

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3944-09  
Bill No.: SCS for HS for HCS for HB 1195  
Subject: Disabilities; Economic Development Dept.; Licenses - Professional  
Type: Original  
Date: May 7, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Dietician	\$86,850	\$2,606	\$92,100
Athlete Agent *	\$0	\$0	\$0
Barber	\$0	\$2,250	\$540
Interior Design	\$100,000	\$1,500	\$106,000
Pharmacy	\$0	\$25,000 to \$200,000	\$25,000 to \$200,000
Fire Education	\$173,450	\$173,450	\$173,450
Insurance Dedicated	\$8,000	\$0	\$0
Other	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Unknown) to \$368,300</b>	<b>(Unknown) to \$379,806</b>	<b>(Unknown) to \$572,090</b>

**\*Offsetting income and expenses expected to be less than \$100,000.**

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 20 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Federal	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Office of State Courts Administrator, Department of Health and Senior Services, Department of Revenue, Department of Higher Education, Department of Social Services, Department of Labor and Industrial Relations, Missouri Department of Transportation, Office of Administration (COA) - Division of Budget and Planning, Department of Public Safety (DPS) - Capitol Police, DPS - Missouri State Highway Patrol, DPS - Missouri State Water Patrol, Office of State Treasurer and Missouri Department of Conservation** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Prosecution Services** assume any costs incurred as a result of the proposal would be absorbed within current funding levels.

Officials from the **COA - Administrative Hearing Commission** anticipate the proposal will not significantly alter its caseload. However, if other similar proposals also pass, there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Department of Economic Development - Division of Professional Registration (DED-PR)** state they have no plans to issue temporary licenses within the period of the fiscal note for tattooing, body piercing or branding. Therefore, DED-PR assumes the proposal will have no fiscal impact on their organization for this portion of the proposal.

ASSUMPTION (continued)

The DED-PR states this proposal creates mandatory licensure for persons who practice or offer to practice dietetics in the State of Missouri.

The Missouri Dietetic Association estimates that there will be approximately 579 applicants for licensure upon passage of this proposal. It is estimated that a \$150 application fee will be charged and a \$150 biennial fee thereafter. A 3% growth rate has also been calculated. It is assumed that all costs can be covered by the board's current appropriation.

The DED-PR assumes that since the certification and regulation of athletic agents is already established within the Office of Secretary of State (SOS), the necessary appropriation and fund amount will be transferred from the Secretary of State to the Division of Professional Registration. The division assumes that this appropriation amount will include, at a minimum, the necessary expense and equipment to cover expenses. It is assumed that DED-PR can assume the personal service duties associated with the proposal.

**Oversight** assumes other expenses of the program would be offset with fees generated from athlete agents.

The DED-PR states the proposal creates a barber apprentice and apprentice supervisor license. The State Board of Barber Examiners estimates that there will be approximately 50 apprentice applicants and 35 apprentice supervisor applicants. It is estimated that a \$10 fee will be charged to the apprentice and a \$50 fee will be charged to the supervisor. A 3% growth rate is also calculated. It is assumed that all costs can be covered by the board's current appropriation. The DED-PR estimates fee revenue of \$2,250 in FY 06 and \$541 in FY 07.

The DED-PR state this proposal creates a registration for interior designers. Current statute has a registration for commercial interior designers. This proposal prohibits the use of the term "Registered Interior Designer" unless the individual is certified by the Interior Design Council. It is estimated that there will be approximately 400 applicants for registration upon passage of this proposal. The current fee for registration is \$250 and the registration is renewed biennially. A 3% growth rate has also been calculated. DED-PR assumes all costs can be covered by the council's current allotment.

The DED-PR notes that a provision license will be granted to an interpreter in a school district if the school district is unable to locate a certified and licensed interpreter. This will have no fiscal impact to the Missouri Division of Professional Registration - Committee for Interpreters.

The proposal allows the members of the Advisory Commission for Dental Hygienists to receive a per diem of \$50 for each day devoted to commission business. The advisory commission

ASSUMPTION (continued)

consists of 5 members. The members meet at least 4 times per year for 2 days. The annual cost of the per diem is estimated to be \$2,000 (5 members X 4 meetings/year X 2 days/meeting X \$50 per diem). It is assumed that this cost can be absorbed by the Missouri Dental Board.

The DED-PR also states the proposal amends various provisions regarding the regulation of pharmacists and pharmacies. In addition, the proposal establishes authority to impose civil penalties for unlicensed activity and allows the board to recover costs when the Administrative Hearing Commission rules in favor of the board. The DED-PR states the State Board of Pharmacy estimates that they could potentially collect between \$25,000 and \$200,000 per year in civil penalties. It is estimated the additional revenue will allow the board to eventually lower licensing fees.

Officials from the **Department of Elementary and Secondary Education (DES)** provide the following information and assumptions regarding this proposal:

The Missouri Commission for the Deaf and Hard of Hearing enacted a new rule that created a "Provisional Restricted Certification in Education" (PRCED) [5 CSR 100-200.045]. Since enacting this rule, 26 PRCED certifications have been given out at a cost of \$10 each. However, the rule stipulates that these certifications can only be given to persons who already have a Missouri Interpreters Certification System (MICS) certification. These individuals have already paid a minimum of \$160 each to test in the MICS. Therefore, these 26 individuals have paid into the MICS a total \$4,420 in the current year. If the proposal is passed, DES assumes that the recipients of the "provisional public school certificate" will not already be certified in the MICS. Thus, if they pay the same fee as the recipient of a PRCED (\$10), MICS will receive a total of \$260 (\$10 X 26 PRCED certified individuals). **This would be a loss of income to the MICS of a minimum \$4,160 (\$4,420 - \$260).**

If the 26 individuals who currently hold a PRCED under the terms of the rule currently in place want to extend those certifications for another year, they must take the performance test again and move up one level. The performance test fee is \$125, and would provide \$3,250 to the MICS each year. If the proposal is passed, these 26 individuals could extend their certificates by one year for a total cost of \$260 (\$10 X 26 individuals). **This would be an additional loss of income to the MICS of \$2,990 (\$3,250 - \$260).**

In the current year, there are a total of 170 interpreters listed with the DES as working in Missouri schools. If the proposal passes, the DES assumes that at least half of the interpreters working in Missouri schools next year would do so with a "provisional public certification issued by the Missouri Commission for the Deaf and Hard of Hearing (MCDHH) or 85 individuals (170

ASSUMPTION (continued)

X 50%). As 26 individuals have been considered in above calculations, additional funds would be lost on the remaining 59 (85 interpreters - 26 previously considered interpreters). Under 5 CSR 100-200.045, those individuals would be paying into the MICS a minimum of \$9,440 (\$160 X 59). Under the current proposal, they would be paying \$590 (50 X \$10). **This would result in a loss to the MICS of \$8,850 (\$9,440 - \$590).**

The DES states the proposal would allow public schools to hire anyone they wanted to provide interpreting services, regardless of the adequacy of the skills of that person. Given the legal mandates of the federal Individuals with Disabilities Education Act (IDEA), it is certain that public school districts will hire some persons to provide interpreter services to very young children who could not pass the MICS test at the lowest skill level. This will result in lost tax revenue, health costs, Medicaid, and so forth.

The DES estimates a loss of \$4,160 to the MICS fund for FY 05; a loss of \$11,840 to the MICS fund for FY 06; and an unknown loss to the MICS fund for FY 07. The DES also estimates an unknown loss to General Revenue for FYS 05, 06 and 07 due to costs spread over the life of a child who has not received appropriate early intervention for hearing loss in terms of health costs, Medicaid, etc.

This section (209.321) will impact the Board for Certification of Interpreter's Fund through lessened applicant and maintenance fees. The DES is unable to estimate a fiscal impact.

**Oversight** assumes the DES could absorb the minimal losses anticipated to the MICS fund. **Oversight** notes that potential losses to the General Revenue Fund would be spread over the school lifetime of students and would, primarily, be outside the period of this fiscal note. Any unknown costs resulting to the General Revenue Fund during the period of this fiscal note would probably be minimal.

Officials from the **Department of Corrections (DOC)** stated the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 03 average of \$38.10 per inmate per day, or an annual cost of \$13,907 per

ASSUMPTION (continued)

inmate) or through supervision provided by the Board of Probation and Parole (FY 03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender). Supervision by the DOC through probation or incarceration would result in additional unknown costs to the DOC. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **DPS - Division of Fire Safety (DPS-FS)** state permit fees will be deposited into the Fire Education Fund, totaling \$103,775 for General Revenue. Due to the increase in fees contained in this proposal, it is estimated the annual revenues of this program will rise 40% to approximately \$173,450 annually. This was calculated based on the average number of permits issued in various classifications over the past three years. Because the permits required for the operators is a three-year permit, the total fees generated will vary, with the first year being the highest. The DPS-FS is requesting \$4,500 for expenses such as printing, postage and envelopes, etc., due to the increase in permits generated by the additional classifications in the proposal.

Officials from the **Department of Insurance (INS)** estimate 160 insurers and HMOs would be required to submit amendments to their policies to comply with this proposal. Policy amendments must be submitted to the INS for review along with a \$50 filing fee. One-time additional revenues to the Insurance Dedicated Fund are estimated to be \$8,000 (160 insurers X \$50).

Missouri currently has 836 bail bond agents, 80 general bail bond agents as well as 34 bail bond corporations. If a bail bond agent performs his own fugitive recovery then they would be required to be licensed as a surety recovery agent. Based on these totals the INS is estimating that approximately 1,000 surety recovery agents may become licensed.

Based on the anticipated number of surety recovery agents, the Licensing Section would need 1 additional FTE as Licensing Tech. I. This position would be responsible for processing applications, reviewing 40 hours of courses taken as part of application, producing licenses, mailing renewals, answering phone and correspondence inquiries, related data entry and other clerical work related to this license. If number of surety recovery agents surpasses this estimate additional staff besides the 1 requested may be needed.

The INS is also requesting 1 Investigator II to investigate complaints against surety recovery agents and to review applications of existing licensees as needed for violations, suspensions or revocations.

ASSUMPTION (continued)

The INS assumes that the examination process will be contracted out and the applicant will be responsible for paying the cost of examination directly to contractor. A copy of photo identification is part of application requirements, but the INS assumes a standard license without photo will be issued to licensee.

The INS does not have the staff or expertise to provide training required for bail bond or surety recovery agents. The INS assumes that it would approve other organizations to provide this training at the specified limits of \$200 for initial and \$150 for continuing education.

Application fees and renewals are to be set by the INS not to exceed \$150 for two years. Application and/or renewal fee is estimated to be \$150 for biennial license. This would generate approximately \$75,000 for each year of the two year license. Fees will be deposited into the Insurance Dedicated Fund. Licensing would occur on a two year cycle but revenue is shown on a yearly basis as all applications and renewals will not occur on the same date and would be spread over two fiscal years. Biennial fee of \$150 will not be sufficient to cover cost of administering licensing program for surety recovery agents.

Legislation allows for a fee up to \$150 for two year license for bail bond and general bail bond agents. Currently the license and renewal fee is \$25 annually. If this fee were raised to \$150 each year for the approximately 1,000 bail bond and general bail bond agents, then an additional \$50,000 per year would be generated.  $(\$150 \text{ new} - \$25 \text{ each for two years}) = \$100 \times 1000 \text{ agents} = \$100,000 \text{ for two years or } \$50,000 \text{ each year.}$

**Oversight** has, for fiscal note purposes only, changed the starting salary for the Licensing Technician I and Investigator II to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Officials from the **Office of the Secretary of State (SOS)** state this proposal changes licensing provisions for the State Committee of Interpreters, the State Committee of Dietitians, Physical Therapists, the Real Estate Commission, pyrotechnic operators, interior designers, fire investigators, barbers, pharmacy technicians, bail bond agents, athletic agents, and the Office of Tattooing, Body Piercing and Branding. The Department of Economic Development may promulgate rules to enact this proposal. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Economic Development could require as many as 60 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost

ASSUMPTION (continued)

statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$3,690 [(60 pp x \$27) + (90 pp x \$23)].

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of Attorney General (AGO)** did not respond to our request for a statement of fiscal impact. However, in response to an earlier version of this proposal, the AGO assumed it would need 1 AAG I (Assistant Attorney General I) to assist the Board in additional licensing matters at a total cost of \$38,045 for FY 05; \$46,796 for FY 06; and \$47,966 for FY 07.

**Oversight** assumes the Department of Economic Development - Division of Professional Registration will reimburse the AGO for costs incurred in performing the duties associated with licensing matters.

Also, in response to similar legislation now incorporated into the current proposal (HB 1044 and HCS for SCS for SBS 1027 & 896), the AGO assumed any potential costs arising from the proposal could be absorbed with existing resources.

Officials from the **Missouri Consolidated Health Care Plan (HCP)** did not respond to our request for a statement of fiscal impact. However, in response to a proposal containing identical language for Section 376.1230 (HB 1509), the HCP stated it currently offers chiropractic care in the same manner as any medical condition under the HMO and Copay Plans. The proposal would allow access to chiropractic care within the network for a total of 26 visits per episode per policy period without a referral. These additional visits could increase cost to some extent. However, it is extremely difficult to project the overall cost impact.

Officials from the **Office of State Public Defender (SPD)** did not respond to our request for a statement of fiscal impact. However, in response to similar legislation (SB 1196) incorporated into this proposal, the SPD assumed the proposal would have no fiscal impact on their organization.



ASSUMPTION (continued)

Officials from the **Office of the Governor** and **Missouri Senate** did not respond to our request for a statement of fiscal impact.

**The proposal will result in an increase in Total State Revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
<b>GENERAL REVENUE</b>			
<u>Costs - Department of Corrections</u>			
Increase in supervision or incarceration costs	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)
<u>Costs - Department of Public Safety - Division of Fire Safety</u>			
Supplies expenses	(\$4,500)	(\$4,500)	(\$4,500)
<u>Costs - Missouri Consolidated Health Care Plan</u>			
Increase in state share of health care premiums	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<b>DIETICIAN FUND</b>			
<u>Income - Department of Economic Development - Professional Registration</u>			
Licensure Fees	<u>\$86,850</u>	<u>\$2,606</u>	<u>\$92,100</u>
<b>ESTIMATED NET EFFECT ON DIETICIAN FUND</b>	<b><u>\$86,850</u></b>	<b><u>\$2,606</u></b>	<b><u>\$92,100</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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**ATHLETE AGENT FUND**

Income - Department of Economic  
 Development - Professional Registration  
 Registration Fees

Unknown - Expected to be less than \$100,000	Unknown - Expected to be less than \$100,000	Unknown - Expected to be less than \$100,000
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Costs - Department of Economic  
 Development - Professional Registration  
 Administrative Costs

<u>(Unknown - Expected to be less than \$100,000)</u>	<u>(Unknown - Expected to be less than \$100,000)</u>	<u>(Unknown - Expected to be less than \$100,000)</u>
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**ESTIMATED NET EFFECT ON  
 ATHLETE AGENT FUND\***

<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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**\*Offsetting income and expenses  
 expected to be less than \$100,000.**

**BARBER FUND**

Income - Department of Economic  
 Development - Professional Registration  
 Licensing Fees

<u>\$0</u>	<u>\$2,250</u>	<u>\$540</u>
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**ESTIMATED NET EFFECT ON  
 BARBER FUND**

<b><u>\$0</u></b>	<b><u>\$2,250</u></b>	<b><u>\$540</u></b>
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**INTERIOR DESIGNER FUND**

Income - Department of Economic  
 Development - Professional Registration  
 Licensing Fees

<u>\$100,000</u>	<u>\$1,500</u>	<u>\$106,000</u>
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**ESTIMATED NET EFFECT ON  
 INTERIOR DESIGNER FUND**

<b><u>\$100,000</u></b>	<b><u>\$1,500</u></b>	<b><u>\$106,000</u></b>
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<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
<b>PHARMACY FUND</b>			
<u>Income - Department of Economic Development - Division of Professional Registration</u>			
Civil penalties	\$0	\$25,000 to \$200,000	\$25,000 to \$200,000
<b>ESTIMATED NET EFFECT ON PHARMACY FUND</b>	<b>\$0</b>	<b>\$25,000 to \$200,000</b>	<b>\$25,000 to \$200,000</b>
<b>FIRE EDUCATION FUND</b>			
<u>Income - Department of Public Safety - Division of Fire Safety</u>			
Permit fees	\$173,450	\$173,450	\$173,450
<b>ESTIMATED NET EFFECT ON FIRE EDUCATION FUND</b>	<b>\$173,450</b>	<b>\$173,450</b>	<b>\$173,450</b>
<b>INSURANCE DEDICATED FUND</b>			
<u>Income - Department of Insurance</u>			
Form filing fees	\$8,000	\$0	\$0
Licensing/Renewal fees	\$104,167	\$125,000	\$125,000
Total <u>Income</u> - Department of Insurance	\$112,167	\$125,000	\$125,000
<u>Costs - Department of Insurance</u>			
Personal Service Costs (2 FTE)	(\$43,122)	(\$53,040)	(\$54,366)
Fringe Benefits	(\$17,583)	(\$21,959)	(\$22,508)
Equipment and Expense	(\$19,195)	(\$9,170)	(\$9,445)
Total <u>Costs</u> - Department of Insurance	(\$79,900)	(\$84,169)	(\$86,319)
<b>ESTIMATED NET EFFECT ON INSURANCE DEDICATED FUND</b>	<b>\$32,267</b>	<b>\$40,831</b>	<b>\$38,681</b>

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
<b>OTHER STATE FUNDS</b>			
<u>Costs - Missouri Consolidated Health Care Plan</u>			
Increase in state share of health care premiums	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<b>FEDERAL FUNDS</b>			
<u>Costs - Missouri Consolidated Health Care Plan</u>			
Increase in state share of health care premiums	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2005 (10 Mo.)	 FY 2006	 FY 2007
<b>ALL LOCAL GOVERNMENTS</b>			
<u>Costs - All Local Governments</u>			
Increase in health plan premiums	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON ALL LOCAL GOVERNMENTS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
 <u>FISCAL IMPACT - Small Business</u>			

This proposal would be expected to fiscally impact small businesses.

#### DESCRIPTION

The proposal modifies numerous provisions regarding regulation of professions by the Division of Professional Registration.

HWC:LR:OD (12/02)

DESCRIPTION (continued)

DEAF INTERPRETERS - The proposal authorizes the Missouri Commission for the Deaf to issue provisional certification as an interpreter to a person nominated by a school district if the district certifies that it is unable to locate and employ a certified licensed deaf interpreter. Persons enrolled in accredited interpreter training programs will be exempt from licensure if they are only engaged in activities which constitute part of their course of study. Certified deaf interpreters from other states will be allowed to practice without a license for the purpose of providing temporary services at special events. The division is given the authority to deny license renewal of deaf interpreters for failure to provide satisfactory evidence of current certification with the commission. Persons providing interpreting services in hospitals or public schools, when part of special education or supplementary services to student with disabilities, are exempt for licensure requirements. Such exemption for hospital and school employees will expire on August 28, 2006. The board for certification of interpreters is required to review and establish rules before August 28, 2006 that address the certification of interpreters providing services in public schools and hospitals.

FIREWORKS REGULATION - The proposal modifies provisions relating to fireworks regulation. The proposal requires persons to obtain an applicable federal permit or license before manufacturing, selling, or shipping fireworks. Wholesalers and jobbers of fireworks who operate multiple locations must obtain the required permits for each location. The State Fire Marshal may refuse to issue a required permit to an applicant for submitting false statements or declarations on an application. The proposal increases the fees for required permits and establishes new fees. The State Fire Marshal may develop rules pertaining to training, examination, and licensing of licensed operators and pyrotechnic operators responsible for the use of display and proximate fireworks. Seasonal retail permit locations for fireworks must comply with all applicable building and fire regulations. These locations may be subject to a fire safety inspection by the State Fire Marshal. All persons selling, bartering, or exchanging fireworks and locations where fireworks are stored are subject to a safety inspection which will be conducted during normal business hours. All costs associated with a fireworks seizure are the responsibility of the adjudicated party if the case disposition is in favor of the State Fire Marshal. Persons who sell, manufacture, or ship fireworks without obtaining the required permit will be assessed a civil penalty up to \$1,000 each day, up to a maximum of \$10,000. The proposal establishes new provisions pertaining to the licensure of entities associated with display and proximate fireworks. The proposal revises a provision pertaining to the discharge of permissible consumer fireworks from a motorized vehicle, which includes water craft. The proposal prohibits proximate fireworks from being stored with consumer fireworks. The proposal deposits permit fees into the Fire Education Fund, rather than general revenue and appropriates money in the Fund to the Division of Fire Safety, rather than distribute it to the University of Missouri Fire & Rescue Training Institute. These provisions are similar to HB 1400 (2004).

DESCRIPTION (continued)

**DIETITIANS** - The proposal modifies provisions regarding the licensing of dietitians. The Commission on Accreditation for Dietetics Education of the American Dietetic Association is established as the accrediting body for persons wishing to become licensed dietitians in this state. The proposal creates definitions for "dietetic practice," "dietitian," "licensed dietitian," "medical nutrition therapy," and "registered dietitian". The State Committee of Dietitians is placed within the division. The committee is authorized to assist the division in carrying out the provisions of the Dietitians Practice Act. The Committee is required to approve the licensing examination. The proposal prohibits a person from using the title or saying they are licensed dietitians unless duly licensed by the committee. Certain persons are exempted from licensure, provided that they do not call themselves licensed dietitians. The proposal creates procedures for inactive and lapsed licenses. This provision is similar to SB 846 (2004).

**INTERIOR DESIGNERS** - This proposal removes the word "commercial" in describing registered interior designers. The proposal prohibits the state or any political subdivision from requiring the use of registered interior designer for any residential building or construction. This provision is similar to SB 846 (2004).

**TATTOOISTS** - The division is authorized 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.

**PRIVATE FIRE INVESTIGATORS** - This proposal provides for the licensing of private fire investigators. The proposal creates the Board of Licensed Private Fire Investigator Examiners within the Division of Fire Safety in the Department of Public Safety. All persons wishing to act as private fire investigators are required to be licensed by the Board. Certain professions are exempted for licensure requirements. The proposal sets out membership on the board as well as the powers and duties of the board. All applications must be accompanied by a fee which shall be collected by the Division of Fire Safety and deposited in the general revenue fund. The Board shall develop the form of the license which must be carried and displayed by licensees. The proposal contains provisions pertaining to advertising, fraud, making false statements, manufacturing false evidence and claiming affiliations with state or federal government agencies. The Board is empowered to conduct investigations, issue subpoenas, deny licensure or take disciplinary action against licensees, and cause complaints to be filed with the administrative hearing commission. This language is identical to SCS/SB 1277 (2004).

**BARBER APPRENTICES** - The proposal provides for the licensing of barber apprentices and the certification of barber apprentice supervisors. Prior to being eligible to apply for a barber's

DESCRIPTION (continued)

license, barber apprentices must work at least 2,000 hours under a licensed barber who is certified by the State Board of Barber Examiners as a barber apprentice supervisor. Applicants for a barber apprentice certificate must be at least 17 years old.

DENTAL HYGIENE ADVISORY COMMISSION - The Missouri Dental Board is required to pay a per diem not to exceed \$50 a day for actual and necessary expenses incurred by members of the Advisory Commission for Dental Hygienists.

PHYSICAL THERAPISTS - The proposal authorizes a physical therapist practice pursuant to the prescription and direction of a physician, dentist or podiatrist licensed and practicing in another state.

This proposal modifies provisions relating to the licensure of physical therapists and physical therapist assistants. The proposal authorizes the board of healing arts to waive the mandatory denial of licensure to applicants for licensure as a physical therapist or physical therapist assistant who have failed the required examination three or more times. The board may waive the mandatory denial if the applicant is licensed in another state for three years without any discipline of the license and has passed a licensing exam in another state. Alternatively, for applicants as a physical therapist, the board may allow an applicant to sit for the exam three additional times if the applicant obtains a higher professional degree after the third failure.

The requirement that the examination must be the same for all applicants is eliminated, as well as the requirement that the board must preserve the examination grades and scores and make them available for public inspection.

Temporary licenses for physical therapists and physical therapist assistants will only be valid for 90 days or until the results of the examination are received. The temporary license cannot be renewed. A licensed physical therapist cannot supervise more than one temporary licensed physical therapist assistant. The proposal makes it a cause for discipline of a physical therapist's license to practice independent of the prescription and direction of a physician, dentist or podiatrist licensed in another state. These provisions are similar to HCS/SCS/SB 1181 (2004).

NURSING - The definition of "qualified employment" under the Nursing Student Loan Program is modified to include any licensed hospital as defined by the Hospital Licensing Law.

SOCIAL WORKERS - Residents of Missouri holding licenses to practice social work in other states will be granted licenses to practice social work if the other state's license requirements are substantially the same as Missouri's requirements.

DESCRIPTION (continued)

**PHARMACISTS** - This proposal modifies the law relating to pharmacists, pharmacies, pharmaceutical services, and drug distributors. The proposal provides that pharmacy technicians must, at a minimum, be legal working age. The Board of Pharmacy may place the names of pharmacy technicians who commit certain crimes on the employee disqualification list. The board is authorized to deny licenses or issue probated licenses to pharmacy technician applicants who have committed certain crimes. (Section 338.013). The Board may refuse to issue or renew any certificate of registration or license for incompetence and for denial of licensure in another state, as well as disciplinary action in another state, regardless of whether it is was voluntarily agreed to or not. (Section 338.055). The Board may conduct a disciplinary hearing on any person who has failed to renew or has surrendered his or her license based on a finding of guilt against the person for certain crimes. (Section 338.065). The Board, upon a majority vote of the members, shall have the authority to administer oaths, issue subpoenas, and require production of documents and records (Section 338.145). Any person who in good faith reports or provides assistance to the board, shall be immune from civil liability (Section 338.155). Section 338.220 adds two new pharmacy classifications: non-sterile compounding pharmacy and internet pharmacy. This language is identical to SCS/SB 1396 (2004).

**REAL ESTATE** - The proposal modifies provisions regarding the practice of real estate. Internet websites are added to the licensing exemption, when in the case of advertising real estate, the advertising is incidental to their normal business operations. The proposal removes the requirement of filing a certified copy of a currently effective statement of record from the Office of Interstate Land Sales with the Real Estate Commission when land developers sell their own property. The commission is authorized to issue temporary work permits to individuals who have satisfied all licensing requirements prior to the final review and printing of their licenses. Entities providing continuing education are granted the authority to do so through the means of distance delivery. The proposal gives the commission the authority, when conducting investigations of complaints involving affiliated licensees, to forward copies of the information regarding the complaint to the affiliated licensee's broker.

The commission is authorized, 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. The proposal increases the amount of compensation which each member of the Real Estate Commission receives from \$50 to \$75. Designated brokers who have affiliated licensees are required to adopt a written policy describing their relationships in regard to their real estate activities. Finally, the proposal repeals the provisions relating to escrow agents.



DESCRIPTION (continued)

**SPEECH PATHOLOGY ASSISTANTS** - The proposal repeals provisions regarding the licensing requirements of speech pathology assistants and requires them to have a bachelor's degree.

**BAIL BONDSMEN AND SURETY RECOVERY AGENTS** - The proposal creates the "Professional Bail Bondsmen and Surety Recovery Agent Licensure Act". Under this proposal, no person shall engage in the activities of a bail bond agent or a general bail bond agent without being licensed. A licensed bail bond agent cannot execute or issue appearance bonds without a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A bail bond agent must be licensed for two years before being licensed as a general bail bond agent. Bail bond agents cannot have unlicensed people soliciting or engaging in business for them. A person posting a bail bond who receives no fee is not affected by such licensing requirements. It is a Class A misdemeanor to violate such requirements.

New bail bond agents and general bail bond agents must have at least 24 hours of initial basic training and at least eight hours of biennial continuing education. The Department will set the amount of fees to be paid for the training, which cannot exceed \$200 for the initial basic training and \$150 for the continuing education. After completing the training, the Director will issue a two-year license for a fee of no more than \$150. The proposal requires that a person prove, along with other requirements, that he or she has a high school diploma or GED in order to receive a license. Those currently employed in such positions are not required to meet these educational requirements. Applicants for general bail bond agent licenses must furnish proof that the applicant completed two years as a bail bond agent and possess at least \$10,000 in liquid assets along with a duly executed assignment of \$10,000 to the state. The Director may require additional assignments of assets when the accumulation of unwarranted judgments by the general bail bond agent warrants additional funds, which cannot exceed \$25,000.

The proposal allows the Director to suspend or revoke a license or enter into agreements for monetary penalties in lieu of formal discipline of a bail bond agent. The Director is also given the power to issue a cease and desist order or seek an injunction when it appears an unlicensed person is violating this act. The proposal provides provisions creating criminal penalties for practicing as a bail bond or general bail bond agent without a license. Under certain circumstances including using fraud, acting as an attorney or failing to provide the necessary documents, a licensed bail bond agent is guilty of a Class B misdemeanor. The proposal allows the Director of the Department of Insurance to examine and inquire into all alleged violations of bail bond law of this state, complaints filed with the department, and business transacted by any bail bond agent, general bail bond agent or surety recovery agent. The Director, or an appointee, may compel appearance and examine people when investigating a matter of concern.

DESCRIPTION (continued)

The proposal requires surety recovery agents to be licensed. The completion of 24 hours of initial basic training is required along with eight hours of biennial continuing education. The proposal allows a surety, or a surety recovery agent with written authority, to apprehend a defendant anywhere within the state before or after the forfeiture of the undertaking without personal liability for false imprisonment. A bail bond agent, general bail bond agent, or surety recovery agent may detain a subject in a lawful manner and enter upon private or public property in order to execute apprehension of the subject, if the agent has probable grounds to believe the subject breached the terms of the surety agreement. The agent may detain the subject for no more than 72 hours when travel time is required. The agent may transport the subject from state to state, and county to county, to a place of authorized surrender. If an agent wrongfully causes damage to person or property while apprehending a person, he or she will be liable for such damages. These provisions are similar to HCS/SS/SCS/SBS 1027 and 896 (2004).

HEALTH INSURANCE COVERAGE FOR CHIROPRACTIC CARE - The proposal requires health care plans to allow an enrollee direct access to a participating chiropractor of the enrollee's choice within the plan's network for at least 26 visits per policy period. Current law states that an enrollee may have access to chiropractic care for a total of 26 visits. The proposal also prohibits a health care plan from denying medically necessary and clinically appropriate chiropractic care for additional diagnostic tests or treatment, provided the attending chiropractic physician submits documentation supporting the necessity for additional tests or continued treatment. This provision is similar to HB 1509 (2004).

ATHLETE AGENTS - All athlete agents operating in this state will be required to be registered and certified by the division. Fees for registration and renewal will be set by the division and deposited into the Athlete Agent Fund, which is created by the act. 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. The proposal requires all contracts between agents and athletes to be written and contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about the possible loss of eligibility.

LICENSURE OF FOREIGN APPLICANTS - The proposal requires persons from foreign countries when making application for a license or temporary permit to practice within any of the professions regulated by the division to provide their visa and/or passport identification number in lieu of a social security number.

DESCRIPTION (continued)

FUND ACCOUNTS - The proposal requires money in the Athletic Fund, the State Committee of Psychologists Fund, the Committee of Professional Counselors Fund, the Marital and Family Therapists Fund, and the Hearing Instrument Specialist Fund to be three times the preceding year's appropriation prior to being placed in the General Revenue Fund.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration -  
    Administrative Hearing Commission  
    Division of Budget and Planning  
Department of Higher Education  
Office of State Courts Administrator  
Department of Economic Development -  
    Division of Professional Registration  
Department of Elementary and Secondary Education  
Department of Corrections  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Revenue  
Department of Social Services  
Missouri Department of Transportation  
Department of Public Safety -  
    Missouri State Highway Patrol  
    Capitol Police  
    Division of Fire Safety  
    Missouri State Water Patrol  
Department of Insurance  
Missouri Department of Conservation  
Office of Prosecution Services  
Office of Secretary of State  
Office of State Treasurer

SOURCES OF INFORMATION (continued)

**NOT RESPONDING: Office of Attorney General, Office of the Governor, Missouri Consolidated Health Care Plan, Missouri Senate and Office of State Public Defender**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
May 7, 2004