction of a registered professional nurse. For the
82 purposes of this chapter, the term "direction" shall mean
83 guidance or supervision provided by a person licensed by a
84 state regulatory board to prescribe medications and
85 treatments or a registered professional nurse, including,
86 but not limited to, oral, written, or otherwise communicated
87 orders or directives for patient care. When practical
88 nursing care is delivered pursuant to the direction of a
89 person licensed by a state regulatory board to prescribe
90 medications and treatments or under the direction of a
91 registered professional nurse, such care may be delivered by
92 a licensed practical nurse without direct physical oversight;

93 [(15)] **(16) "Practice of professional nursing"**, the
94 performance for compensation of any act **or action** which
95 requires substantial specialized education, judgment and
96 skill based on knowledge and application of principles
97 derived from the biological, physical, social, **behavioral**,
98 and nursing sciences, including, but not limited to:

99 (a) Responsibility for the teaching of health care and
100 the prevention of illness to the patient and his or her
101 family;

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

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

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

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

114 [(16) A] (17) "Registered professional nurse" or
115 "registered nurse", a person licensed pursuant to the
116 provisions of this chapter to engage in the practice of
117 professional nursing;

118 [(17)] (18) "Retired license status", any person
119 licensed in this state under this chapter who retires from
120 such practice. Such person shall file with the board an
121 affidavit, on a form to be furnished by the board, which
122 states the date on which the licensee retired from such
123 practice, an intent to retire from the practice for at least
124 two years, and such other facts as tend to verify the
125 retirement as the board may deem necessary; but if the
126 licensee thereafter reengages in the practice, the licensee
127 shall renew his or her license with the board as provided by
128 this chapter and by rule and regulation.

335.046. 1. An applicant for a license to practice as
2 a registered professional nurse shall submit to the board a
3 written application on forms furnished to the applicant.
4 The original application shall contain the applicant's
5 statements showing the applicant's education and other such
6 pertinent information as the board may require. The
7 applicant shall be of good moral character and have
8 completed at least the high school course of study, or the
9 equivalent thereof as determined by the state board of
10 education, and have successfully completed the basic
11 professional curriculum in an accredited or approved school
12 of nursing and earned a professional nursing degree or
13 diploma. Each application shall contain a statement that it
14 is made under oath or affirmation and that its
15 representations are true and correct to the best knowledge

16 and belief of the person signing same, subject to the
17 penalties of making a false affidavit or declaration.
18 Applicants from non-English-speaking lands shall be required
19 to submit evidence of proficiency in the English language.
20 The applicant must be approved by the board and shall pass
21 an examination as required by the board. The board may
22 require by rule as a requirement for licensure that each
23 applicant shall pass an oral or practical examination. Upon
24 successfully passing the examination, the board may issue to
25 the applicant a license to practice nursing as a registered
26 professional nurse. The applicant for a license to practice
27 registered professional nursing shall pay a license fee in
28 such amount as set by the board. The fee shall be uniform
29 for all applicants. Applicants from foreign countries shall
30 be licensed as prescribed by rule.

31 2. An applicant for license to practice as a licensed
32 practical nurse shall submit to the board a written
33 application on forms furnished to the applicant. The
34 original application shall contain the applicant's
35 statements showing the applicant's education and other such
36 pertinent information as the board may require. Such
37 applicant shall be of good moral character, and have
38 completed at least two years of high school, or its
39 equivalent as established by the state board of education,
40 and have successfully completed a basic prescribed
41 curriculum in a state-accredited or approved school of
42 nursing, earned a nursing degree, certificate or diploma and
43 completed a course approved by the board on the role of the
44 practical nurse. Each application shall contain a statement
45 that it is made under oath or affirmation and that its
46 representations are true and correct to the best knowledge
47 and belief of the person signing same, subject to the

48 penalties of making a false affidavit or declaration.
49 Applicants from non-English-speaking countries shall be
50 required to submit evidence of their proficiency in the
51 English language. The applicant must be approved by the
52 board and shall pass an examination as required by the
53 board. The board may require by rule as a requirement for
54 licensure that each applicant shall pass an oral or
55 practical examination. Upon successfully passing the
56 examination, the board may issue to the applicant a license
57 to practice as a licensed practical nurse. The applicant
58 for a license to practice licensed practical nursing shall
59 pay a fee in such amount as may be set by the board. The
60 fee shall be uniform for all applicants. Applicants from
61 foreign countries shall be licensed as prescribed by rule.

62 **3. (1) An applicant for license to practice as an**
63 **advanced practice registered nurse shall submit to the board**
64 **a written application on forms furnished to the applicant.**
65 **The original application shall contain:**

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

69 **(b) A statement that it is made under oath or**
70 **affirmation and that its representatives are true and**
71 **correct to the best knowledge and belief of the person**
72 **signing same, subject to the penalties of making a false**
73 **affidavit or declaration.**

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

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

79 (a) Hold a current registered professional nurse
80 license or privilege to practice and shall not be currently
81 subject to discipline or any restrictions and shall not hold
82 an encumbered license or privilege to practice as a
83 registered professional nurse or advanced practice
84 registered nurse in any state or territory;

85 (b) Have completed an accredited graduate-level
86 advanced practice registered nurse program and achieved at
87 least one certification as a clinical nurse specialist,
88 nurse midwife, nurse practitioner, or registered nurse
89 anesthetist, with at least one population focus prescribed
90 by rule of the board;

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

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

97 (4) Any person holding a document of recognition to
98 practice nursing as an advanced practice registered nurse in
99 this state that is current on August 28, 2021, shall be
100 deemed to be licensed as an advanced practice registered
101 nurse under the provisions of this section and shall be
102 eligible for renewal of such license under the conditions
103 and standards prescribed in this chapter and as prescribed
104 by rule.

105 4. Upon refusal of the board to allow any applicant to
106 [sit for] **take** either the registered professional nurses'
107 examination or the licensed practical nurses' examination,
108 [as the case may be,] **or upon refusal to issue an advanced**
109 **practice registered nurse license**, the board shall comply
110 with the provisions of section 621.120 and advise the

111 applicant of his or her right to have a hearing before the
112 administrative hearing commission. The administrative
113 hearing commission shall hear complaints taken pursuant to
114 section 621.120.

115 [4.] 5. The board shall not deny a license because of
116 sex, religion, race, ethnic origin, age or political
117 affiliation.

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

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

15 3. Upon application, the board shall issue a temporary
16 permit to an applicant pursuant to subsection 1 of this
17 section for a license as [either] **an advanced practice**
18 **registered nurse**, a registered professional nurse, or a
19 licensed practical nurse who has made a prima facie showing
20 that the applicant meets all of the requirements for such a
21 license. The temporary permit shall be effective only until
22 the board shall have had the opportunity to investigate his
23 **or her** qualifications for licensure pursuant to subsection 1
24 of this section and to notify the applicant that his or her
25 application for a license has been either granted or

26 rejected. In no event shall such temporary permit be in
27 effect for more than twelve months after the date of its
28 issuance nor shall a permit be reissued to the same
29 applicant. No fee shall be charged for such temporary
30 permit. The holder of a temporary permit which has not
31 expired, or been suspended or revoked, shall be deemed to be
32 the holder of a license issued pursuant to section 335.046
33 until such temporary permit expires, is terminated or is
34 suspended or revoked.

335.056. **1.** The license of every person licensed
2 under the provisions of [sections 335.011 to 335.096] **this**
3 **chapter** shall be renewed as provided. An application for
4 renewal of license shall be mailed to every person to whom a
5 license was issued or renewed during the current licensing
6 period. The applicant shall complete the application and
7 return it to the board by the renewal date with a renewal
8 fee in an amount to be set by the board. The fee shall be
9 uniform for all applicants. The certificates of renewal
10 shall render the holder thereof a legal practitioner of
11 nursing for the period stated in the certificate of
12 renewal. Any person who practices nursing as **an advanced**
13 **practice registered nurse**, a registered professional nurse,
14 or [as] a licensed practical nurse during the time his **or**
15 **her** license has lapsed shall be considered an illegal
16 practitioner and shall be subject to the penalties provided
17 for violation of the provisions of sections 335.011 to
18 [335.096] **335.099**.

2. The renewal of advanced practice registered nurse
20 **licenses and registered professional nurses licenses shall**
21 **occur at the same time as prescribed by rule. Failure to**
22 **renew and maintain the registered professional nurse license**
23 **or privilege to practice, or to provide the required fee and**

24 **evidence of active certification or maintenance of**
25 **certification as prescribed by rules and regulations shall**
26 **result in expiration of the advanced practice registered**
27 **nurse license.**

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

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

18 3. Any person who holds a license [or recognition] to
19 practice advanced practice nursing in this state may use the
20 title "Advanced Practice Registered Nurse", **the designations**
21 **of "certified registered nurse anesthetist", "certified**
22 **nurse midwife", "certified clinical nurse specialist", and**
23 **"certified nurse practitioner",** and the [abbreviation]
24 **abbreviations "APRN",** [and any other title designations
25 appearing on his or her license] **"CRNA", "CNM", "CNS", and**
26 **"NP", respectively.** No other person shall use the title
27 "Advanced Practice Registered Nurse" or the abbreviation
28 "APRN". No other person shall assume any title or use any

29 abbreviation or any other words, letters, signs, or devices
30 to indicate that the person using the same is an advanced
31 practice registered nurse.

32 4. No person shall practice or offer to practice
33 professional nursing, practical nursing, or advanced
34 practice nursing in this state or use any title, sign,
35 abbreviation, card, or device to indicate that such person
36 is a practicing professional nurse, practical nurse, or
37 advanced practice nurse unless he or she has been duly
38 licensed under the provisions of this chapter.

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

45 6. Notwithstanding any law to the contrary, nothing in
46 this chapter shall prohibit a Christian Science nurse from
47 using the title "Christian Science nurse", so long as such
48 person provides only religious nonmedical services when
49 offering or providing such services to those who choose to
50 rely upon healing by spiritual means alone and does not hold
51 his or her own religious organization and does not hold
52 himself or herself out as a registered nurse, advanced
53 practice registered nurse, nurse practitioner, licensed
54 practical nurse, nurse midwife, clinical nurse specialist,
55 or nurse anesthetist, unless otherwise authorized by law to
56 do so.

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

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

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

11 (3) Practice [professional nursing or practical]
12 nursing as defined by sections 335.011 to [335.096] **335.099**
13 unless duly licensed to do so under the provisions of
14 sections 335.011 to [335.096] **335.099**;

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

21 (5) Practice [professional nursing or practical]
22 nursing during the time his **or her** license issued under the
23 provisions of sections 335.011 to [335.096] **335.099** shall be
24 suspended or revoked; or

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

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