

## HCS HB 1660 & 1269 -- PROFESSIONAL REGISTRATION

SPONSOR: Behnen

COMMITTEE ACTION: Voted "do pass" by the Committee on Professional Registration and Licensing by a vote of 16 to 0.

This substitute changes the laws regarding the licensing of certain professions within the Division of Professional Registration in the Department of Economic Development and establishes requirements for eye screening examinations for children enrolled in public schools.

### DEAF INTERPRETERS

Deaf interpreters are added to the list of professions which are excused from certain provisions of their licensing laws while on active military duty.

### EYE SCREENING EXAMS

Beginning July 1, 2007, all public schools are required to conduct eye screening exams for each student prior to the completion of the first grade. When a student fails the eye screening, the school district must notify the parent of the results of the screening and require the student to receive a complete eye exam from an optometrist or ophthalmologist. The substitute also establishes the Children's Vision Commission, which will sunset on December 31, 2010. The commission will develop standardized screening tests, reporting forms, appropriate training programs, design a brochure outlining the benefits of ongoing eye care for children, and conduct a three-year pilot project tracking the results of eye screenings. The commission must submit a report to the General Assembly prior to October 1, 2010, detailing the results and findings of the study.

A student will be excused from the eye screening examination if his or her parent or legal guardian objects to the examination and submits that in writing to the appropriate school administrator.

### ATHLETIC CONTESTS (MIXED MARTIAL ARTS)

The substitute requires contestants participating in boxing, kickboxing, wrestling, full-contact karate, or mixed martial arts to sign a bout contract with the event promoter before each contest which specifies their weight, how much they are being paid, and the date and location of the event.

The substitute also defines "mixed martial arts."

#### MASSAGE THERAPY

The Board of Therapeutic Massage is authorized to promulgate rules establishing requirements for granting licenses for applicants from other states who have completed massage therapy programs which are less than 500 hours. Massage therapy businesses are prohibited from employing an unlicensed person for the purpose of performing massage therapy services. The board is required to send copies of all board survey inspections to the business within 30 days of the inspection. The board is allowed to waive or extend the time requirements for completion of continuing education requirements under certain circumstances as determined by the board. Nonresident licensed massage therapists will be exempt from licensure if they are providing services or instruction in conjunction with disaster relief or at special events.

The board is also authorized to contract for legal services.

#### PRIVATE INVESTIGATORS

The Board of Private Investigator Examiners is established within the Division of Professional Registration. No person can provide private investigative services without first being licensed. The substitute specifies the membership 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; appeal process for the denial, suspension, or revocation of licenses; types and terms of licenses; and the procedure for applicants seeking reciprocity. 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 their business transactions. Records may be confidentially examined by the board under certain circumstances.

#### DENTAL RECORDS

Dentists are required to maintain complete and adequate patient records. Records must be retained for at least seven years from the date of the last professional service. Any addition or change to a patient's record made more than 48 hours after the final entry will be entered as an addendum and will specify the

time; date; name of person making the addition, correction, or change; and the reason for the change.

Laboratory work orders are also required to be maintained for seven years.

#### REVOCATION OF LICENSES

The State Board of Registration for the Healing Arts is authorized to revoke the professional license of any person licensed under Chapter 334, RSMo, who has been found guilty of a felony. Currently, it only applies to physicians.

#### PHYSICAL THERAPY ASSISTANTS

The substitute makes a technical change in the laws regarding reciprocity for physical therapy assistants.

#### MEDICAL IMAGING

The Medical Imaging and Radiation Therapy Quality Assurance Act of 2006 is established. The substitute 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, veterinarians, dentists, chiropractors, podiatrists, registered nurses, and certain qualified persons currently practicing medical imaging and radiation therapy are exempted from licensure. The substitute establishes certain criteria to be met by applicants for 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. The board is further authorized to adopt rules; give examinations; waive examination requirements; establish continuing education; issue temporary permits; renew, revoke, and suspend licenses; investigate charges and allegations brought against licensees; issue subpoenas; hold hearings; render judgments; and hear appeals.

Beginning August 28, 2009, persons providing the technical component of diagnostic ultrasound services (sonography or vascular technology) are required to be credentialed or practice in an accredited laboratory.

#### NURSES

The substitute authorizes the State Board of Nursing to file a

complaint with the Administrative Hearing Commission requesting an expedited hearing for a restriction or suspension on a license for certain activities which the board deems to be a danger to the public health and safety. Within 15 days of the receipt of the complaint, the commission will conduct a preliminary hearing to determine whether the activities of the licensee are a danger to the public. The commission will issue a decision immediately after the hearing either granting the board the authority to suspend or restrict a license or dismissing the action.

A hearing before the commission will be granted if the licensee makes a formal request within 30 days of the preliminary hearing. If no request is made, the commission's decision becomes final. If the licensee is found to be in violation of any imposed disciplinary action, the matter will be considered a default case; and the board is authorized to take appropriate action.

The substitute also requires a board of trustees or similarly empowered official of any home health agency, nursing facility, or entity which employs or contracts with licensed health care professionals to take disciplinary action if it finds that a licensee is in violation of the licensing laws for his or her profession. When disciplinary action is taken against a licensee, the entity taking action will report it to the proper health care professional licensing authority.

The substitute adds the Division of Professional Registration within the Department of Economic Development to the list of agencies which are authorized to review criminal conviction records for screening purposes.

#### PROFESSIONAL COUNSELORS

Professional counselors licensed in other states are allowed to apply for licensure in Missouri without examination if the applicant has had no disciplinary action taken against his or her license in the past five years or has met all eligibility criteria established by the American Association of State Counseling Boards or its successor organization.

#### SOCIAL WORKERS

Clinical social workers licensed in other states are allowed to obtain a Missouri license if they have had no disciplinary action taken against their license in the preceding five years and their current state license has substantially the same licensing requirements as the state of Missouri.

#### BOARD OF PHARMACY

The one-year time limit for an intern pharmacist license is removed and language is repealed authorizing the State Board of Pharmacy to promulgate rules restricting the practice of intern pharmacists. The board is also authorized to issue cease and desist orders to persons engaged in the unauthorized practice of pharmacy and enforce orders by applying to a court of competent jurisdiction. The board is further authorized to waive licensure if a state of emergency is declared when the safety and welfare of the inhabitants of the state are in jeopardy.

The substitute also creates a veterinary class for pharmacy permits or licenses.

#### REAL ESTATE

Internet advertising communications of real estate will be allowed if the advertising is incidental to the licensee's operation.

Any notice of appeal for the revocation of a license is required to be sent to the Administrative Hearing Commission by certified mail.

#### VETERINARIANS

The Missouri Veterinary Medical Board is authorized to promulgate rules determining when applicants are required to submit an application for the licensing examination. Currently, applicants are required to make application 60 days prior to taking the examination.

#### NURSING HOME ADMINISTRATORS

Nursing home administrators are required to pay licensing fees to the Department of Health and Senior Services. Applicants for licensure who have failed the examination administered by the Missouri Board of Nursing Home Administrators three times are prohibited from being licensed unless they have successfully completed the board-prescribed course of instruction and passed the examination. Temporary emergency licenses may be issued to an applicant whose licensing examination results have not been received by the board, and the board may issue probationary licenses. The board is authorized to file complaints with the Administrative Hearing Commission for violations of any provisions of Chapter 198, RSMo, or rules promulgated by the board. Members of the board must be citizens of the United States and reside in Missouri for at least one year prior to being appointed.

The substitute authorizes the board to establish an inactive

license.

#### HEALTH CARE PROFESSIONAL PEER REVIEW

The substitute authorizes licensed ambulance services, emergency medical response agencies, and not-for-profit organizations which contract for ambulance services to establish peer review committees.

#### ADMINISTRATIVE HEARING COMMISSION

The Administrative Hearing Commission is authorized to publish notifications of licensing cases to be heard before the commission if notification cannot be accomplished in person or by certified mail.

#### DISQUALIFICATION LIST

The Department of Health and Senior Services is required to provide the employee disqualification list to any school of nursing, school of medicine, or school of any other health profession in order to determine whether students participating in patient care services are on the disqualification list. The list identifies individuals who have been determined by the department to have recklessly, knowingly, or purposely abused or neglected an in-home services or home health patient while employed by an in-home services provider or home health agency.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$444,322 to \$949,990 in FY 2007, \$455,041 to exceeding \$1,061,842 in FY 2008, and \$464,106 to exceeding \$1,070,904 in FY 2009. Estimated Effect on Other State Funds of a Cost of Unknown less than \$298,249 in FY 2007, an Income of \$461,078 in FY 2008, and a Cost of \$576,578 in FY 2009.

PROPOSERS: Supporters of HB 1660 say that it gives the Division of Professional Registration more access to legal counsel, establishes temporary licenses, and grants grace periods for licensees on active military duty.

Supporters of HB 1269 say that many kids are falling through the cracks when it comes to eye care. If eye problems aren't detected and treated at an early age, there can be permanent damage to a child's sight. The bill is vital to providing the early intervention needed to protect the vision of Missouri's children.

Testifying for HB 1660 were Representative Behnen; and Division of Professional Registration, Department of Economic Development. Testify for HB 1269 were Representatives Jetton and Tilley;

Missouri Coalition of Children's Agencies; and Missouri Nurses Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on HB 1269 say that there have been meetings going on since last year to try to reach a compromise between the interested parties. In order to get this program moving forward, there will be compromise language submitted, even with the objection of the optometric community. Others feel that there needs to be some accountability. Nothing in the bill mandates parents to get the proper recommended treatment.

Others testifying on HB 1269 were Representative Behnen; Missouri Society of Eye Physicians and Surgeons; Missouri Optometric Association; Missouri Association of School Nurses; Missouri State Medical Association; Missouri Association of Osteopathic Physicians and Surgeons; and Missouri Academy of Family Physicians.

Bob Dominique, Legislative Analyst