

HCS SB 325 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding professional registration.

PROFESSIONAL LICENSES (Section 324.014, RSMo)

The bill 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 and 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 licensing status of an employee.

LIMITED DENTAL TEACHING LICENSES (Section 332.425)

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 bill:

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

LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS (Sections 333.041 - 333.061, 333.091, 333.151, and 333.171)

The bill:

- (1) Allows, at the discretion of the State Board of Embalmers and Funeral Directors within the Department of Insurance, Financial Institutions and Professional Registration, a general equivalency diploma to satisfy the requirement that an applicant for a license as a funeral director or an embalmer have a high school diploma;
- (2) Removes the provision requiring an applicant for a funeral

director's or embalmer's license to be a Missouri resident or a resident of a county which borders Missouri;

(3) Removes the provision requiring an applicant for an embalmer's license to graduate from an accredited institute of mortuary science education and instead requires him or her to complete a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity approved by the board;

(4) Specifies that an applicant for a funeral director's or embalmer's license must complete at least a 12-consecutive-month apprentice program. Currently, a person must complete an apprenticeship for at least 12 months;

(5) Removes the provision requiring a funeral director or an embalmer to have his or her registration recorded in the office of the local registrar of vital statistics in the district where he or she practices; and

(6) Changes the membership of the board from 10 to six and requires its membership to represent diversity in gender, race, ethnicity, and geographic regions of the state and specifies that a majority of the members will constitute a quorum.

NURSING EDUCATION INCENTIVE PROGRAM (Sections 335.036, 335.200, 335.203, 335.206, and 335.209)

The Nursing Education Incentive Program is established within the Department of Higher Education to address nursing shortages. The State Board of Nursing within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration is authorized to provide funding for the program; and subject to appropriation, the Department of Higher Education will award grants to eligible higher education institutions accredited by the Higher Learning Commission of the North Central Association based on criteria to be determined by the board and the Department of Higher Education. Grant award amounts cannot exceed \$150,000, and no campus may receive more than one grant per year. An eligible institution must offer a nursing program that meets the predetermined category and area of need as established by the board and the Department of Higher Education based on data from sources specified in the bill.

The bill also repeals the provisions regarding an obsolete incentive grant program which focused on nontraditional nursing students and the provisions regarding the Nurse Training Incentive Fund.

LICENSED PRACTICAL NURSES (Section 335.099)

A licensed practical nurse who is an approved instructor for the level 1 medication aid program will be qualified to teach the insulin administration course under Chapter 198. Any licensed practical nurse will also be qualified to perform diabetic nail care and monthly onsite reviews of basic personal care recipients in a residential care or assisted living facility as required by the Department of Social Services and to perform dietary oversight for these residents as required by the Department of Health and Senior Services.

VETERINARY LEGEND DRUGS (Sections 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, and 338.315)

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 of Pharmacy 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.

A pharmacy that only holds a class L veterinary permit is not required to have a pharmacist on site except for when noncontrolled drugs for use in animals are being compounded. A supervising registered pharmacist is responsible for reviewing the activities and records of a class L pharmacy permit holder.

WHOLESALE DRUG DISTRIBUTORS (Section 338.330)

The bill defines "legend drug" as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act; is required under federal law to be labeled in certain ways; or is required by law or regulation to be dispensed by prescription only or that is restricted to use or dispensed by practitioners only. Any investigational new drug or a drug product being used for conducting a clinical trial or investigation under specified situations is exempt from this provision.

REAL ESTATE LICENSEE LIABILITY (Section 339.190)

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 statement was made by a person employed by the licensee or broker, or the licensee knew that the statement was false or acted in reckless disregard as to whether the statement was true or false. The bill specifies that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS, WELL DIGGERS, AND BUILDING DEMOLISHERS (Sections 429.015 and 516.098)

The bill increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, or landscape architect; a corporation registered to practice these activities; a well digger; or a person demolishing or razing a structure.

The statute of limitations for an action to recover damages for an error or omission in a land survey is increased from five years after the error or omission is discovered to 10 years from the completion of the survey.

PRENEED FUNERAL CONTRACTS (Sections 436.405, 436.412, and 416.445 - 436.456)

The definition of "insurance-funded preneed contract" is revised to include a preneed contract designated to be funded by a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. A trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider; and a preneed seller and purchaser can agree in writing to put the funds for the preneed contract into an account in the beneficiary's name and payable on the beneficiary's death to the seller. The bill also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who wants to cancel a preneed contract funded by a joint account.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors.