

SCS SB 788 -- DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS,
AND PROFESSIONAL REGISTRATION; JOINT COMMITTEE ON PRENEED FUNERAL
CONTRACTS; DISPOSITION OF DEAD BODIES; AND MANUFACTURED HOUSING

This bill changes the laws regarding the Department of Insurance, Financial Institutions, and Professional Registration; licensure or registration of certain professionals in the Division of Professional Registration; Joint Committee on Preneed Funeral Contracts; disposition of dead bodies; and manufactured housing.

REORGANIZATION OF THE DEPARTMENT OF INSURANCE

The Governor's Executive Order 06-04 transferred all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent issues of the Division of Finance, State Banking Board, Division of Credit Unions, and Division of Professional Registration from the Department of Economic Development to the Department of Insurance creating the Department of Insurance, Financial Institutions, and Professional Registration. The bill allows the Revisor of Statutes to change all references in the Revised Statutes of Missouri from "department of insurance," "insurance department," or "department of insurance, financial and professional regulation" to the "department of insurance, financial institutions and professional registration."

The Division of Insurance Company Regulation is established to perform the functions of insurance company admissions and financial supervision and the Division of Insurance Market Regulation to perform the functions of rate and for regulation, and the Professional Registration Fees Fund is created for depositing funds received from the various boards for services rendered by the Division of Professional Registration.

JOINT COMMITTEE ON PRENEED FUNERAL CONTRACTS

The bill establishes the Joint Committee on Preneed Funeral Contracts, consisting of seven members from the House of Representatives and seven members from the Senate. The committee is charged with preparing a comprehensive study and analysis of the consumer and economic impact on the preneed funeral contract industry in Missouri and making recommendations to the General Assembly no later than January 31, 2009.

DISPOSITION OF DEAD BODIES

Currently, a person may grant the right of sepulcher to any person if the designation is made in a written instrument which meets certain criteria established by law; however, the designation will not supersede the rights of the deceased's

spouse or certain family members. The bill removes the provisions allowing for the designation and specifies that the attorney-in-fact designated in a durable power of attorney that specifically grants the right of sepulcher will have first priority for the purpose of determining who has the right to choose and control the final disposition of the body.

CERTIFIED PUBLIC ACCOUNTANTS

Certified public accountants who live out of state may qualify for a Missouri license if the state in which they hold their license has equivalent qualifications. Applicants must have an unrestricted license in their state and can only practice with a firm holding a valid state permit to practice certified public accountancy.

Permit requirements for certified public accounting firms are also expanded.

PRACTICE OF EMBALMING

The definition of "practice of embalming" is revised to include the chemical preparation of a dead human body for disposition as well as all activities leading up to and including arterial and cavity embalming.

PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS

The bill:

(1) Specifies the services which may be provided by a physical therapist without a prescription or the direction of an approved health care provider;

(2) Creates an inactive license for physical therapists and physical therapy assistants, establishes certain criteria to be followed when applying for an inactive status and for reinstatement of an active status, and adds additional restrictions on the issuance of temporary licenses;

(3) Removes the provision which denies a permanent license to and prohibits an applicant from taking the licensing examination if he or she has failed any physical therapist licensing examination three or more times;

(4) Allows physical therapists and physical therapy assistants licensed in other states to provide gratuitous services for a period not to exceed 14 days in any one calendar year;

(5) Authorizes the State Board of Registration for the Healing

Arts to destroy all documentation regarding meritless actions brought by individuals incarcerated under the Department of Corrections against licensees three months after the final disposition of the case;

(6) Authorizes the board to issue probationary licenses as an alternative to a refusal to issue, suspend, or revoke a license;

(7) Authorizes the board to file complaints with the Administrative Hearing Commission;

(8) Requires the board to publish at least quarterly a list of persons whose licenses have been revoked, suspended, surrendered, restricted, denied, or withheld except those who voluntarily enter treatment programs;

(9) Authorizes the board to suspend or restrict the license of a person who it considers to be a clear and present danger to the public;

(10) Specifies that physical therapists retain ultimate authority and responsibility of any physical therapy treatment being provided by the physical therapy assistant under their supervision; and

(11) Requires all physical therapist assistant applicants to pass a test administered by the board on the laws and rules relating to the practice of physical therapist assistants.

PHYSICIAN ASSISTANTS

Currently, supervising physicians must be present a minimum of 66% of the clinic's hours for practice supervision and collaboration when utilizing physician assistants. The bill allows for on-site supervised patient care to be measured each calendar quarter and prohibits the Advisory Committee on Physician Assistants from requiring physician-physician assistant teams which have obtained a waiver for alternative minimum amounts of supervision to increase their on-site supervision requirements to qualify for the renewal of the waiver.

REAL ESTATE TRANSACTIONS

Currently, certain persons, partnerships, associations, or corporations acting as owners, lessors, or lessees are allowed to perform activities of a real estate broker without a license if they are not engaged in the real estate business. The bill repeals the requirement that they not engage in the real estate business.

Real estate brokers are allowed to affiliate with out-of-state real estate brokers or salespersons for transactions involving commercial real estate if those out-of-state licensees consent to certain requirements specified in the bill.

MANUFACTURED HOUSING

Currently, every manufactured housing manufacturer or dealer who offers for sale four or more manufactured homes in any consecutive 12-month period must register with the Missouri Public Service Commission. The bill changes the registration requirement to those who offer to sell four or more used homes or one or more new manufactured homes or modular units within that time period. The Manufactured Housing Consumer Recovery Fund is created to pay, subject to appropriations, claims filed by aggrieved consumers who have exhausted all other legal remedies. Manufactured home dealers are required to provide purchasers with a bill of sale or purchase agreement containing the serial number, if available, or the manufacturer name and model number of the unit along with any waivers. Every manufactured home dealer must register and pay a \$200 registration or renewal fee by January 15 of each year along with the permanent physical address and telephone number of the place where the files and other records are located for inspection.

The commission may refuse to register an applicant or may suspend or revoke a registration, which will apply to all registrations held by the dealer, if there is a consistent pattern of abuse. The commission, through its general counsel, may seek remedies in a circuit court for any violations.

The provisions regarding the Joint Committee on Preneed Funeral Contracts will expire January 31, 2009.