

CCS SS SCS HCS HB 780 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding the licensure of certain professionals in the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration.

PROFESSIONAL LICENSE RENEWAL

Deaf interpreters, occupational therapists, occupational therapy assistants, clinical perfusionists, dietitians, massage therapists, interior designers, acupuncturists, tattooists, body piercers, and branders are added to the list of licensed professionals who are allowed to extend their license renewal with the division while on active military duty until up to 60 days after completing their service.

CHRONIC KIDNEY DISEASE TASK FORCE

The Chronic Kidney Disease Task Force is established to educate the public and health care professionals about early screening, prevention, diagnosis, treatment, and complications of chronic kidney disease. The task force must submit a report of its findings and recommendations to the General Assembly within one year of the first task force meeting.

MIXED MARTIAL ARTS

The bill changes the laws regarding the regulation of mixed martial arts, full-contact karate, boxing, kickboxing, and wrestling. The bill:

- (1) Defines "amateur," "boxing," "mixed martial arts," "full-contact karate," "kickboxing," and "wrestling";
- (2) Revises the definition of "combative fighting";
- (3) Revises the definition of "bout" to include professional mixed martial arts;
- (4) Authorizes the division to establish rules governing amateur sanctioning bodies;
- (5) Allows a gross receipts tax to be assessed on pay-per-view telecasts of these events;
- (6) Removes the limit on the number of rounds and the time of each round for professional events;
- (7) Increases the length of the medical suspension for

contestants who lose consciousness during a professional event from 120 to 180 days;

(8) Expands the disciplinary authority of the Office of Athletics within the division; and

(9) 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.

TATTOOISTS, BRANDERS, AND BODY PIECERS

The department director is authorized to establish educational and training requirements for individuals engaged in tattooing, branding, and body piercing. Specific causes for complaints to be filed with the Administrative Hearing Commission are established.

PRIVATE INVESTIGATORS

The Board of Private Investigator Examiners is established within the division. No person can provide private investigative services without being licensed. The bill 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; the appeal process for the denial, suspension, or revocation of licenses; types and terms of licenses; continuing education requirements; 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 business transactions. Records may be confidentially examined by the board under certain circumstances. Certain exemptions are allowed for current private investigators.

ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects is authorized to impose civil penalties upon any person practicing these professions without a valid license, subject to an

administrative action by the board.

Complaints must be filed with the Administrative Hearing Commission. If the commission finds that an unlicensed person has violated the provisions of the bill, the board may issue a civil penalty not to exceed \$5,000 for each day of violation, with a maximum penalty of \$25,000. The person being fined has the right to appeal to a circuit court. If the case is finalized and the penalty is not timely paid, the Attorney General may commence an action to recover the penalty, including court costs, attorney fees, and surcharges.

The board is also authorized to assess reasonable costs and expenses incurred in conducting the investigation and administrative hearing and impose a civil penalty against a licensee after the commission has found a cause for discipline.

An unlicensed individual will be allowed to use a form of the word "engineer" without being subject to disciplinary action if the use of the term is reflective of his or her profession and does not imply that he or she is a professional engineer.

CHIROPRACTORS

The bill specifies that the term "practice of chiropractic" is the examination, diagnosis, and treatment by methods commonly taught in any chiropractic college or chiropractic program in a university accredited by the Council on Chiropractic Education, its successor entity, or a program approved by the State Board of Chiropractic Examiners.

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

A graduate of a medical school accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates is allowed to serve as a member of the State Board of Registration for the Healing Arts.

NURSES

The bill changes the laws regarding the licensing of nurses. The bill:

- (1) Establishes a lapsed and a retired license status;
- (2) Requires the notice of a disciplinary hearing before the State Board of Nursing to be served in person or by certified mail. If this cannot be accomplished, the board may publish the notice in a local newspaper;

(3) Authorizes the board to establish an impaired nurse program to promote early intervention and treatment of nurses who may be impaired by reasons of illness, substance abuse, or mental illness and may require a nurse to enter treatment as a condition for licensure;

(4) Allows the board to request an expedited hearing before the Administrative Hearing Commission if the board determines that a nurse has committed an act which is a clear and present danger to the public. Fifteen days after the complaint and after a preliminary hearing, the board may immediately restrict or suspend the license. Temporary authority to suspend a license becomes final if the nurse does not request a full hearing within 30 days;

(5) Allows for the sealing of records if the board, commission, or a court of competent jurisdiction determines that a complaint does not constitute a violation of the Nursing Practice Act and is unsubstantiated;

(6) Allows a person holding the title of advanced practice registered nurse to use the title or any other title appearing on his or her license;

(7) Makes it unlawful for any unlicensed person to use the title of nurse;

(8) Makes a person who violates any provision of Chapter 335, RSMo, guilty of a class D felony. Currently, it is a class A misdemeanor;

(9) Specifies that reports made to the board do not violate the federal Health Insurance Portability and Accountability Act because the board qualifies as a health oversight agency;

(10) Defines "temporary nursing staffing agency" as any person, firm, partnership, or corporation doing business within the state that supplies, on a temporary basis, registered nurses or licensed practical nurses to a hospital, nursing home, or other facility and requires them to report any disciplinary action against a licensed health care professional to the respective licensing board;

(11) Allows a person listed as a Christian Science nurse in the Christian Science Journal to use the title Christian Science nurse under certain conditions; and

(12) Revises the definition of "qualified employment" as it relates to the Nursing Student Loan Program to include any agency in an area of need as well as any public or nonprofit agency.

OPTOMETRISTS

The bill changes the laws regarding the licensing of optometrists and the practice of optometry. The bill:

- (1) Specifies that the term "practice of optometry" is the examination, diagnosis, treatment, and preventative care of the eye, adnexa, and vision;
- (2) Prohibits any person from practicing optometry without a license;
- (3) Specifies who is qualified to receive a license;
- (4) Requires an optometrist practicing away from his or her principal place of business to obtain a duplicate license and display it in clear public view;
- (5) Allows an optometrist licensed in another state who has practiced for at least three years in the preceding five years with a pharmaceutical certification to be eligible to make application for licensure;
- (6) Increases the continuing education requirements;
- (7) Removes the requirement that the State Board of Optometry give 30 days' notice of the time and place of board meetings; and
- (8) Changes the laws regarding the administering of pharmaceuticals, course of instruction necessary to administer pharmaceuticals, standards of care, and referrals to physicians.

SOCIAL WORKERS

The bill changes the laws regarding the licensing of social workers. The bill:

- (1) Defines "advanced macro social worker," "licensed advanced macro social worker," "licensed baccalaureate social worker," "licensed master social worker," "master social work," "practice of advanced macro social work," "practice of baccalaureate social work," "practice of master social work," "qualified advanced macro supervisor," and "qualified baccalaureate supervisor";
- (2) Renames the Clinical Social Workers Fund to the Licensed Social Workers Fund;
- (3) Requires clinical social worker applicants to complete 3,000 hours of supervised clinical experience with a qualified clinical supervisor instead of a licensed clinical social worker;

(4) Changes the membership of the State Committee for Social Workers by adding one licensed advanced macro social worker and changing the current two licensed baccalaureate social workers to one licensed master social worker and one licensed baccalaureate social worker;

(5) Authorizes the committee to establish rules regarding supervised experience and competency for master, advanced macro, and baccalaureate social workers;

(6) Establishes the qualifications for applying for a license as a master social worker or advanced macro social worker; and

(7) Authorizes the committee to issue certificates to licensed baccalaureate social workers to practice independently if they have met certain criteria specified in the bill.

MARITAL AND FAMILY THERAPISTS

The definition of "marital and family therapy" is revised to include diagnosing marital, family, and individual behavior and intrapersonal or interpersonal dysfunctions within the context of marital and family systems.

Beginning August 28, 2008, an applicant for a marital and family therapist license must complete at least three semester hours of graduate course work in diagnostic systems and supervised diagnosis education as a core component of postgraduate supervised clinical experience.

The reciprocity provision regarding licensed marital and family therapists is changed to allow a person holding a current, unsanctioned license from another state whose requirements are substantially the same as Missouri's to apply for a license with the State Committee on Marital and Family Therapists within the department without passing an examination.

VETERINARIANS

The bill specifies that nothing will prevent a veterinarian from compounding and dispensing his or her own prescriptions and that a veterinary license is not required for a person to sell, dispense, or fill pharmaceutical products or drugs for treating animals.

REAL ESTATE COMMISSION

The Missouri Real Estate Commission is authorized to impose civil penalties upon a licensee for a violation of the real estate licensing regulations and also against an unlicensed

person performing any acts for which a valid real estate license is required. Complaints must be filed with the Administrative Hearing Commission; and if the commission finds that a person has violated provisions of the bill, the Missouri Real Estate Commission may issue a civil penalty, not to exceed \$2,500 for each day of violation.

NURSING HOME ADMINISTRATORS

The bill changes the laws regarding the licensing of nursing home administrators. The bill:

- (1) Requires licensing fees to be paid to the Department of Health and Senior Services;
- (2) Prohibits an applicant for licensure who has failed three times the national examination administered by the Missouri Board of Nursing Home Administrators from being licensed unless he or she has successfully completed the board-prescribed course of instruction and passed the examination;
- (3) Allows a temporary emergency license to be issued to an applicant whose licensing examination results have not been received by the board;
- (4) Authorizes the board to issue probationary licenses and to establish an inactive license for a licensee who requests it;
- (5) Allows the board to file a complaint with the Administrative Hearing Commission for a violation of any provision of Chapter 198 or rule established by the board and adds additional grounds for which a licensee can be disciplined; and
- (6) Requires that certain members of the board be citizens of the United States and reside in Missouri for at least one year prior to their appointment and replaces the Director of the Division of Aging with the department director.

AUDIOLOGISTS AND HEARING INSTRUMENT FITTERS

The term "practice of audiology" is expanded by adding the fitting, programming, and dispensing of assistive listening devices and other amplification systems. Licensees who sell these devices are required to provide a purchase agreement to the buyer containing product information including the terms of sale, name of manufacturer, make, model, current condition of the product, and other details.

Currently, hearing instrument retailers must employ a licensed hearing instrument specialist. The bill allows them to employ

either a licensed audiologist or a licensed hearing instrument specialist. The bill also phases in educational requirements for applicants for hearing instrument specialist licenses or hearing instrument specialist-in-training permits.

DECEPTIVE BUSINESS PRACTICES

The bill prohibits any person from advertising or conducting a live musical performance in Missouri while using a false, deceptive, or misleading affiliation between the performing group and the original recording group. The bill does not apply when:

- (1) One member of the performing group was a member of the original recording group and has a legal right to advertise the affiliation;
- (2) The performance is identified as a tribute or salute to the original recording group;
- (3) The advertising does not relate to a performance to be held in Missouri;
- (4) The performing group has express authorization from the original recording group to use the affiliation; or
- (5) The performing group is an authorized registrant or owner of a trademark for the original recording group name.

The Attorney General or prosecuting attorney is authorized to bring an action for a temporary or permanent injunction against any person who is in violation of these provisions. Any person found in violation will be assessed a civil penalty of \$5,000 to \$15,000 per violation and may be required to pay restitution to the original recording artist in an amount equal to the money acquired due to the false, deceptive, or misleading affiliation between the performing group and the original recording group.

The provisions regarding the mixed martial arts become effective July 1, 2008.