

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 301
100TH GENERAL ASSEMBLY

0865H.03P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 198.082, 335.046, 335.051, 335.056, 335.076, 335.086, and 335.175, RSMo, and to enact in lieu thereof eight new sections relating to nurses.

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

Section A. Sections 198.082, 335.046, 335.051, 335.056, 335.076, 335.086, and
2 335.175, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 198.082, 335.046, 335.047, 335.051, 335.056, 335.076, 335.086, and 335.175, to read
4 as follows:

198.082. 1. Each **certified** nursing assistant hired to work in a skilled nursing or
2 intermediate care facility after January 1, 1980, shall have successfully completed a nursing
3 assistant training program approved by the department or shall enroll in and begin the first
4 available approved training program which is scheduled to commence within ninety days of the
5 date of the **certified** nursing assistant's employment and which shall be completed within four
6 months of employment. Training programs shall be offered at any facility licensed ~~[or approved]~~
7 by the department of health and senior services; **any skilled nursing or intermediate care unit**
8 **in a Missouri veterans home, as defined in section 42.002; or any hospital, as defined in**
9 **section 197.020. Training programs shall be** ~~[which is most]~~ reasonably accessible to the
10 enrollees in each class. The program may be established by ~~[the]~~ a skilled nursing or
11 intermediate care facility, **unit, or hospital**; by a professional organization~~[-]~~; or by the
12 department, and training shall be given by the personnel of the facility, **unit, or hospital**; by a
13 professional organization~~[-]~~; by the department~~[-]~~; by any community college; or by the
14 vocational education department of any high school.

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.

15 2. As used in this section the term "**certified** nursing assistant" means an employee[;]
16 **who has completed the training required under subsection 1 of this section, who has passed**
17 **the certification exam, and** ~~[including a nurse's aide or an orderly,]~~ who is assigned by a skilled
18 nursing or intermediate care facility, **unit, or hospital** to provide or assist in the provision of
19 direct resident health care services under the supervision of a nurse licensed under the nursing
20 practice law, chapter 335.

21 3. This section shall not apply to any person otherwise **regulated or** licensed to perform
22 health care services under the laws of this state. It shall not apply to volunteers or to members
23 of religious or fraternal orders which operate and administer the facility, if such volunteers or
24 members work without compensation.

25 ~~[3-]~~ 4. The training program ~~[after January 1, 1989, shall consist of at least the~~
26 ~~following:~~

27 ~~—— (1) A training program consisting]~~ **requirements shall be defined in regulation by the**
28 **department and shall require** ~~[of]~~ at least seventy-five classroom hours of training ~~[on basic~~
29 ~~nursing skills, clinical practice, resident safety and rights, the social and psychological problems~~
30 ~~of residents, and the methods of handling and caring for mentally confused residents such as~~
31 ~~those with Alzheimer's disease and related disorders,]~~ and one hundred hours supervised and on-
32 the-job training. **On-the-job training sites shall include supervised practical training in a**
33 **laboratory or other setting in which the trainee demonstrates knowledge while performing**
34 **tasks on an individual under the direct supervision of a registered nurse or a licensed**
35 **practical nurse.** The ~~[one hundred hours]~~ **training** shall be completed within four months of
36 employment and may consist of normal employment as nurse assistants **or hospital nursing**
37 **support staff** under the supervision of a licensed nurse~~[-and~~

38 ~~—— (2) Continuing in-service training to assure continuing competency in existing and new~~
39 ~~nursing skills. All nursing assistants trained prior to January 1, 1989, shall attend, by August 31,~~
40 ~~1989, an entire special retraining program established by rule or regulation of the department~~
41 ~~which shall contain information on methods of handling mentally confused residents and which~~
42 ~~may be offered on premises by the employing facility].~~

43 ~~[4-]~~ 5. **Certified nursing** ~~[Nursing]~~ assistants who have not successfully completed the
44 nursing assistant training program prior to employment may begin duties as a **certified** nursing
45 assistant ~~[only after completing an initial twelve hours of basic orientation approved by the~~
46 ~~department]~~ and may provide direct resident care only if under the ~~[general]~~ **direct** supervision
47 of a licensed nurse prior to completion of the seventy-five classroom hours of the training
48 program.

49 **6. The competency evaluation shall be performed in a facility, as defined in 42 CFR**
50 **Sec. 483.5, or laboratory setting comparable to the setting in which the individual shall**
51 **function as a certified nursing assistant.**

52 **7. Persons completing the training requirements of unlicensed assistive personnel**
53 **under 19 CSR 30-20.125 or its successor regulation, and who have completed the**
54 **competency evaluation, shall be allowed to sit for the certified nursing assistant**
55 **examination and be deemed to have fulfilled the classroom and clinical standards for**
56 **designation as a certified nursing assistant.**

57 **8. The department of health and senior services may offer additional training**
58 **programs and certifications to students who are already certified as nursing assistants**
59 **according to regulations promulgated by the department and curriculum approved by the**
60 **board.**

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 initial licensure to practice as an advanced practice**
39 **registered nurse shall submit a completed application and fee as established by the board.**
40 **The 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 and**
51 **shall not hold a license or privilege to practice currently under discipline or under any**
52 **restrictions as a registered professional nurse or advanced practice registered nurse in any**
53 **state or territory;**

54 **(b) Have completed an accredited graduate or postgraduate level advanced practice**
55 **registered nurse program in one of the following recognized roles:**

- 56 **a. Certified nurse practitioner;**
57 **b. Certified nurse midwife;**
58 **c. Clinical nurse specialist; or**
59 **d. Certified registered nurse anesthetist;**

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

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

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, 2019, shall
65 be deemed to be licensed as an advanced practice registered nurse under the provisions of
66 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. In considering applications for licensure, the board may require a personal
69 appearance of the applicant. If the applicant is required to appear, the time period in
70 which a licensure application shall be granted or denied shall be tolled until such time as
71 the applicant appears and the board issues its determination in writing. If the applicant
72 fails to appear at either of the next two regularly scheduled board meetings, the application
73 for licensure shall be denied.

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

80 [4.] 6. The board shall not deny a license because of sex, religion, race, ethnic origin, age
81 or political affiliation.

335.047. 1. The licensure of advanced practice registered nurses shall take place
2 within processes established by rules of the state board of nursing. The state board of
3 nursing is hereby directed to promulgate rules under chapter 536 establishing licensing
4 and renewal procedures, scope of practice guidelines, and licensing fees, and address such
5 other matters pertaining to advanced practice registered nurses that are necessary to
6 protect the public and discipline the profession. An application for licensure may be
7 denied or the licensure of an advanced practice registered nurse may be suspended or
8 revoked by the board in the same manner and for violation of the standards as set forth
9 by section 335.066, or such other standards of conduct set by the board by rule.

10 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
11 created under the authority delegated in this section shall become effective only if it
12 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
13 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
14 vested with the general assembly pursuant to chapter 536 to review, to delay the effective

15 **date or to disapprove and annul a rule are subsequently held unconstitutional, then the**
16 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,**
17 **shall be invalid and void.**

18 **3. Notwithstanding any other provision of law, the collaborative practice**
19 **arrangement, which shall meet the requirements of section 334.104, shall specify the**
20 **services an advanced practice registered nurse may provide pursuant to the arrangement.**
21 **The arrangement may be more limiting in scope than the scope of practice defined by the**
22 **state board of nursing. Nothing in this section shall prohibit a certified registered nurse**
23 **anesthetist, as defined in section 335.016, from providing anesthesia services without a**
24 **collaborative practice arrangement, provided that he or she is under the supervision of an**
25 **anesthesiologist or other physician, dentist, or podiatrist who is immediately available if**
26 **needed, pursuant to subsection 7 of section 334.104.**

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

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

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

20 **4. The board may issue a license by endorsement to an advanced practice registered**
21 **nurse licensed under the laws of another state if, in the opinion of the board, the applicant**
22 **meets the qualifications for licensure in this jurisdiction, provided that any such advanced**
23 **practice registered nurse shall practice pursuant to all scope of practice laws in this state.**

24 **Any advanced practice registered nurse licensed by this subsection shall practice in**
25 **accordance with the laws of this state.**

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. A licensee's advanced practice registered nursing license and his or her**
13 **professional nursing license shall be treated as one license for the purpose of renewal,**
14 **discipline, and assessment of renewal fees.**

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

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.". No other person
3 shall use the title "Registered Professional Nurse" or the abbreviation "R.N.". No other person
4 shall assume any title or use any abbreviation or any other words, letters, signs, or devices to
5 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.

335.086. 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 license issued
15 under the provisions of sections 335.011 to [~~335.096~~] **335.099** shall be suspended or revoked;
16 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.

335.175. 1. No later than January 1, 2014, there is hereby established within the state
2 board of registration for the healing arts and the state board of nursing the "Utilization of
3 Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing
4 services under a collaborative practice arrangement under section 334.104 may provide such
5 services outside the geographic proximity requirements of section 334.104 if the collaborating
6 physician and advanced practice registered nurse utilize telehealth in the care of the patient and
7 if the services are provided in a rural area of need. Telehealth providers shall be required to
8 obtain patient consent before telehealth services are initiated and ensure confidentiality of
9 medical information.

10 2. As used in this section, "telehealth" shall have the same meaning as such term is
11 defined in section 191.1145.

12 3. (1) The boards shall jointly promulgate rules governing the practice of telehealth
13 under this section. Such rules shall address, but not be limited to, appropriate standards for the
14 use of telehealth.

15 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
16 under the authority delegated in this section shall become effective only if it complies with and
17 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
18 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
19 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
20 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
21 proposed or adopted after August 28, 2013, shall be invalid and void.

22 4. For purposes of this section, "rural area of need" means any rural area of this state
23 which is located in a health professional shortage area as defined in section 354.650.

24 ~~[5. Under section 23.253 of the Missouri sunset act:~~

25 ~~—— (1) The provisions of the new program authorized under this section shall automatically~~
26 ~~sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly, and~~

27 ~~—— (2) If such program is reauthorized, the program authorized under this section shall~~
28 ~~automatically sunset twelve years after the effective date of the reauthorization of this section;~~
29 ~~and~~

30 ~~—— (3) This section shall terminate on September first of the calendar year immediately~~
31 ~~following the calendar year in which the program authorized under this section is sunset.]~~

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