

HCS HB 472 -- PROFESSIONAL REGISTRATION

SPONSOR: Grier

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Professional Registration and Licensing by a vote of 13 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 8 to 0.

This bill adds several new sections relating to professional registration, including the licensing of:

- (1) Applicants with a criminal record;
- (2) Apprenticeship programs;
- (3) Cosmetologists; and
- (4) Plumbers.

LICENSE APPLICANTS WITH A CRIMINAL RECORD

This bill establishes the "Fresh Start Act of 2019." A person cannot be disqualified from licensure for any occupation solely or in part because of a prior conviction of a crime, unless the criminal conviction directly relates to the duties and responsibilities for the licensed occupation (Section 324.012, RSMo).

Each state licensing authority must revise its existing licensing requirements to explicitly list which categories or specific criminal convictions could disqualify an applicant. The licensing authority cannot consider arrests without a conviction. Disqualifying convictions must be specific and directly related to the duties and responsibilities of the occupation.

In determining whether a particular applicant with a conviction will be denied a license, the licensing authority must use a clear and convincing standard of proof and determine the nature and seriousness of the crime, the passage of time since the commission of the crime, the relationship of the crime to the fitness required to perform the duties of the occupation, and any evidence of rehabilitation).

An individual with a conviction cannot be disqualified from an occupation for more than five years, unless the crime is violent or sexual in nature or if the individual was convicted of another crime during that five-year period.

An individual with a conviction can petition the licensing authority for a determination of whether or not the individual's criminal record will disqualify him or her from licensure. The licensing authority must respond within 30 days after the licensing authority has met, but in no event more than four months after receiving the petition from the applicant.

If an individual is denied a license based on a previous criminal conviction, the licensing authority must notify the individual of the grounds for denial. Evidence for the grounds for denial must have clear and convincing evidence sufficient for a reviewing court. The applicant has the right to a hearing to challenge the licensing authority's decision. The licensing authority has the burden of proof on whether the conviction directly relates to the occupation.

The provisions of the Fresh Start Act also apply to any occupational license created after the effective date of the act.

These provisions do not apply to peace officers or law enforcement personnel.

APPRENTICESHIP PROGRAMS

This bill requires licensing authorities to grant a license to applicants who have completed the 8th grade, completed a federally-approved apprenticeship program, and passed any necessary examination. The passing score for any examination cannot be higher than the passing score required for any non-apprenticeship license, and there cannot be an examination required for an apprenticeship license if there isn't one required for a non-apprenticeship license (Section 324.025).

For some types of apprenticeships, the number of working hours required cannot be more than the number of educational hours required for a non-apprenticeship license.

COSMETOLOGISTS

Currently, 1500 hours of training are required for cosmetologists. This bill requires at least 1000 hours training for the classification of hairdresser, and 400 of those hours can be applied toward the classification of cosmetologist. Currently, 750 hours of training are required for the classification of esthetician; this bill allows 500 of those hours to apply toward the classification of cosmetologist (Section 329.050).

PLUMBERS

Currently, applicants for a master plumber license are required to be at least 25 years old, applicants for a journeyman plumber license are required to be at least 21 years old, and applicants for a master drainlayer license are required to be at least 25 years old. This bill removes these age requirements (Section 341.170).

This bill is similar to HB 470 and HB 564 (2019).

PROPONENTS: Supporters say that this bill will make it easier for people who want to work to be allowed to work. Supporters say that the current dietitian law creates a monopoly and prevents nutritionists and practitioners from practicing their profession without a license, even though there has never been a case of harm from an unlicensed person providing nutritional information. The bill would allow apprentices to train and learn a trade locally. Allowing a person to be licensed, even though he or she has a criminal conviction, will help prevent recidivism.

Testifying for the bill were Representative Grier; Metropolitan Employment Rehabilitation Service Goodwill; Council of Holistic Health Educators; Jessica Idleman; Emily Fitzgibbons; Brigitte Factor ; Erin Anderson; Jamie Scheer; Nicole Lynch, Empower Missouri; Stephen Doherty; Opportunity Solutions Project; and Lathrop & Gage Consulting For Missouri Association of Cosmetology Schools.

OPPONENTS: Those who oppose the bill say that the bill would prevent a city from licensing a profession if needed. The bill would allow a person to call himself or herself an expert in nutrition, regardless of training, and dietitians do perform medical nutritional therapy and individualized services, which needs to be provided by a trained professional to protect consumers.

Testifying against the bill were Deanna Miller; Jean Howard; City of Lee's Summit; and Beth Piper.