

SECOND REGULAR SESSION

HOUSE BILL NO. 2006

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUETKENHAUS.

Read 1st time February 20, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4232L.02I

AN ACT

To repeal sections 330.030, 332.141, 332.241, 334.031, 334.530, 334.710, 334.738, 334.870, and 335.046, RSMo, and to enact in lieu thereof thirteen new sections relating to health care providers defaulting on federal student loans.

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

Section A. Sections 330.030, 332.141, 332.241, 334.031, 334.530, 334.710, 334.738, 2 334.870, and 335.046, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to 3 be known as sections 330.030, 330.055, 332.105, 332.141, 332.241, 334.031, 334.048, 334.530, 4 334.710, 334.738, 334.870, 335.046, and 335.048, to read as follows:

330.030. Any person desiring to practice podiatry in this state shall furnish the board 2 with satisfactory proof, including a statement under oath or affirmation that all representations 3 are true and correct to the best knowledge and belief of the person submitting and signing same, 4 subject to the penalties of making a false affidavit or declaration, that he or she is twenty-one 5 years of age or over, and of good moral character, and that he or she has received at least four 6 years of high school training, or the equivalent thereof, and has received a diploma or certificate 7 of graduation from an approved college of podiatry, recognized and approved by the board, 8 having a minimum requirement of two years in an accredited college and four years in a 9 recognized college of podiatry. **In addition, each candidate for licensure as a podiatrist shall 10 provide the board with a list of all student loans they are obligated to pay and all service- 11 conditional scholarship agreements they are obligated to satisfy.** Upon payment of the 12 examination fee, and making satisfactory proof as aforesaid, the applicant shall be examined by 13 the board, or a committee thereof, under such rules and regulations as said board may determine, 14 and if found qualified, shall be licensed, upon payment of the license fee, to practice podiatry as 15 registered; provided, that the board shall, under regulations established by the board, admit

16 without examination legally qualified practitioners of podiatry who hold certificates to practice
17 podiatry in any state or territory of the United States or the District of Columbia or any foreign
18 country with equal educational requirements to the state of Missouri upon the applicant paying
19 a fee equivalent to the license and examination fees required above.

**330.055. 1. Any person licensed or applying for licensure pursuant to this chapter
2 who is in default of any federal or state student loan or in default of any service-conditional
3 scholarship agreement that obligates a podiatrist to practice in a certain field and location
4 for a certain period of time may be disciplined by the board or have his or her application
5 for licensure denied.**

**6 2. The division of professional registration, in cooperation with the board, shall
7 provide the federal Department of Education and the state department of higher education
8 a list of all applicants and licensees that are licensed by the board or who are applying for
9 licensure by the board to determine if any applicant or licensee is in default on the
10 repayment of a federal or state student loan.**

**11 3. The division of professional registration shall take all necessary actions,
12 including entering into cooperative agreements with the federal Department of Education
13 and the state department of higher education, and may promulgate and enforce rules to
14 accomplish the goals of this section. No rule or portion of a rule promulgated pursuant to
15 this section shall become effective unless it has been promulgated pursuant to the
16 provisions of section 536.024, RSMo.**

**332.105. 1. Any person licensed or applying for licensure pursuant to this chapter
2 who is in default of any federal or state student loan or in default of any service-conditional
3 scholarship agreement that obligates a dentist or dental hygienist to practice in a certain
4 field and location for a certain period of time may be disciplined by the board or have his
5 or her application for licensure denied.**

**6 2. The division of professional registration, in cooperation with the board, shall
7 provide the federal Department of Education and the state department of higher education
8 a list of all applicants and licensees that are licensed by the board or who are applying for
9 licensure by the board to determine if any applicant or licensee is in default on the
10 repayment of a federal or state student loan.**

**11 3. The division of professional registration shall take all necessary actions,
12 including entering into cooperative agreements with the federal Department of Education
13 and the state department of higher education, and may promulgate and enforce rules to
14 accomplish the goals of this section. No rule or portion of a rule promulgated pursuant to
15 this section shall become effective unless it has been promulgated pursuant to the
16 provisions of section 536.024, RSMo.**

332.141. Applications for dental examination and registration shall be in writing and on forms furnished to the applicant and shall contain the applicant's statements showing the applicant's education and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration, and shall be accompanied by a dentist examination fee. **In addition, each candidate for licensure shall provide the board with a list of all student loans they are obligated to pay and all service-conditional scholarship agreements they are obligated to satisfy.**

332.241. Applications for examination and registration as a dental hygienist shall be in writing on forms furnished to the applicant which shall contain applicant's statements showing his **or her** education and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration, and shall be accompanied by a dental hygienist examination fee. **In addition, each candidate for licensure shall provide the board with a list of all student loans they are obligated to pay and all service-conditional scholarship agreements they are obligated to satisfy.**

334.048. 1. Any person licensed or applying for licensure pursuant to this chapter who is in default of any federal or state student loan or in default of any service-conditional scholarship agreement that obligates a licensee or applicant to practice in a certain field and location for a certain period of time may be disciplined by the board or have his or her application for licensure denied.

2. The division of professional registration, in cooperation with the board, shall provide the federal Department of Education and the state department of higher education a list of all applicants and licensees that are licensed by the board or who are applying for licensure by the board to determine if any applicant or licensee is in default on the repayment of a federal student loan.

3. The division of professional registration shall take all necessary actions, including entering into cooperative agreements with the federal Department of Education and the state department of higher education, and may promulgate and enforce rules to accomplish the goals of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

334.031. 1. Candidates for licenses as physicians and surgeons shall furnish satisfactory evidence of their good moral character, and their preliminary qualifications, to wit: a certificate

3 of graduation from an accredited high school or its equivalent, and satisfactory evidence of
4 completion of preprofessional education consisting of a minimum of sixty semester hours of
5 college credits in acceptable subjects leading towards the degree of bachelor of arts or bachelor
6 of science from an accredited college or university. They shall also furnish satisfactory evidence
7 of having attended throughout at least four terms of thirty-two weeks of actual instructions in
8 each term and of having received a diploma from some reputable medical college or osteopathic
9 college that enforces requirements of four terms of thirty-two weeks for actual instruction in each
10 term, including, in addition to class work, such experience in operative and hospital work during
11 the last two years of instruction as is required by the American Medical Association and the
12 American Osteopathic Association before the college is approved and accredited as reputable.
13 Any medical college approved and accredited as reputable by the American Medical Association
14 or the Liaison Committee on Medical Education and any osteopathic college approved and
15 accredited as reputable by the American Osteopathic Association is deemed to have complied
16 with the requirements of this subsection. **In addition, each candidate for licensure shall
17 provide the board with a list of all student loans they are obligated to pay and all service-
18 conditional scholarship agreements they are obligated to satisfy.**

19 2. In determining the qualifications necessary for licensure as a qualified physician and
20 surgeon, the board, by rule and regulation, may accept the certificate of the National Board of
21 Medical Examiners of the United States, chartered pursuant to the laws of the District of
22 Columbia, of the National Board of Examiners for Osteopathic Physicians and Surgeons
23 chartered pursuant to the laws of the state of Indiana, or of the Licentiate of the Medical Counsel
24 of Canada (LMCC) in lieu of and as equivalent to its own professional examination. Every
25 applicant for a license on the basis of such certificate, upon making application showing
26 necessary qualifications as provided in subsection 1 of this section, shall be required to pay the
27 same fee required of applicants to take the examination before the board.

334.530. 1. A candidate for license to practice as a physical therapist shall be at least
2 twenty-one years of age. A candidate shall furnish evidence of such person's good moral
3 character and the person's educational qualifications by submitting satisfactory evidence of
4 completion of a program of physical therapy education approved as reputable by the board. A
5 candidate who presents satisfactory evidence of the person's graduation from a school of physical
6 therapy approved as reputable by the American Medical Association or, if graduated before
7 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission
8 on Accreditation for Physical Therapy Education or its successor, is deemed to have complied
9 with the educational qualifications of this subsection. **In addition, each candidate for
10 licensure shall provide the board with a list of all student loans they are obligated to pay
11 and all service-conditional scholarship agreements they are obligated to satisfy.**

12 2. Persons desiring to practice as physical therapists in this state shall appear before the
13 board at such time and place as the board may direct and be examined as to their fitness to
14 engage in such practice. Applications for examination shall be in writing, on a form furnished
15 by the board and shall include evidence satisfactory to the board that the applicant possesses the
16 qualifications set forth in subsection 1 of this section. Each application shall contain a statement
17 that it is made under oath or affirmation and that its representations are true and correct to the
18 best knowledge and belief of the person signing the statement, subject to the penalties of making
19 a false affidavit or declaration. The board shall not issue a permanent license to practice as a
20 physical therapist or allow any person to sit for the Missouri state board examination for physical
21 therapists who has failed three or more times any physical therapist licensing examination
22 administered in one or more states or territories of the United States or the District of Columbia.

23 3. The examination of qualified candidates for licenses to practice physical therapy shall
24 include a written examination and shall embrace the subjects taught in reputable programs of
25 physical therapy education, sufficiently strict to test the qualifications of the candidates as
26 practitioners. The examination shall be given by the board at least once each year and shall be
27 administered to all candidates, and the examination given at any particular time shall be the same
28 for all candidates and the same subjects shall be included and the same questions shall be asked.
29 Candidates shall be required to achieve a passing score, as determined by the board, on an
30 examination before being issued a license.

31 4. The examination shall embrace, in relation to the human being, the subjects of
32 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy
33 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,
34 including medical ethics, as the board deems useful to test the fitness of the candidate to practice
35 physical therapy.

36 5. Examination grades or scores shall be preserved by the board subject to public
37 inspection. Examination papers retained by the board shall be subject to public inspection for
38 a period of three years, after which they may be destroyed.

334.710. 1. All applications for initial registration under sections 334.700 to 334.725
2 shall be submitted on forms prescribed by the board and shall be accompanied by an initial
3 registration fee. All applications for renewal of registration issued under sections 334.700 to
4 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by a
5 renewal fee. **In addition, each candidate for licensure shall provide the board with a list of**
6 **all student loans they are obligated to pay and all service-conditional scholarship**
7 **agreements they are obligated to satisfy.**

8 2. All fees of any kind and character authorized to be charged by the board shall be paid
9 to the director of revenue and shall be deposited by the state treasurer into the board for the

10 healing arts fund, to be disbursed only in payment for expenses of maintaining the athletic trainer
11 registration program and for the enforcement of the provisions of sections 334.700 to 334.725.

334.738. 1. Each person desiring a license pursuant to sections 334.735 to 334.749 shall
2 make application to the department upon such forms and in such manner as may be prescribed
3 by the department and shall pay the required application fee as set by the department. The
4 application fee shall cover the cost of issuing the license and shall not be refundable. Each
5 application shall contain a statement that it is made under oath or affirmation and that its
6 representations are true and correct to the best knowledge and belief of the person signing the
7 same, subject to the penalties of making a false declaration or affidavit. Such application shall
8 include proof of certification or registration by a certifying entity, date the certification or
9 registration process was completed with the certifying entity, the name of the certifying entity,
10 any identification numbers and any other information necessary for the department to verify the
11 certification or registration. **In addition, each candidate for licensure shall provide the board
12 with a list of all student loans they are obligated to pay and all service-conditional
13 scholarship agreements they are obligated to satisfy.**

14 2. The department, upon approval of the application from an applicant, shall issue a
15 license to such applicant.

16 3. A license is valid for two years from the date it is issued and may be renewed annually
17 by filing an application for renewal with the department and paying the required renewal fee as
18 set by the department. The department shall notify each licensee in writing of the expiration date
19 of the person's license at least thirty days before that date, and shall issue a license to any
20 registrant who returns a completed application form and pays a renewal fee before the person's
21 license expires.

22 4. A new license to replace any license lost, destroyed, or mutilated may be issued to any
23 applicant, subject to rules and regulations issued by the department upon the payment of a
24 reasonable fee.

334.870. An applicant for a license to practice respiratory care may be issued a license
2 which is valid until the expiration date as determined by the board after the following
3 requirements have been met:

4 (1) The applicant submits to the board:

5 (a) A completed application for licensure;

6 (b) Written evidence of:

7 a. Credentials from the certifying entity; or

8 b. Current licensure or registration as a respiratory care practitioner in another state, the
9 District of Columbia or territory of the United States which requires standards for licensure or
10 registration determined by the board to be equivalent to, or exceed, the requirements for licensure

11 under sections 334.800 to 334.930;

12 (c) Payment of any required fees;

13 **(d) A list of all student loans they are obligated to pay and all service-conditional**
14 **scholarship agreements they are obligated to satisfy;**

15 (2) The board requests and receives a complete background check and other information
16 as may be deemed necessary to fulfill sections 334.800 to 334.910;

17 (3) An applicant who has completed the requirements of subdivision (1) of this section
18 and has submitted the necessary information for the background check pursuant to subdivision
19 (2) of this section may obtain a conditional license to practice as a respiratory care practitioner
20 pending the outcome of the background check subject to the following restrictions:

21 (a) The conditional license shall only be issued if the applicant has made a prima facie
22 showing that he or she meets all of the requirements for full licensure;

23 (b) The conditional license shall only be effective until the board has had an opportunity
24 to investigate the applicant's qualifications for licensure pursuant to subdivisions (1) and (2) of
25 this section and to notify the applicant that his or her application for licensure has been granted
26 or denied;

27 (c) If the applicant provides false or misleading information to the board, the board may
28 automatically terminate the conditional license. If the board automatically terminates a
29 conditional license, the board shall notify the holder of the board's decision by certified mail or
30 personal service;

31 (d) In no event shall such conditional license be in effect for more than twelve months
32 after the date of its issuance;

33 (e) A conditional license shall not be eligible for renewal; and

34 (f) No fee shall be charged for issuing a conditional license.

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. **In addition, each candidate for licensure**
5 **shall provide the board with a list of all student loans they are obligated to pay and all**
6 **service-conditional scholarship agreements they are obligated to satisfy.** The applicant shall
7 be of good moral character and have completed at least the high school course of study, or the
8 equivalent thereof as determined by the state board of education, and have successfully
9 completed the basic professional curriculum in an accredited or approved school of nursing and
10 earned a professional nursing degree or diploma. Each application shall contain a statement that
11 it is made under oath or affirmation and that its representations are true and correct to the best
12 knowledge and belief of the person signing same, subject to the penalties of making a false

13 affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit
14 evidence of proficiency in the English language. The applicant must be approved by the board
15 and shall pass an examination as required by the board. The board may require by rule as a
16 requirement for licensure that each applicant shall pass an oral or practical examination. Upon
17 successfully passing the examination, the board may issue to the applicant a license to practice
18 nursing as a registered professional nurse. The applicant for a license to practice registered
19 professional nursing shall pay a license fee in such amount as set by the board. The fee shall be
20 uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by
21 rule.

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

41 3. Upon refusal of the board to allow any applicant to sit for either the registered
42 professional nurses' examination or the licensed practical nurses' examination, as the case may
43 be, the board shall comply with the provisions of section 621.120, RSMo, and advise the
44 applicant of his or her right to have a hearing before the administrative hearing commission. The
45 administrative hearing commission shall hear complaints taken pursuant to section 621.120,
46 RSMo.

47 4. The board shall not deny a license because of sex, religion, race, ethnic origin, age or
48 political affiliation.

2 **335.048. 1. Any person licensed or applying for licensure pursuant to this chapter**
3 **who is in default of any federal or state student loan or in default of any service-conditional**
4 **scholarship agreement that obligates a podiatrist to practice in a certain field and location**
5 **for a certain period of time may be disciplined by the board or have his or her application**
6 **for licensure denied.**

7 **2. The division of professional registration, in cooperation with the board, shall**
8 **provide the federal Department of Education and the state department of higher education**
9 **a list of all applicants and licensees that are licensed by the board or who are applying for**
10 **licensure by the board to determine if any applicant or licensee is in default on the**
11 **repayment of a federal student loan.**

12 **3. The division of professional registration shall take all necessary actions,**
13 **including entering into cooperative agreements with the federal Department of Education**
14 **and the state department of higher education, and may promulgate and enforce rules to**
15 **accomplish the goals of this section. No rule or portion of a rule promulgated pursuant to**
16 **this section shall become effective unless it has been promulgated pursuant to the**
provisions of section 536.024, RSMo.