

## HCS SB 296 -- PROFESSIONAL REGISTRATION

SPONSOR: Scott (Sater)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Professional Registration and Licensing by a vote of 14 to 0.

This substitute changes the laws regarding the licensure of certain professions in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration; the State Legal Expense Fund; endowed care cemeteries; health care information collection; prescriptive authority for physician assistants; and marital and family therapists and adopts the Nurse Licensure Compact.

### STATE LEGAL EXPENSE FUND

Medical practitioners providing services without compensation to students at a summer camp are added to the list of health care providers for whom the State Legal Expense Fund is available for payment of certain claims filed against a provider.

### ENDOWED CARE CEMETERIES

The substitute:

(1) Allows the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to bring suit in Cole County against cemetery operators;

(2) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, and crypts to meet certain requirements;

(3) Requires any person or entity with real property used for the burial of human remains, excluding family burial grounds, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2009, or within 30 days of acquiring the land;

(4) Exempts cemetery operators from the provisions of Chapter 436, RSMo, relating to prearranged funeral contracts but prohibits them from adjusting or establishing prices for items with the intent of evading the trust or escrow provisions of the chapter;

(5) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri. All activities of the trust must be controlled by

Missouri law, and all funds held in trust must remain in Missouri;

(6) Requires cemetery operators to notify the division in writing at least 30 days prior to ceasing to do business and selling a majority of their assets. Operators are required to place 15% of the purchased amount in escrow for at least six months in order to determine whether there are any financial deficiencies;

(7) Allows cemetery prearranged merchandise products contracts to be canceled and fully refunded within 30 days after the contract has been executed;

(8) Allows the division to direct trustees to suspend the distribution of money from endowed care trust funds if the cemetery operator is not licensed, has failed to file annual reports, doesn't respond to inquiries, or has failed to file a corrective action plan; and

(9) Specifies that anyone who knowingly and unlawfully destroys, mutilates, disfigures, defaces, or removes without authorization any human remains from a cemetery or burial ground or other place of interment, entombment, or inurnment will be guilty of a class A misdemeanor.

#### HEALTH CARE INFORMATION COLLECTION

Any data or other information collected from health maintenance organizations and community-based health maintenance organizations by the Department of Health and Senior Services regarding quality of care, access to care, member satisfaction, and member health status that does not contain identifiable information will be considered public information.

Each board or commission established under the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration is authorized to collect and analyze information needed to support workforce planning and policy development. This information will be considered confidential so as to not identify a specific health care provider.

#### DIVISION OF PROFESSIONAL REGISTRATION

The duties for the regulation of certain professions are transferred from the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to the specific governing body for the profession. The substitute:

(1) Authorizes the Board of Occupational Therapy to change its licensing and renewal fee structure without the collaboration of the division and to approve or disapprove certifying entities;

(2) Repeals obsolete provisions which gave the division more authority to regulate its boards;

(3) Authorizes the Board of Chiropractic Examiners, in conjunction with the Acupuncturist Advisory Committee, to prescribe the design of all forms and licenses it uses;

(4) Repeals obsolete provisions regarding marital and family therapists; and

(5) Authorizes, without the collaboration of the division, the Board of Examiners for Hearing Instrument Specialists to issue and renew permits, licenses, and certificates; issue licenses to applicants who are qualified to engage in the practice of fitting hearing instruments; make recommendations for the prosecution of violators of Chapter 346; make and publish rules necessary to carry out the provisions of Chapter 346; and establish licensing and renewal fees.

#### ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

The substitute authorizes the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to conduct disciplinary hearings for licensees convicted of certain felonies and to automatically deny licenses to anyone who has had a license revoked or denied in another state. The board may establish other qualifications by which a person may be licensed.

#### VOLUNTEER LICENSES FOR RETIRED DENTISTS AND DENTAL HYGIENISTS

The Dental Board within the Department of Insurance, Financial Institutions and Professional Registration is allowed to grant volunteer licenses to retired dentists and dental hygienists. Individuals seeking volunteer licenses are required to file an affidavit stating that they have been licensed for at least 10 years, their license has not been lapsed for the four years prior to their application for a volunteer license, they are retired, their license was in good standing at retirement, and they have met examination and other requirements.

Beginning December 1, 2010, dentists and dental hygienists with volunteer licenses must renew the license every two years and must submit evidence of current certification in life support and complete certain continuing education requirements.

Dentists with volunteer licenses may only provide dental and preventative care without compensation to family members and at certain facilities. Dental hygienists with volunteer licenses may only provide dental hygiene and preventative care without compensation to family members and at certain facilities.

A dentist or dental hygienist is not required to pay any fee for a volunteer license.

#### PRESCRIPTIVE AUTHORITY FOR PHYSICIAN ASSISTANTS

Physician assistants are allowed when delegated through a physician supervision agreement to prescribe Schedule III, IV, and V controlled substances. Supervising physicians retain the right to limit specific drugs or schedules a physician assistant may prescribe. Physician assistants are prohibited from prescribing controlled substances to themselves or family members and are limited to prescribing a 124-hour supply of Schedule III drugs without a refill. Physician assistants who are authorized to prescribe must register with the federal Drug Enforcement Administration and the federal Bureau of Narcotics and Dangerous Drugs.

#### NURSE LICENSURE COMPACT

The substitute adopts the Nurse Licensure Compact which allows licensed registered nurses to practice in any state which adopts the compact. All states wishing to participate must adopt the following articles of authorization:

- (1) Article I - Finding and Declaration of Purpose;
- (2) Article II - Definitions;
- (3) Article III - General Provisions and Jurisdiction;
- (4) Article IV - Applications for Licensure in a Party State;
- (5) Article V - Adverse Actions;
- (6) Article VI - Additional Authorities Invested in Party State Nurse Licensing Boards;
- (7) Article VII - Coordinated Licensure Information Systems;
- (8) Article VIII - Compact Administration and Interchange of Information;
- (9) Article IX - Immunity;

- (10) Article X - Entry into Force, Withdrawal and Amendment; and
- (11) Article XI - Construction and Severability.

The compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with state laws and the compact does not supercede existing state labor laws.

#### PHARMACIES AND PHARMACISTS

The substitute:

- (1) Expands the definition of "practice of pharmacy" to include the compounding, dispensing, labeling, and administration of drugs and devices for pneumonia and shingles vaccines by a written protocol authorized by a physician;
- (2) Removes the provision of the law which authorizes an applicant for a pharmacy technician license to practice for a period of up to 90 days prior to the issuance of his or her certificate of registration;
- (3) Voids and nulls all pharmacy technician certificates of registration 30 days after the expiration date;
- (4) Allows licensed pharmacists to perform certain nondispensing activities and the administration of drugs and vaccines by protocol outside of a pharmacy without a pharmacy permit subject to rules established by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration;
- (5) Authorizes the board to establish the licensing filing fee amount for out-of-state wholesale drug distributors. Currently, the filing fee is \$10; and
- (6) Repeals the provisions which require the board to publish a list of drugs which are not allowed to be substituted.

#### MARITAL AND FAMILY THERAPISTS

Marital and family therapists are added to the list of mental health care professions in which insurance companies, health service corporations, and health maintenance organizations are required to provide coverage for mental health care benefits. These benefits will include up to two visits a year.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown exceeding \$71,659 in FY 2010, Unknown exceeding \$9,090 in FY 2011, and Unknown exceeding \$43,210 in FY 2012. Estimated Income

on Other State Funds of \$0 in FY 2010, \$18,500 in FY 2011, and \$250 in FY 2012.

PROPONENTS: Supporters say that the bill gives the board the needed authority to hold a disciplinary hearing on a licensee who has been convicted of certain felonies and gives the board the same authority as other boards under the division.

Testifying for the bill were Senator Scott; American Institute of Architects of Missouri; Missouri Association of Landscape Architects; and American Council of Engineering Companies of Missouri.

OPPONENTS: There was no opposition voiced to the committee.