

HS HCS HB 564 -- PROFESSIONAL REGISTRATION (Behnen)

This substitute contains provisions relating to deaf interpreters, occupational therapists, dietitians, tattooists, interior designers, athlete agents, architects, barbers, cosmetologists, dentists, physical therapists, anesthesiologist assistants, athletic trainers, psychologists, social workers, real estate professionals, and auctioneers.

DEAF INTERPRETERS

The substitute authorizes the Missouri Commission for the Deaf and Hard of Hearing to issue a provisional certification as an interpreter to a person nominated by a local public school district if the school district certifies that it was unable to locate and employ a certified and licensed deaf interpreter.

The substitute further 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 and Hard of Hearing.

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.

DIETITIANS

The substitute:

- (1) Creates the definitions for "dietetic practice" and "registered dietitian";
- (2) Places the State Committee of Dietitians within the division;
- (3) Authorizes the committee to assist the division in carrying out the provisions of the Dietitians Practice Act;
- (4) Requires the committee to approve the licensing examination;
- (5) Exempts from licensure certain persons if they do not hold themselves out as being licensed dietitians; and
- (6) Contains provisions regarding lapsed and inactive licenses.

INTERIOR DESIGNERS

Expired language relating to the grandfather provisions for interior designer licenses is repealed.

TATTOOISTS

The substitute authorizes the division to issue temporary licenses for persons entering the state for the sole purpose of participating in a state or national convention where the applicant will be practicing the profession of tattooing, body piercing, and branding. The temporary license will be valid for 14 days.

This provision contains an emergency clause.

ATHLETE AGENTS

All athlete agents operating in this state are required to be registered and certified by the division. 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 for reasons set out in the substitute:

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 exceeding five years prior to requesting licensure reinstatement must take a licensing examination deemed appropriate by the board.

BARBERS

The substitute allows for the licensing of barber apprentices and certification of barber apprentice supervisors. Prior to being eligible to apply for a barber's license, barber apprentices must work for no less than 2,000 hours under a licensed barber who is

certified by the State Board of Barber Examiners to act as a barber apprentice supervisor. Applicants for a barber apprentice certificate must be at least 16 years old.

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 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.

COLLABORATIVE PRACTICE

The substitute allows physicians to collaborate and share responsibilities with qualified health care practitioners practicing independent of the physician with respect to preoperative and postoperative care for surgical patients, with the consent of patients.

The substitute also provides the fees be divided based on the relative value of services provided and that no demands or threats regarding collaboration or referrals be made by either party.

PHYSICAL THERAPISTS

The substitute:

(1) Provides for reciprocal, provisional, and temporary licenses;

(2) Allows additional examination sittings for individuals who meet criteria established in the substitute;

(3) Requires provisional licensed physical therapists to practice under the direct supervision of a licensed physical therapist;

(4) Permits issuance of temporary licenses to those failing the licensing exam. The duration of the first temporary license will be six months and can only be renewed once. This renewal may only be issued if the licensee, after showing good cause, fails to sit for the next scheduled examination. Temporary licenses

may be issued to students in their last semester of physical therapy school; and

(5) Allows applicants to sit for the licensing exam no more than three times. Upon failing the state exam for the second time, an applicant must complete a program of remediation before sitting for the third exam.

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 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.

ATHLETIC TRAINERS

The substitute provides for the licensing of athletic trainers. Currently, athletic trainers are registered by the State Board of Registration for the Healing Arts.

PSYCHOLOGISTS

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

SOCIAL WORKERS

The substitute prohibits any person from holding themselves out as being a social worker or using the title of social worker unless the person holds a current license in baccalaureate or clinical social work issued by the State Committee for Social Workers or holds a degree from an accredited social work program approved by the Council on Social Work Education.

Beginning January 1, 2004, no entity, public or private, may use the title of social worker for volunteer or employment positions within contracts for services, documents, manuals, or reference material unless those persons being referred to have met all educational requirements set forth by the substitute.

REAL ESTATE PROFESSIONALS

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

Requires the Speaker of the House of Representatives and the President Pro Tem of the Senate to appoint a joint interim committee to review the practice of auctioneering. The joint committee will complete its review and report its findings to the General Assembly no later than December 31, 2004.

This provision expires January 1, 2005.

The substitute contains an effective date, expiration date, and emergency clause for certain sections.

FISCAL NOTE: Estimated Net Cost to General Revenue Fund of Up to \$11,481 in FY 2004, \$0 in FY 2005, and \$0 in FY 2006. Estimated Net Income to Dietitian Fund of \$115,800 in FY 2004, \$3,474 in FY 2005, and \$116,841 in FY 2006. Estimated Net Effect on Athlete Agent Fund of \$0 in FY 2004, FY 2005, and FY 2006. Estimated Net Income to Barber Fund of \$0 in FY 2004, \$2,250 in FY 2005, and \$500 in 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 of \$10,146 in FY 2006. Estimated Net Cost to Missouri Real State Commission Fund of \$18,229 in FY 2004, \$21,875 in FY 2005, and \$21,875 in FY 2006.