

FIRST REGULAR SESSION

HOUSE BILL NO. 165

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUBRECHT.

0076H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 334.104, 335.016, 335.019, 335.046, 335.056, 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Section A. Sections 334.104, 335.016, 335.019, 335.046, 335.056, and 335.086, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 334.104, 335.016, 335.019, 335.046, 335.056, and 335.086, to read as follows:

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense, or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, **who has been granted a certificate of controlled substance prescriptive authority**, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not

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.

17 delegate the authority to administer any controlled substances listed in Schedules III, IV, and V
18 of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general
19 anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled
20 substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred
21 twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form
22 of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health
23 care services.

24 3. The written collaborative practice arrangement shall contain at least the ~~[following~~
25 ~~provisions:-~~

26 ~~———(1) complete names, home and business addresses, zip codes, [and] telephone numbers,~~
27 ~~and license numbers~~ of the collaborating physician and the advanced practice registered nurse[-

28 ~~———(2) A list of all other offices or locations besides those listed in subdivision (1) of this~~
29 ~~subsection where the collaborating physician authorized the advanced practice registered nurse~~
30 ~~to prescribe;-~~

31 ~~———(3) A requirement that there shall be posted at every office where the advanced practice~~
32 ~~registered nurse is authorized to prescribe, in collaboration with a physician, a prominently~~
33 ~~displayed disclosure statement informing patients that they may be seen by an advanced practice~~
34 ~~registered nurse and have the right to see the collaborating physician;-~~

35 ~~———(4) All specialty or board certifications of the collaborating physician and all~~
36 ~~certifications of the advanced practice registered nurse;-~~

37 ~~———(5) The manner of collaboration between the collaborating physician and the advanced~~
38 ~~practice registered nurse, including how the collaborating physician and the advanced practice~~
39 ~~registered nurse will;-~~

40 ~~———(a) Engage in collaborative practice consistent with each professional's skill, training,~~
41 ~~education, and competence;-~~

42 ~~———(b) Maintain geographic proximity, except the collaborative practice arrangement may~~
43 ~~allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar~~
44 ~~year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice~~
45 ~~arrangement includes alternative plans as required in paragraph (c) of this subdivision. This~~
46 ~~exception to geographic proximity shall apply only to independent rural health clinics,~~
47 ~~provider-based rural health clinics where the provider is a critical access hospital as provided in~~
48 ~~42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of~~
49 ~~the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is~~
50 ~~required to maintain documentation related to this requirement and to present it to the state board~~
51 ~~of registration for the healing arts when requested; and-~~

52 ~~—— (c) Provide coverage during absence, incapacity, infirmity, or emergency by the~~
53 ~~collaborating physician;~~
54 ~~—— (6) A description of the advanced practice registered nurse's controlled substance~~
55 ~~prescriptive authority in collaboration with the physician, including a list of the controlled~~
56 ~~substances the physician authorizes the nurse to prescribe and documentation that it is consistent~~
57 ~~with each professional's education, knowledge, skill, and competence;~~
58 ~~—— (7) A list of all other written practice agreements of the collaborating physician and the~~
59 ~~advanced practice registered nurse;~~
60 ~~—— (8) The duration of the written practice agreement between the collaborating physician~~
61 ~~and the advanced practice registered nurse;~~
62 ~~—— (9) A description of the time and manner of the collaborating physician's review of the~~
63 ~~advanced practice registered nurse's delivery of health care services. The description shall~~
64 ~~include provisions that the advanced practice registered nurse shall submit a minimum of ten~~
65 ~~percent of the charts documenting the advanced practice registered nurse's delivery of health care~~
66 ~~services to the collaborating physician for review by the collaborating physician, or any other~~
67 ~~physician designated in the collaborative practice arrangement, every fourteen days; and~~
68 ~~—— (10) The collaborating physician, or any other physician designated in the collaborative~~
69 ~~practice arrangement, shall review every fourteen days a minimum of twenty percent of the~~
70 ~~charts in which the advanced practice registered nurse prescribes controlled substances. The~~
71 ~~charts reviewed under this subdivision may be counted in the number of charts required to be~~
72 ~~reviewed under subdivision (9) of this subsection].~~

73 4. The state board of registration for the healing arts pursuant to section 334.125 and the
74 board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of
75 collaborative practice arrangements. Such rules shall be limited to ~~[specifying geographic areas~~
76 ~~to be covered, the methods of treatment that may be covered by collaborative practice~~
77 ~~arrangements and the requirements for review of services provided pursuant to collaborative~~
78 ~~practice arrangements including] delegating authority to prescribe controlled substances. **Any**
79 **previously adopted rules regulating the use of collaborative practice arrangements that are**
80 **not limited to delegating authority to prescribe controlled substances shall from the**
81 **effective date of this act be null and void.** Any rules relating to dispensing or distribution of
82 medications or devices by prescription or prescription drug orders under this section shall be
83 subject to the approval of the state board of pharmacy. Any rules relating to dispensing or
84 distribution of controlled substances by prescription or prescription drug orders under this
85 section shall be subject to the approval of the department of health and senior services and the
86 state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote
87 of a quorum of each board. Neither the state board of registration for the healing arts nor the~~

88 board of nursing may separately promulgate rules relating to collaborative practice arrangements.
89 Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics.
90 The rulemaking authority granted in this subsection shall not extend to collaborative practice
91 arrangements of hospital employees providing inpatient care within hospitals as defined pursuant
92 to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as
93 of April 30, 2008.

94 5. The state board of registration for the healing arts shall not deny, revoke, suspend or
95 otherwise take disciplinary action against a physician for health care services delegated to a
96 registered professional nurse provided the provisions of this section and the rules promulgated
97 thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action
98 imposed as a result of an agreement between a physician and a registered professional nurse or
99 registered physician assistant, whether written or not, prior to August 28, 1993, all records of
100 such disciplinary licensure action and all records pertaining to the filing, investigation or review
101 of an alleged violation of this chapter incurred as a result of such an agreement shall be removed
102 from the records of the state board of registration for the healing arts and the division of
103 professional registration and shall not be disclosed to any public or private entity seeking such
104 information from the board or the division. The state board of registration for the healing arts
105 shall take action to correct reports of alleged violations and disciplinary actions as described in
106 this section which have been submitted to the National Practitioner Data Bank. In subsequent
107 applications or representations relating to his **or her** medical practice, a physician completing
108 forms or documents shall not be required to report any actions of the state board of registration
109 for the healing arts for which the records are subject to removal under this section.

110 6. Within thirty days of any change and on each renewal, the state board of registration
111 for the healing arts shall require every physician to identify whether the physician is engaged in
112 any collaborative practice agreement, including collaborative practice agreements delegating the
113 authority to prescribe controlled substances, or physician assistant agreement and also report to
114 the board the name of each licensed professional with whom the physician has entered into such
115 agreement. The board ~~may~~ **shall** make this information available to the public. The board shall
116 track the reported information and may routinely conduct random reviews of such agreements
117 to ensure that agreements are carried out for compliance under this chapter.

118 7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as
119 defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services
120 without a collaborative practice arrangement provided that he or she is under the supervision of
121 an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if
122 needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered
123 nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a

124 collaborative practice arrangement under this section, except that the collaborative practice
125 arrangement may not delegate the authority to prescribe any controlled substances listed in
126 Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

127 ~~8. [A collaborating physician shall not enter into a collaborative practice arrangement~~
128 ~~with more than three full-time equivalent advanced practice registered nurses. This limitation~~
129 ~~shall not apply to collaborative arrangements of hospital employees providing inpatient care~~
130 ~~service in hospitals as defined in chapter 197 or population-based public health services as~~
131 ~~defined by 20 CSR 2150-5.100 as of April 30, 2008.]~~

132 ~~9. It is the responsibility of the collaborating physician to determine and document the~~
133 ~~completion of at least a one-month period of time during which the advanced practice registered~~
134 ~~nurse shall practice with the collaborating physician continuously present before practicing in~~
135 ~~a setting where the collaborating physician is not continuously present. This limitation shall not~~
136 ~~apply to collaborative arrangements of providers of population-based public health services as~~
137 ~~defined by 20 CSR 2150-5.100 as of April 30, 2008.]~~

138 ~~10. No agreement made under this section shall supersede current hospital licensing~~
139 ~~regulations governing hospital medication orders under protocols or standing orders for the~~
140 ~~purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020~~
141 ~~if such protocols or standing orders have been approved by the hospital's medical staff and~~
142 ~~pharmaceutical therapeutics committee.]~~

143 ~~11.] No contract or other agreement shall require a physician to act as a collaborating~~
144 ~~physician for an advanced practice registered nurse against the physician's will. A physician~~
145 ~~shall have the right to refuse to act as a collaborating physician, without penalty, for a particular~~
146 ~~advanced practice registered nurse. [No contract or other agreement shall limit the collaborating~~
147 ~~physician's ultimate authority over any protocols or standing orders or in the delegation of the~~
148 ~~physician's authority to any advanced practice registered nurse, but this requirement shall not~~
149 ~~authorize a physician in implementing such protocols, standing orders, or delegation to violate~~
150 ~~applicable standards for safe medical practice established by hospital's medical staff.]~~

151 ~~[12.]~~ 9. No contract or other agreement shall require any advanced practice registered
152 nurse to serve as a collaborating advanced practice registered nurse for any collaborating
153 physician against the advanced practice registered nurse's will. An advanced practice registered
154 nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

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

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

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

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

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

17 (5) "Certified clinical nurse specialist", a registered nurse who is currently certified as
18 a clinical nurse specialist by a nationally recognized certifying board approved by the board of
19 nursing. **A certified clinical nurse specialist is one of the four APRN roles;**

20 (6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse
21 midwife by the American College of Nurse Midwives, or other nationally recognized certifying
22 body approved by the board of nursing. **A certified nurse midwife is one of the four APRN**
23 **roles;**

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. **A**
26 **certified nurse practitioner is one of the four APRN roles;**

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

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

35 (10) "Inactive nurse", 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 an individual authorizing the individual**
40 **to practice advanced practice, professional, or practical nursing to candidates who have met the**

41 specified requirements and the recording of the names of those persons as holders of a license
42 to practice **advanced practice**, professional, or practical nursing;

43 (14) **"Population focus", one of the following six areas of practice for which an
44 advanced practice registered nurse has the education and training to provide care and
45 services:**

46 (a) **A family or individual across the lifespan;**

47 (b) **Adult-gerontology;**

48 (c) **Pediatrics;**

49 (d) **Neonatal;**

50 (e) **Women's health or gender-related; and**

51 (f) **Psychiatric or mental health;**

52 (15) **"Practice of advanced practice nursing":**

53 (a) **The practice of advanced practice nursing that includes, but is not limited to:**

54 a. **The practice of professional nursing as defined in this section performed with
55 or without compensation or personal profit;**

56 b. **Conducting an advanced assessment beyond a registered nurse's assessment;**

57 c. **Ordering and interpreting diagnostic procedures;**

58 d. **Establishing primary and differential diagnoses;**

59 e. **Prescribing, ordering, administering, dispensing, and furnishing therapeutic
60 measures, including the authority to:**

61 (i) **Diagnose, prescribe, and institute therapy or referrals of patients to health care
62 agencies, health care providers, and community resources;**

63 (ii) **Prescribe, order, procure, administer, dispense, and furnish pharmacological
64 agents, including over-the-counter and legend drugs;**

65 (iii) **Prescribe, order, procure, administer, dispense, and furnish controlled
66 substances listed in Schedules III, IV, and V of section 195.017, and Schedule II -
67 hydrocodone with a certificate of controlled substance prescriptive authority as part of a
68 collaborative practice arrangement; and**

69 (iv) **Plan and initiate a therapeutic regimen that includes ordering and prescribing
70 nonpharmacological interventions including, but not limited to, durable medical
71 equipment, medical devices, nutrition, blood and blood products, and diagnostic and
72 supportive services including, but not limited to, home health care, hospice, and physical
73 and occupational therapy;**

74 f. **Delegating and assigning the performance of therapeutic measures to assistive
75 personnel;**

76 **g. Consulting with other disciplines and providing referrals to health care agencies,**
77 **health care providers, and community resources; and**

78 **h. Other acts that require education and training consistent with professional**
79 **standards and commensurate with the APRN's education, certification, demonstrated**
80 **competencies, and experience;**

81 **(b) Advanced practice nursing shall be practiced in accordance with the APRN's**
82 **graduate-level education and certification in one of four recognized roles, with at least one**
83 **population focus, including a:**

84 **a. Certified clinical nurse specialist;**

85 **b. Certified nurse midwife;**

86 **c. Certified nurse practitioner; and**

87 **d. Certified registered nurse anesthetist;**

88 **(c) When providing direct patient care, an APRN shall wear identification that**
89 **clearly identifies the nurse as an APRN, unless wearing identification creates a safety or**
90 **health risk for either the nurse or the patient;**

91 **(d) Nothing in this subdivision shall alter the definition of the practice of**
92 **professional nursing;**

93 **(16) "Practice of practical nursing",** the performance for compensation of selected acts
94 for the promotion of health and in the care of persons who are ill, injured, or experiencing
95 alterations in normal health processes. Such performance requires substantial specialized skill,
96 judgment and knowledge. All such nursing care shall be given under the direction of a person
97 licensed by a state regulatory board to prescribe medications and treatments or under the
98 direction of a registered professional nurse. For the purposes of this chapter, the term "direction"
99 shall mean guidance or ~~[supervision]~~ **oversight** provided by a person licensed by a state
100 regulatory board to prescribe medications and treatments or a registered professional nurse,
101 including, but not limited to, oral, written, or otherwise communicated orders or directives for
102 patient care. When practical nursing care is delivered pursuant to the direction of a person
103 licensed by a state regulatory board to prescribe medications and treatments or under the
104 direction of a registered professional nurse, such care may be delivered by a licensed practical
105 nurse without direct physical oversight;

106 ~~[(15)]~~ **(17) "Practice of professional nursing",** the performance for compensation of any
107 **act or function** which requires substantial specialized education, judgment and skill based on
108 knowledge and application of principles derived from the biological, physical, social,
109 **behavioral,** and nursing sciences, including, but not limited to:

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

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

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

116 (d) The coordination, **initiation, performance**, and assistance in the **determination and**
 117 delivery of a plan of health care with all members of a health team;

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

120 ~~[(16)—A]~~ **(18)** "Registered professional nurse" or "registered nurse", a person licensed
 121 pursuant to the provisions of this chapter to engage in the practice of professional nursing;

122 ~~[(17)]~~ **(19)** "Retired license status", any person licensed in this state under this chapter
 123 who retires from such practice. Such person shall file with the board an affidavit, on a form to
 124 be furnished by the board, which states the date on which the licensee retired from such practice,
 125 an intent to retire from the practice for at least two years, and such other facts as tend to verify
 126 the retirement as the board may deem necessary; but if the licensee thereafter reengages in the
 127 practice, the licensee shall renew his or her license with the board as provided by this chapter and
 128 by rule and regulation.

335.019. **1. An advanced practice registered nurse's prescriptive authority shall**
 2 **include authority to:**

3 **(1) Prescribe, dispense, and administer nonscheduled legend drugs and medications**
 4 **as defined under section 338.330 within such APRN's practice and specialty;**

5 **(2) Notwithstanding any other provision of this chapter, receive, prescribe,**
 6 **administer, and provide nonscheduled legend drug samples from pharmaceutical**
 7 **manufacturers to patients at no charge to the patient or any other party.**

8 **2.** The board of nursing may grant a certificate of controlled substance prescriptive
 9 authority to an advanced practice registered nurse, **as defined in section 335.016**, who~~[-~~

10 ~~——(1) submits proof of successful completion of an advanced pharmacology course that~~
 11 ~~shall include [preceptorial experience in] the prescription of drugs, medicines, and therapeutic~~
 12 ~~devices~~[-and~~~~

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

16 ~~——(3) Provides evidence of a minimum of one thousand hours of practice in an advanced~~
 17 ~~practice nursing category prior to application for a certificate of prescriptive authority. The one~~
 18 ~~thousand hours shall not include clinical hours obtained in the advanced practice nursing~~
 19 ~~education program. The one thousand hours of practice in an advanced practice nursing category~~

20 ~~may include transmitting a prescription order orally or telephonically or to an inpatient medical~~
21 ~~record from protocols developed in collaboration with and signed by a licensed physician, and~~
22 ~~_____ (4) Has a controlled substance prescribing authority delegated in the collaborative~~
23 ~~practice arrangement under section 334.104 with a physician who has an unrestricted federal~~
24 ~~Drug Enforcement Administration registration number and who is actively engaged in a practice~~
25 ~~comparable in scope, specialty, or expertise to that of the advanced practice registered nurse].~~

26 **3. The board of nursing may grant a certificate of controlled substance prescriptive**
27 **authority to an advanced practice registered nurse, as defined under section 335.016, to**
28 **administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V**
29 **of section 195.017, and Schedule II - hydrocodone within the parameters of a collaborative**
30 **practice arrangement; except that, such certificate shall not delegate the authority to**
31 **administer any controlled substances listed in Schedules III, IV, and V of section 195.017,**
32 **or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia**
33 **for therapeutic, diagnostic, or surgical procedures.**

34 **4. Advanced practice registered nurses, except for certified registered nurse**
35 **anesthetists, shall not administer any controlled substances listed in Schedules III, IV, and**
36 **V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing general**
37 **anesthesia for procedures that are outside the advanced practice registered nurse's scope**
38 **of practice.**

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~~ **shall** 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 **shall** be approved by the board and shall pass an examination as required by the board. The
32 board may require by rule as a requirement for licensure that each applicant shall pass an oral or
33 practical examination. Upon successfully passing the examination, the board may issue to the
34 applicant a license to practice as a licensed practical nurse. The applicant for a license to practice
35 licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee
36 shall be uniform for all applicants. Applicants from foreign countries shall be licensed as
37 prescribed by rule.

38 3. **(1) An applicant for a license to practice as an advanced practice registered**
39 **nurse shall submit a completed application as established by the board. The application**
40 **shall, at a minimum, contain:**

41 **(a) The applicant's advanced nursing education and other pertinent information**
42 **as the board may require;**

43 **(b) A statement under oath or affirmation that the applicant is of good moral**
44 **character and that the representations contained in the application are true and correct**
45 **to the best knowledge and belief of the applicant, subject to the penalties of making a false**
46 **affidavit or declaration;**

47 **(c) Documentation that demonstrates the following educational requirements:**

48 **a. Prior to July 1, 1998, completion of a formal post-basic educational program**
49 **from or formally affiliated with an accredited college, university, or hospital of at least one**
50 **academic year, which includes advanced nurse theory and clinical nursing practice, leading**
51 **to a graduate degree or certificate with a concentration in an advanced nursing clinical**
52 **specialty area;**

53 **b. From July 1, 1998, to June 30, 2009, completion of a graduate degree from an**
54 **accredited college or university with a concentration in an advanced practice nursing**
55 **clinical specialty area, which includes advanced nursing theory and clinical nursing**
56 **practice;**

57 **c. On or after July 1, 2009, completion of an accredited graduate-level advanced**
58 **practice registered nursing program that prepared the applicant for one of the four APRN**
59 **roles in at least one population focus;**

60 **(d) Documentation of current certification in one of the four APRN roles from a**
61 **nationally recognized certifying body approved by the board, or current documentation**
62 **of recognition as an advanced practice registered nurse issued by the board prior to**
63 **January 1, 2018; and**

64 **(e) Other evidence as required by board rule, including, as may be applicable,**
65 **evidence of proficiency in the English language.**

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

69 **(3) Upon issuance of a license, the license holder's advanced practice registered**
70 **nursing license and his or her professional nursing license shall be treated as one license**
71 **for the purpose of renewal and assessment of renewal fees.**

72 **4.** Upon refusal of the board to allow any applicant to sit for either the registered
73 professional nurses' examination or the licensed practical nurses' examination, as the case may
74 be, the board shall comply with the provisions of section 621.120 and advise the applicant of his
75 or her right to have a hearing before the administrative hearing commission. The administrative
76 hearing commission shall hear complaints taken pursuant to section 621.120.

77 **[4-] 5.** The board shall not deny a license because of sex, religion, race, ethnic origin, age
78 or political affiliation.

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

10 practitioner and shall be subject to the penalties provided for violation of the provisions of
11 ~~[sections 335.011 to 335.096]~~ **this chapter.**

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]~~ **in this chapter** 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]~~ **in this chapter** unless duly licensed to do so under the provisions of ~~[sections~~
9 ~~335.011 to 335.096]~~ **this chapter;**

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]~~ **this chapter;**

14 (5) Practice **advanced practice nursing**, professional nursing, or practical nursing
15 during the time his **or her** license issued under the provisions of ~~[sections 335.011 to 335.096]~~
16 **this chapter** shall be suspended or 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.

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