

## HCS HB 564 -- PROFESSIONAL REGISTRATION

SPONSOR: Behnen

COMMITTEE ACTION: Voted "do pass" by the Committee on Professional Registration and Licensing by a vote of 9 to 1.

This substitute contains provisions relating to deaf interpreters, interior designers, athlete agents, architects, occupational therapists, dentists, anesthesiologist assistants, psychologists, real estate, and auctioneers.

### DEAF INTERPRETERS

The substitute expands the authority of the Division of Professional Registration to deny license renewal of deaf interpreters for failure to provide satisfactory evidence of current certification with the Missouri Commission for the Deaf.

### OCCUPATIONAL THERAPISTS

The Missouri Board of Occupational Therapy is given authority to give licensing exams to qualified applicants upon demand and is placed under the purview of the Administrative Hearing Commission.

### INTERIOR DESIGN

Expired language relating to the grandfather provisions for interior designer licenses is repealed.

### ATHLETE AGENTS

All athlete agents operating in this state are required to be registered and certified by the Division of Professional Registration. Fees for registration and renewal will be set by the division and deposited in the Athlete Agent Fund, which is created by the substitute. Registration and certification are valid for a two-year period and may be renewed indefinitely. The division director may refuse to issue a certificate or may suspend or revoke a certificate because of the following circumstances:

- (1) The applicant has been convicted of a crime of moral turpitude;
- (2) The applicant made false statements on the application;
- (3) The applicant has had a similar license suspended or revoked in another state; or

(4) The applicant has caused a student-athlete to be suspended from or to be ineligible for any interscholastic or intercollegiate athletic event.

All agent-athlete contracts must be written and contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about possible loss of eligibility.

## ARCHITECTS

The substitute establishes inactive licenses for architects. Licensed architects may make application for an inactive license with the Missouri Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects. After receiving their inactive license, inactive licensees cannot practice architecture in this state, but they may continue to hold themselves out as being an architect. Inactive licensees who fail to maintain a current license in any state for a period of exceeding five years prior to requesting licensure reinstatement must take a licensing examination deemed appropriate by the board.

Technical changes are made to update the statutes in regard to landscape architects.

## COSMETOLOGISTS

Manicurist apprentices are required to complete at least 800 hours of supervised training prior to making application for licensure. The course of study for all cosmetology apprentices may not exceed 12 hours per day and 72 hours per week.

## DENTISTS

The substitute:

(1) Allows for the practice of dentistry across state lines, as long as the person practicing across state lines is licensed to practice dentistry in another state and the practice is limited to the rendering of documented opinions concerning diagnosis and treatment through electronic means. When receiving consultations across state lines, the ultimate authority and responsibility for the diagnosis and treatment of the patient remains with the primary care dentist licensed in this state;

(2) Expands the definition of "practices dentistry" to include the use of lasers;

(3) Authorizes the Missouri Dental Board to issue specialist licenses without examination to applicants who have been certified in any specialty by an examining board recognized by

the American Dental Association or the Council on Dental Accreditation;

(4) Allows for issuance of specialized licenses for dentists who hold specialty licenses in other states, as long as they are licensed in this state and the educational requirements for their specialized licenses are the same or exceed those in this state;

(5) Gives the board the authority to create specialization committees for each specialty recognized by the American Dental Association. The committees will assist the board in establishing criteria and evaluating applicants for specialty licenses;

(6) Provides that all specialty licenses be subject to sanctions and that licensees pay fees as set forth by the board;

(7) Requires all dentists and dental hygienists to complete all continuing education requirements prior to license renewal. Failing to do so, without reasonable cause, will result in the license being sanctioned by the board;

(8) Requires all dentists and dental hygienists who have allowed their licenses to lapse for more than four years to make application and take all licensing examinations required by the board;

(9) Contains provisions pertaining to the disposition of complaints brought before the Administrative Hearing Commission by the board regarding licensees who present a clear and present danger to the health and safety of the public at large; and

(10) Allows the Missouri Dental Board to disclose confidential records and information to the board's Committee on Well-Being for the purpose of assisting in the rehabilitation of impaired licensees. All information disclosed to the committee is still considered confidential and closed to the public.

#### ANESTHESIOLOGIST ASSISTANTS

The substitute:

(1) Establishes registration for anesthesiologist assistants under the State Board of Registration for the Healing Arts;

(2) Allows anesthesiologist assistants to assist a supervising anesthesiologist in formulating and executing an anesthesia care plan for patients. Anesthesiologist assistants are given authority to obtain patient history, perform relevant physical exams, pretest and calibrate anesthesia delivery systems,

interpret information while in consultation with an anesthesiologist, establish airway intervention, administer vasoactive and other anesthetic drugs, adjust vasoactive infusions, and provide tasks not prohibited by law while under the supervision of an anesthesiologist;

(3) Requires an anesthesiologist to be responsible for the oversight of the health care services rendered by an anesthesiologist assistant;

(4) Prohibits anesthesiologist assistants from prescribing medications and controlled substances, conducting activities which are beyond the scope of practice of the supervising anesthesiologist, practicing without the supervision of an anesthesiologist, and holding themselves out as being a physician;

(5) Prohibits anesthesiologists from billing for services performed by an anesthesiologist assistant;

(6) Requires applicants for licensure to apply to the board and pay the required fees;

(7) Allows the board to issue temporary and inactive licenses;

(8) Requires retiring anesthesiologist assistants to file an affidavit with the board stating their intentions and the date of their retirement;

(9) Gives the board authority to negotiate reciprocal compacts with other states and to license qualified applicants from other states;

(10) Requires the board to promulgate rules pertaining to application forms, certification, registration, and fees;

(11) Grants the board the authority to refuse to issue, suspend, or renew licenses and describes the allowable causes for the board to file complaints with the Administrative Hearing Commission;

(12) Prohibits any person from practicing as an anesthesiologist assistant without a license, unless the person is in a certified program under direct supervision of an anesthesiologist or is in a hospital residency program to become an anesthesiologist;

(13) Requires that all continuing education requirements be met prior to license renewal;

(14) Requires all fees collected by the Division of Professional

Registration to be deposited to the credit of the Board of Registration for the Healing Arts Fund;

(15) Requires all supervising anesthesiologists to adopt protocols that delineate the services provided and the manner of supervision;

(16) Gives the governing boards of hospitals the authority to limit the functions and activities of anesthesiologist assistants;

(17) Prohibits persons from holding themselves out as being anesthesiologist assistants without being duly licensed by the board; and

(18) Establishes the Advisory Commission for Anesthesiologist Assistants.

#### PSYCHOLOGISTS

The State Committee of Psychologists is allowed to issue inactive licenses.

#### REAL ESTATE

The substitute:

(1) Adds Internet web sites to the licensing exemption, when in the case of advertising real estate, the advertising is incidental to their normal business operations;

(2) Removes the requirement of land developers selling their own property from having on file with the Missouri Real Estate Commission a certified copy of a currently effective statement of record from the Office of Interstate Land Sales;

(3) Allows the commission to issue temporary work permits to individuals who have satisfied all licensing requirements prior to the final review and printing of their licenses;

(4) Grants entities providing continuing education the authority to do so through the means of distance delivery;

(5) Gives the commission authority, when conducting investigations of complaints involving affiliated licensees, to forward copies of the information regarding the complaint to the affiliated licensee's broker;

(6) Gives the commission authority, when a licensee fails to renew or surrender his or her license and the commission finds

the licensee to be in violation of certain provisions, to cause complaints to be filed with the Administrative Hearing Commission;

(7) Requires real estate brokers holding funds belonging to another party in a real estate transaction to maintain the funds in a separate account designated as an escrow or trust account. Brokers may not commingle their own personal funds or any other moneys in this account with the exception that a broker may deposit an amount not to exceed \$1,000 specifically identified for the purpose of covering service charges related to the account. When brokers decide not to maintain an escrow account, they must notify the commission. If they decide to open an escrow account, they must notify the commission within 10 business days of doing so. In the case of disputes regarding ownership of escrow moneys, the funds must be deposited with the State Treasurer within 180 days of the original deposit. The funds will be held in trust until the dispute can be resolved;

(8) Increases the amount of compensation which each member of the commission receives from \$50 to \$75;

(9) Requires designated brokers who have affiliated licensees to adopt a written policy describing their relationships in regard to their real estate activities; and

(10) Repeals the provisions relating to escrow agents.

The provisions relating to real estate will become effective January 1, 2004.

#### AUCTIONEERS

The State Board of Auctioneers is created within the Division of Professional Registration. No person may engage in the occupation of auctioneering without being duly licensed by the board.

Provisions include the make-up, powers, and duties of the board; qualifications of applicants; licensing examinations and exemptions; examination and licensing fees; terms of licenses; reciprocity; refusal, suspension, and revocation of licenses; filing complaints with the Administrative Hearing Commission; and displaying and providing proof of licensure.

The State Board of Auctioneers Fund is created. Moneys placed in the fund will be used for expenses incurred by the board.

FISCAL NOTE: Estimated Net Cost to General Revenue of Up to \$11,481 in FY 2004, \$0 in FY 2005, and \$0 in FY 2006. Estimated

Net Effect on Athlete Agent Fund of \$0 in FY 2004, FY 2005, and FY 2006. Estimated Net Effect to Board of Registration for Healing Arts Fund of \$0 in FY 2004, an income of \$19,839 in FY 2005, and a cost \$10,146 in FY 2006. Estimated Net Cost to Missouri Real Estate Commission Fund of \$18,229 in FY 2004, \$21,875 in FY 2005, and \$21,875 in FY 2006. Estimated Net Income to State Board of Auctioneers Fund of \$0 in FY 2004, \$90,922 in FY 2005, and \$74,953 in FY 2006. Estimated Net Effect to Professional Registration Fees Fund of a cost of \$16,150 in FY 2004, an income of \$16,150 in FY 2005, and \$0 in FY 2006.

PROPOSERS: Supporters say that the bill updates and clarifies some ambiguities in the statutes pertaining to deaf interpreters, occupational therapists, cosmetology, and psychology. This would require deaf interpreters to provide evidence of current certification prior to license renewal. The occupational therapy board will be able to give licensing exams on demand. The psychology board can issue inactive licenses. The bill makes language consistent regarding training hours for manicurists and cosmetologists.

Testifying for the bill were Representative Behnen; Missouri Commission for Deaf and Hard of Hearing; Missouri Psychological Association; State Committee of Interpreters; State Committee of Psychologists; State Board for Occupational Therapy; and Division of Professional Registration.

OPPOSERS: There was no opposition voiced to the committee.

Bob Dominique, Legislative Analyst