

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

Offered By

1 AMEND House Committee Substitute for House Bill No. 1465, Page 1, In the Title, Line 3, by  
2 deleting the phrase "collaborative practice arrangements" and inserting in lieu thereof the phrase  
3 "health care"; and

4  
5 Further amend said bill, Page 10, Section 334.104, Line 156, by inserting immediately after all of  
6 said section and line the following:

7  
8 "335.016. As used in this chapter, unless the context clearly requires otherwise, the  
9 following words and terms mean:

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

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

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

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

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

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

29 (7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse  
30 practitioner by a nationally recognized certifying body approved by the board of nursing. A  
31 certified nurse practitioner is one of the four APRN roles;

32 (8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a  
33 nurse anesthetist by the [Council on Certification of Nurse Anesthetists, the Council on  
34 Recertification of Nurse Anesthetists,] National Board of Certification and Recertification for Nurse  
35 Anesthetists or other nationally recognized certifying body approved by the board of nursing. A  
36 certified registered nurse anesthetist is one of the four APRN roles;

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

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

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

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

8 (13) "Licensure", the issuing of a license to practice advanced practice, professional, or  
9 practical nursing to candidates who have met the specified requirements and the recording of the  
10 names of those persons as holders of a license to practice advanced practice, professional, or  
11 practical nursing;

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

14 (a) A family or individual across the lifespan;

15 (b) Adult-gerontology;

16 (c) Pediatrics;

17 (d) Neonatal;

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

19 (f) Psychiatric or mental health;

20 (15) "Practice of advanced practice nursing":

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

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

24 b. Assessing and diagnosing actual or potential human health problems;

25 c. Planning, initiating, ordering, and evaluating therapeutic regimens;

26 d. Coordinating and consulting with a health care provider, or when appropriate, referral to  
27 a physician or other health care provider;

28 e. Prescriptive authority for legend drugs and controlled substances;

29 f. Completing certifications or similar documents that reflect a patient's current health status  
30 or continuing health needs consistent with such advanced practice registered nurse's scope of  
31 practice and the nurse-patient relationship;

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

35 a. Certified clinical nurse specialist;

36 b. Certified nurse midwife;

37 c. Certified nurse practitioner; and

38 d. Certified registered nurse anesthetist;

39 (c) Nothing in the subdivision shall alter the definition of the practice of professional  
40 nursing;

41 (16) "Practice of practical nursing", the performance for compensation of selected acts for  
42 the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in  
43 normal health processes. Such performance requires substantial specialized skill, judgment and  
44 knowledge. All such nursing care shall be given under the direction of a person licensed by a state  
45 regulatory board to prescribe medications and treatments or under the direction of a registered  
46 professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or  
47 [supervision] oversight provided by a person licensed by a state regulatory board to prescribe  
48 medications and treatments or a registered professional nurse, including, but not limited to, oral,

1 written, or otherwise communicated orders or directives for patient care. When practical nursing  
 2 care is delivered pursuant to the direction of a person licensed by a state regulatory board to  
 3 prescribe medications and treatments or under the direction of a registered professional nurse, such  
 4 care may be delivered by a licensed practical nurse without direct physical oversight;

5 ~~[(15)]~~ (17) "Practice of professional nursing", the performance for compensation of any act  
 6 or function which requires substantial specialized education, judgment and skill based on knowledge  
 7 and application of principles derived from the biological, physical, social, behavioral, and nursing  
 8 sciences, including, but not limited to:

9 (a) Responsibility for the promotion as well as the teaching of health care and the  
 10 prevention of illness to the patient and his or her family;

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

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

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

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

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

21 ~~[(17)]~~ (19) "Retired license status", any person licensed in this state under this chapter who  
 22 retires from such practice. Such person shall file with the board an affidavit, on a form to be  
 23 furnished by the board, which states the date on which the licensee retired from such practice, an  
 24 intent to retire from the practice for at least two years, and such other facts as tend to verify the  
 25 retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice,  
 26 the licensee shall renew his or her license with the board as provided by this chapter and by rule and  
 27 regulation.

28 335.019. 1. An advanced practice registered nurse's prescriptive authority shall include  
 29 authority to:

30 (1) Prescribe, dispense, and administer nonscheduled legend drugs and medications as  
 31 defined in section 338.330, within such APRN's practice and specialty;

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

35 2. The board of nursing may grant a certificate of controlled substance prescriptive  
 36 authority to an advanced practice registered nurse who[:

37 (1)] submits proof of successful completion of an advanced pharmacology course that shall  
 38 include [preceptorial experience in] the prescription of drugs, medicines, and therapeutic devices[;  
 39 and

40 (2) Provides documentation of a minimum of three hundred clock hours preceptorial  
 41 experience in the prescription of drugs, medicines, and therapeutic devices with a qualified  
 42 preceptor; and

43 (3) Provides evidence of a minimum of one thousand hours of practice in an advanced  
 44 practice nursing category prior to application for a certificate of prescriptive authority. The one  
 45 thousand hours shall not include clinical hours obtained in the advanced practice nursing education  
 46 program. The one thousand hours of practice in an advanced practice nursing category may include  
 47 transmitting a prescription order orally or telephonically or to an inpatient medical record from  
 48 protocols developed in collaboration with and signed by a licensed physician; and

1 (4) Has a controlled substance prescribing authority delegated in the collaborative practice  
2 arrangement under section 334.104 with a physician who has an unrestricted federal Drug  
3 Enforcement Administration registration number and who is actively engaged in a practice  
4 comparable in scope, specialty, or expertise to that of the advanced practice registered nurse].

5 335.046. 1. An applicant for a license to practice as a registered professional nurse shall  
6 submit to the board a written application on forms furnished to the applicant. The original  
7 application shall contain the applicant's statements showing the applicant's education and other such  
8 pertinent information as the board may require. The applicant shall be of good moral character and  
9 have completed at least the high school course of study, or the equivalent thereof as determined by  
10 the state board of education, and have successfully completed the basic professional curriculum in  
11 an accredited or approved school of nursing and earned a professional nursing degree or diploma.  
12 Each application shall contain a statement that it is made under oath or affirmation and that its  
13 representations are true and correct to the best knowledge and belief of the person signing same,  
14 subject to the penalties of making a false affidavit or declaration. Applicants from non-English-  
15 speaking lands shall be required to submit evidence of proficiency in the English language. The  
16 applicant must be approved by the board and shall pass an examination as required by the board.  
17 The board may require by rule as a requirement for licensure that each applicant shall pass an oral  
18 or practical examination. Upon successfully passing the examination, the board may issue to the  
19 applicant a license to practice nursing as a registered professional nurse. The applicant for a license  
20 to practice registered professional nursing shall pay a license fee in such amount as set by the board.  
21 The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as  
22 prescribed by rule.

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

41 3. (1) An applicant for a license to practice as an advanced practice registered nurse shall  
42 submit a completed application as established by the board. The application shall, at a minimum,  
43 contain:

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

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

1 (c) Documentation that demonstrates the following educational requirements:

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

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

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

12 (d) Documentation of current certification in one of the four APRN roles from a nationally  
 13 recognized certifying body approved by the board, or current documentation of recognition as an  
 14 advanced practice registered nurse issued by the board prior to January 1, 2017; and

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

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

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

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

27 [4.] 5. The board shall not deny a license because of sex, religion, race, ethnic origin, age or  
 28 political affiliation.

29 335.056. The license of every person licensed under the provisions of [sections 335.011 to  
 30 335.096] this chapter shall be renewed as provided. An application for renewal of license shall be  
 31 mailed to every person to whom a license was issued or renewed during the current licensing period.  
 32 The applicant shall complete the application and return it to the board by the renewal date with a  
 33 renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The  
 34 certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period  
 35 stated in the certificate of renewal. Any person who practices nursing as an advanced practice  
 36 registered nurse, as a registered professional nurse, or as a licensed practical nurse during the time  
 37 his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the  
 38 penalties provided for violation of the provisions of [sections 335.011 to 335.096] this chapter.

39 335.086. No person, firm, corporation or association shall:

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

42 (2) Practice [professional or practical] nursing as defined [by sections 335.011 to 335.096]  
 43 in this chapter under cover of any diploma, license, or record illegally or fraudulently obtained or  
 44 signed or issued unlawfully or under fraudulent representation;

45 (3) Practice [professional nursing or practical] nursing as defined [by sections 335.011 to  
 46 335.096] in this chapter unless duly licensed to do so under the provisions of [sections 335.011 to  
 47 335.096] this chapter;

48 (4) Use in connection with his or her name any designation tending to imply that he or she

1 is a licensed advanced practice registered nurse, a license registered professional nurse, or a licensed  
2 practical nurse unless duly licensed so to practice under the provisions of [sections 335.011 to  
3 335.096] this chapter;

4 (5) Practice advanced practice nursing, professional nursing, or practical nursing during the  
5 time his or her license issued under the provisions of [sections 335.011 to 335.096] this chapter shall  
6 be suspended or revoked; or

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

9  
10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.  
12  
13