

HCS SCS SB 29 -- PROFESSIONAL REGISTRATION

SPONSOR: Brown (Jones, 117)

COMMITTEE ACTION: Voted "do pass" by the Committee on Professional Registration and Licensing by a vote of 11 to 3.

This substitute changes the laws regarding professional registration.

HEALTH CARE PERSONNEL IDENTIFICATION BADGES

Currently, all hospitals and health care facilities require each employee to wear an identification badge displaying his or her licensure status. The substitute adds ambulatory surgical centers to the list of facilities whose employees must wear a badge and requires the badge to include the employee's first name and title as well as a recent photograph and the name of the health care facility or organization of the employee. The employee's title must be as large as possible on the bottom edge of the badge in a single line in block type print.

The substitute specifies the title to be printed on the badge for a physician or a nurse and requires all other titles to be determined by rule by the Department of Health and Senior Services. Nothing will prohibit a health care provider from placing the provider's additional specialty or designation on the badge. A badge will not be required to be worn when delivering direct care if not clinically feasible.

A health care professional employed at the time the substitute goes into effect is not required to immediately replace his or her current badge, but the identification badge must be replaced within a reasonable time of the effective date of the substitute. Every badge worn by hospital or health care facilities personnel must be in compliance with the provisions of the substitute within five years of the effective date.

DRIVER'S LICENSE COMPETENCY ASSESSMENT

A professional counselor licensed pursuant to Chapter 337, RSMo, is added to the list of individuals who can report to the Department of Revenue any person diagnosed or assessed as having a disorder or condition that may prevent him or her from safely operating a motor vehicle in order to provide the department director with good cause to believe that the operator is incompetent or unqualified to retain his or her driver's license allowing the department director to require the person to submit to an examination in order to retain his or her license.

PROFESSIONAL LICENSES

The substitute requires any board, commission, committee, council, or office in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to notify any known current employer of a change in a licensee's license or discipline status. An employer may provide any board, commission, committee, council, or office in the division with a current list of licensed employees and request in writing to the board, commission, committee, council, or office to be notified regarding any change in the licensure status of any employee.

DIVISION OF PROFESSIONAL REGISTRATION

The substitute changes the laws regarding disciplinary and administrative procedures for professions and businesses regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration. The division or any board, committee, commission, or office within the division is authorized to enter a default decision against a licensee if he or she fails, upon proper notice, to plead or otherwise defend against a disciplinary proceeding.

LIMITED DENTAL TEACHING LICENSES

The Missouri Dental Board within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a limited teaching license to a dentist employed as an instructor in an accredited dental school located in this state. The substitute:

- (1) Limits the licensee to practice dentistry to the confines of the dental school program;
- (2) Requires a limited teaching license to be renewed every two years;
- (3) Requires a limited teaching licensee to be subject to discipline by the board and a license to be canceled or nullified if the holder ceases to be employed by the dental school; and
- (4) Specifies the requirements to qualify for a license.

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

The substitute:

- (1) Requires the State Board of Registration for the Healing

Arts within the Department of Insurance, Financial Institutions and Professional Registration to list certain specified information regarding individuals who are licensed or applying for licensure by the board on its web site. The board must disclose specified confidential information to a licensee or applicant upon request without a cost if the information is less than five years old. If the requested information is more than five years old, the board may charge a specified fee;

(2) Removes the provision which authorizes the board to require a doctor licensed in another state to pass an examination prior to waiving the Missouri examination requirement. The board is authorized to require the successful completion of another examination, continuing medical education, or further training prior to issuing a permanent medical license to an applicant who has not actively practiced medicine or held a teaching position for two of the three years prior to his or her application;

(3) Specifies that, upon a showing of reasonable cause to believe that a licensee or applicant is unable to practice his or her profession, the board must require a licensee or applicant for a license to submit to an examination of his or her skills, a multi-disciplinary evaluation, or a substance abuse evaluation if there is cause to believe that the individual is incompetent, is mentally or physically incapacitated, or excessively uses or abuses alcohol or controlled substances;

(4) Authorizes the board to cause a complaint to be filed with the Administrative Hearing Commission against a licensee for violating a municipal ordinance, prescribing drugs through the Internet without a valid physician-patient relationship, being on a sexual offender registry, violating a probation order or other settlement agreement, unethical or unprofessional conduct involving a minor, negligence, knowingly making false statements, habitual intoxication or dependence, failing to comply with a treatment program, or violating any professional trust or confidence;

(5) Authorizes the board, upon a showing of probable cause, to issue an emergency suspension or restriction on a licensee for engaging in sexual conduct with a patient; sexual misconduct with a minor; possession or use of a controlled substance without a valid prescription; court-determined incapacity or disability; habitual intoxication or alcohol or drug addiction; failing to comply with a treatment program, an aftercare program as part of a board order or settlement agreement, or a licensee's professional health program; or any conduct that is a serious danger to the health, safety, or welfare of a patient or the public. The suspension or restriction will take effect when the document is served to the licensee;

(6) Authorizes the board to initiate a hearing before itself for disciplining a licensee for certain actions. The board's decision is appealable to the circuit court;

(7) Authorizes the board to subpoena a peer review committee, medical executive committee, hospital, pharmacy records, or any person regardless if it is prohibited by another law; and

(8) Changes the board's authority to discipline athletic trainers.

The substitute also:

(1) Removes the requirement that a doctor display his or her certificate of registration in his or her office at all times;

(2) Requires a person prescribing a controlled substance or non-controlled pain medication to document certain information in the patient's medical record prior to prescribing the medication;

(3) Requires a doctor who prescribes any drug, controlled substance, or other treatment through the Internet to establish that there is a valid physician-patient relationship;

(4) Prohibits evidence contesting or challenging the basis of a criminal conviction from being admissible in an administrative hearing; and

(5) Requires the Administrative Hearing Commission to deliver findings of fact and conclusions of law in a disciplinary case to the appropriate agency within 120 days of the date the case became ready for decision.

VETERINARY LEGEND DRUGS

A licensed veterinarian is allowed to administer or prescribe only for use in animals any medicine, drug, or pharmaceutical product including legend drugs under 21 U.S.C. Section 353 by expanding Class L veterinary permits issued by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to include the administering or prescribing of legend drugs.

The membership of an advisory committee appointed by the board to review and make recommendations to it regarding drug distributors is increased from five to six by adding a licensed veterinarian recommended by the Board of Veterinary Medicine within the department. The committee will also review and make recommendations to the Board of Pharmacy regarding rules and regulations on veterinary legend drugs.

REAL ESTATE LICENSEE LIABILITY

Currently, a real estate licensee is immune from liability for statements made by certain expert professionals unless the expert was selected and engaged by the licensee. The substitute specifies that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

PEER REVIEW PROCESS FOR CERTAIN DESIGN PROFESSIONALS

A peer review process is established through which design professionals evaluate, maintain, or monitor the quality and utilization of services performed by a licensed architect, landscape architect, professional land surveyor, or professional engineer. The substitute specifies how a peer review process may be performed and the participants of a peer review process; authorizes immunity from civil liability for any participant of the process; and specifies the information or materials of the peer review process that are privileged and not subject to discovery, subpoena, or other legal compulsion. The provisions of the substitute cannot limit the authority of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of confidential information developed outside the peer review process when conducting an investigation regarding licensure.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$205,422 in FY 2012, \$244,334 in FY 2013, and \$247,812 in FY 2014. Estimated Net Cost on Other State Funds of \$105,173 in FY 2012, \$124,961 in FY 2013, and \$127,639 in FY 2014.

PROPOSERS: Supporters say that the bill provides oversight to ensure that unregulated entities are not providing dangerous drugs.

Testifying for the bill were Senator Brown; Missouri Veterinary Medical Association; and Chuck Massingale.

OPPOSERS: There was no opposition voiced to the committee.