

HCS HB 665 -- PROFESSIONAL REGISTRATION (Behnen)

COMMITTEE OF ORIGIN: Professional Registration and Licensing

This substitute changes the laws regarding the Division of Professional Registration. The substitute:

- (1) Adds veterinarians to the list of professions which are exempt from paying municipal taxes or licensing fees;
- (2) Requires the Department of Revenue to send a written notice to certain licensees who are delinquent on any state taxes or have failed to file state income tax returns for any of the three years preceding their professional license renewal, stating that the license will be suspended 120 days from the date of the notice unless a tax compliance letter is received by the appropriate licensing authority. The license suspension will only apply to the professional license currently up for renewal. The department must issue a tax compliance letter when the licensee files and pays the delinquent taxes, interest, and additions due or enters into and complies with a payment plan. A licensee who continues to engage in the licensed activity while his or her license is suspended is guilty of a class A misdemeanor;
- (3) Removes the grandfather provisions regarding the licensing of geologists;
- (4) Establishes the Board of Private Investigator Examiners within the Division of Professional Registration. No person can provide private investigative services without first being licensed. The makeup and duties of the board; exemptions from licensure; requirements for application and licensure; proof of liability insurance; training and written examinations; fees; background checks on applicants; denial, suspension, or revocation of licenses; types and terms of licenses; and reciprocity are specified. Licensees are allowed to disclose to the board, any law enforcement agency, a prosecutor, or the licensee's own representative any information regarding a criminal offense or to instruct their clients to do so if they are victims of a criminal act. Licensees are prohibited from making false reports, presenting themselves as a state or federal officer, or manufacturing false evidence. Certain identifying evidence must be filed with the board by licensees. Private investigators or investigator agencies are required to maintain complete records of business transactions. Records may be confidentially examined by the authority of the board under certain circumstances. Licensed private investigators are allowed to carry concealed weapons;
- (5) Requires that at least one member of the State Board of Cosmetology be an owner of an accredited school of cosmetology as

defined in the substitute and increases from 750 to 800 the number of hours a manicurist apprentice must complete in order to be licensed. Persons are allowed to make application for the required licensing examination if they are a graduate of a foreign cosmetology program and the board determines that the program has educational requirements which are substantially the same as an educational establishment licensed by the board;

(6) Allows certain licensed barbers and cosmetologists to take the "Class MO - manicurist" licensing examination;

(7) Combines the State Board of Barber Examiners and the State Board of Cosmetology to become the State Board of Cosmetology and Barber Examiners. The provisions of this section have an effective date of July 1, 2006;

(8) Establishes the Dental Hygienist Distance Learning Committee and authorizes the Department of Economic Development to contract with an institution of higher education to establish a distant dental hygienist learning program for the purpose of off-site clinical and didactic training. The program must meet all standards established by the Council on Dental Accreditation;

(9) Removes conflicting provisions of law regarding the definition of "physician assistants";

(10) Establishes the Medical Imaging and Radiation Therapy Board of Examiners within the Division of Professional Registration. All persons administering medical imaging and radiation therapy procedures are required to be licensed by the board. Physicians, dentists, chiropractors, podiatrists, registered nurses, certain qualified persons currently practicing medical imaging and radiation therapy are exempt from licensure. Certain criteria are established to be met by applicants for a licensure as radiographers, radiation therapists, nuclear medicine technologists, and dental radiographers. The board is authorized to certify programs for medical imaging and radiation therapy in medical facilities, dental facilities, educational institutions, or other public or private institutions; adopt rules; give examinations; waive examination requirements; establish continuing education; issue temporary permits; renew, revoke, and suspend licenses; and investigate charges and allegations brought against licensees, issue subpoenas, hold hearings, render judgments, and hear appeals;

(11) Requires the State Board of Nursing to post no documentation or take disciplinary action against a licensee unless they are found to be in violation of Section 335.066, RSMo;

(12) Requires applicants for licensure as clinical social workers to complete 3,000 hours of supervised clinical experience under a licensed clinical social worker within a specified period

of time. The substitute removes the requirement that licensed clinical social workers applying for a Missouri license pass an examination on Missouri laws and regulations governing the practice of social work and be a member in good standing of the Academy of Certified Social Workers. The substitute authorizes the State Committee for Social Workers to require a minimum of 30 hours of continuing education for license renewal, requires the committee to establish ethical standards based on the code of ethics of the National Association of Social Workers, and clarifies the practice of baccalaureate social work;

(13) Combines the State Committee for Professional Counselors and the State Committee of Marital and Family Therapists to become the State Board of Counselors and Therapists;

(14) Makes it illegal for any person other than the patient or their representative to accept a prescription being dispensed unless that person is located on the premises of the dispensing physician or a licensed pharmacy;

(15) Allows the Missouri State Board for Pharmacy to establish the Well-being Committee to aid pharmacists who suffer from illness, substance abuse, mental illness, or physical impairments. The board will enter into contractual agreements with nonprofit corporations for the purpose of creating, supporting, and maintaining the committee. All communications involving the licensee and the committee are confidential and not considered public records. The committee may disclose information about an impaired licensee when it is necessary to further the intervention, treatment, or rehabilitation of the licensee; the release is authorized by the licensee; the committee must make a report to the board; or the information is subject to a court order;

(16) Authorizes the Board of Pharmacy to prepare an equitable salary schedule for employees attributed to the inspection licensed entities;

(17) Requires all nursing home administrators' licenses to expire on June 30 following the year it was issued and every other year thereafter. An administrator seeking a renewal must file an application during the month of May of the year of their renewal, accompanied by a fee as provided by rule, payable to the Department of Health and Senior Services. All licenses issued or renewed during 2006 can be for either a one- or two-year term as dictated by rule;

(18) Redefines "student athlete" within the provisions regarding athletic contracts;

(19) Requires any person applying for a license or a license

renewal as a bail bond agent, a general bail bond agent, or a surety recovery agent to provide the Director of the Department of Insurance with evidence that they are a member of a statewide professional association established to represent the interests of bail bond agents, general bail bond agents, or surety recovery agents. The director will establish requirements that an association must meet prior to being recognized as a statewide professional association;

(20) Removes the requirement that the division wait 30 days before informing a licensee that they are in violation of their licensing requirements prior to engaging in settlement negotiations and shortens the time from 60 to 30 days that the licensee has to consider the settlement offer prior to contacting the respective board to discuss the settlement offer; and

(21) Requires sonographers or vascular technologists which are Missouri Medicaid Program providers to be credentialed by the appropriated accrediting body specified in the substitute.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$258,622 to \$758,622 in FY 2006, \$250,000 to \$750,000 in FY 2007, and \$250,000 to \$750,000 in FY 2008. Estimated Effect on Other State Funds of a Cost of \$45,031 in FY 2006, an Income of \$298,942 in FY 2007, and a Cost of \$671,769 in FY 2008.