

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 673 &  
2 560, Page 59, Section 334.685, Line 8, by inserting after all of said section and line the following:

3  
4 "335.016. As used in this chapter, unless the context clearly requires otherwise, the  
5 following words and terms mean:

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

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

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

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

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

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

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

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

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. Such  
34 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;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

3 (13) "Licensure", the issuing of a license ~~[to practice professional or practical nursing]~~ to  
4 candidates who have met the ~~[specified]~~ requirements specified under this chapter authorizing the  
5 person to engage in the practice of advanced practice, professional, or practical nursing and the  
6 recording of the names of those persons as holders of a license to practice advanced practice,  
7 professional, or practical nursing;

8 (14) "Practice of practical nursing", the performance for compensation of selected acts for  
9 the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in  
10 normal health processes. Such performance requires substantial specialized skill, judgment and  
11 knowledge. All such nursing care shall be given under the direction of a person licensed by a state  
12 regulatory board to prescribe medications and treatments or under the direction of a registered  
13 professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or  
14 supervision provided by a person licensed by a state regulatory board to prescribe medications and  
15 treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise  
16 communicated orders or directives for patient care. When practical nursing care is delivered  
17 pursuant to the direction of a person licensed by a state regulatory board to prescribe medications  
18 and treatments or under the direction of a registered professional nurse, such care may be delivered  
19 by a licensed practical nurse without direct physical oversight;

20 (15) "Practice of professional nursing", the performance for compensation of any act or  
21 action which requires substantial specialized education, judgment and skill based on knowledge and  
22 application of principles derived from the biological, physical, social, behavioral, and nursing  
23 sciences, including, but not limited to:

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

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

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

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

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

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

36 (17) "Retired license status", any person licensed in this state under this chapter who retires  
37 from such practice. Such person shall file with the board an affidavit, on a form to be furnished by  
38 the board, which states the date on which the licensee retired from such practice, an intent to retire  
39 from the practice for at least two years, and such other facts as tend to verify the retirement as the  
40 board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall  
41 renew his or her license with the board as provided by this chapter and by rule and regulation.

42 335.046. 1. An applicant for a license to practice as a registered professional nurse shall  
43 submit to the board a written application on forms furnished to the applicant. The original  
44 application shall contain the applicant's statements showing the applicant's education and other such  
45 pertinent information as the board may require. The applicant shall be of good moral character and  
46 have completed at least the high school course of study, or the equivalent thereof as determined by  
47 the state board of education, and have successfully completed the basic professional curriculum in  
48 an accredited or approved school of nursing and earned a professional nursing degree or diploma.  
49 Each application shall contain a statement that it is made under oath or affirmation and that its

1 representations are true and correct to the best knowledge and belief of the person signing same,  
2 subject to the penalties of making a false affidavit or declaration. Applicants from non-English-  
3 speaking lands shall be required to submit evidence of proficiency in the English language. The  
4 applicant must be approved by the board and shall pass an examination as required by the board.  
5 The board may require by rule as a requirement for licensure that each applicant shall pass an oral or  
6 practical examination. Upon successfully passing the examination, the board may issue to the  
7 applicant a license to practice nursing as a registered professional nurse. The applicant for a license  
8 to practice registered professional nursing shall pay a license fee in such amount as set by the board.  
9 The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as  
10 prescribed by rule.

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

29 3. An applicant for license to practice as an advanced practice registered nurse shall submit  
30 to the board a written application on forms furnished to the applicant. The original application shall  
31 contain the applicant's statements showing the applicant's education and other such pertinent  
32 information as the board may require. The applicant shall hold a current registered professional  
33 nurse license or privilege to practice and shall not be currently subject to discipline or any  
34 restrictions and shall not hold an encumbered license or privilege to practice as a registered  
35 professional nurse or advanced practice registered nurse in any state or territory. The applicant shall  
36 have completed an accredited graduate-level advanced practice registered nurse program and  
37 achieved at least one certification as a clinical nurse specialist, nurse midwife, nurse practitioner, or  
38 registered nurse anesthetist, with at least one population focus prescribed by rule of the board. The  
39 applicant shall be currently certified as an advanced practice registered nurse by a national  
40 certifying body recognized by the board, and his or her advanced practice registered nurse  
41 certification shall have a population focus corresponding with the applicant's educational advanced  
42 practice registered nurse program. Each application shall contain a statement that it is made under  
43 oath or affirmation and that its representations are true and correct to the best knowledge and belief  
44 of the person signing the same, subject to the penalties of making a false affidavit or declaration.  
45 The applicant for a license to practice as an advanced practice registered nurse shall pay a license  
46 fee in such amount as set by the board. The fee shall be uniform for all applicants.

47 4. Any person holding a document of recognition to practice nursing as an advanced  
48 practice registered nurse in this state that is current on August 28, 2020, shall be deemed to be  
49 licensed as an advanced practice registered nurse under the provisions of this section and shall be

1 eligible for renewal of such license under the conditions and standards prescribed in this chapter and  
 2 as prescribed by rule.

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

9 ~~[4.]~~ 6. The board shall not deny a license because of sex, religion, race, ethnic origin, age or  
 10 political affiliation.

11 335.047. 1. The board may promulgate rules under chapter 536 establishing the licensure,  
 12 renewal procedures, fees, and discipline of advanced practice registered nurses. An application for  
 13 licensure may be denied or the license of an advanced practice registered nurse may be disciplined,  
 14 suspended, or revoked by the board in the same manner and for violation of the standards as set  
 15 forth by section 335.066, or such other standards of conduct set by the board by rule.

16 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
 17 under the authority delegated in this section shall become effective only if it complies with and is  
 18 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
 19 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to  
 20 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
 21 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
 22 August 28, 2020, shall be invalid and void.

23 335.051. 1. The board shall issue a license to practice nursing as ~~[either]~~ an advanced  
 24 practice registered nurse, a registered professional nurse<sub>2</sub>, or a licensed practical nurse without  
 25 examination to an applicant who has duly become licensed as an advanced practice registered nurse,  
 26 a registered nurse<sub>2</sub>, or licensed practical nurse pursuant to the laws of another state, territory, or  
 27 foreign country if the applicant meets the qualifications required of advanced practice registered  
 28 nurses, registered nurses<sub>2</sub>, or licensed practical nurses in this state at the time the applicant was  
 29 originally licensed in the other state, territory, or foreign country.

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

31 3. Upon application, the board shall issue a temporary permit to an applicant pursuant to  
 32 subsection 1 of this section for a license as either a registered professional nurse or a licensed  
 33 practical nurse who has made a prima facie showing that the applicant meets all of the requirements  
 34 for such a license. The temporary permit shall be effective only until the board shall have had the  
 35 opportunity to investigate his or her qualifications for licensure pursuant to subsection 1 of this  
 36 section and to notify the applicant that his or her application for a license has been either granted or  
 37 rejected. In no event shall such temporary permit be in effect for more than twelve months after the  
 38 date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for  
 39 such temporary permit. The holder of a temporary permit which has not expired, or been suspended  
 40 or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until  
 41 such temporary permit expires, is terminated or is suspended or revoked.

42 335.056. 1. The license of every person licensed under the provisions of ~~[sections 335.011~~  
 43 ~~to 335.096]~~ this chapter shall be renewed as provided. An application for renewal of license shall be  
 44 mailed to every person to whom a license was issued or renewed during the current licensing period.  
 45 The applicant shall complete the application and return it to the board by the renewal date with a  
 46 renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The  
 47 certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period  
 48 stated in the certificate of renewal. Any person who practices nursing as an advanced practice  
 49 registered nurse, a registered professional nurse<sub>2</sub>, or ~~[as]~~ a licensed practical nurse during the time his

1 or her license has lapsed shall be considered an illegal practitioner and shall be subject to the  
2 penalties provided for violation of the provisions of sections 335.011 to ~~[335.096]~~ 335.099.

3 2. The renewal of advanced practice registered nurse licenses and registered professional  
4 nurse licenses shall occur at the same time as prescribed by rule. Failure to renew and maintain the  
5 registered professional nurse license or privilege to practice or to provide the required fee and  
6 evidence of active certification or maintenance of certification as prescribed by rules and regulations  
7 shall result in expiration of the advanced practice registered nurse license.

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

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

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

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

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

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

41 335.086. No person, firm, corporation or association shall:

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

44 (2) Practice ~~[professional or practical]~~ nursing as defined by sections 335.011 to ~~[335.096]~~  
45 335.099 under cover of any diploma, license, or record illegally or fraudulently obtained or signed  
46 or issued unlawfully or under fraudulent representation;

47 (3) Practice ~~[professional nursing or practical]~~ nursing as defined by sections 335.011 to  
48 ~~[335.096]~~ 335.099 unless duly licensed to do so under the provisions of sections 335.011 to  
49 ~~[335.096]~~ 335.099;

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

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

8           (6) Conduct a nursing education program for the preparation of professional or practical  
9 nurses unless the program has been accredited by the board."; and

10  
11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.