

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1995
100TH GENERAL ASSEMBLY

4756H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 332.181, 332.261, 334.036, 334.075, 334.150, 334.507, 336.080, and 337.050, RSMo, and to enact in lieu thereof eight new sections relating to continuing education requirements for certain professionals.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 332.181, 332.261, 334.036, 334.075, 334.150, 334.507, 336.080, and 337.050, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 332.181, 332.261, 334.036, 334.075, 334.150, 334.507, 336.080, and 337.050, to read as follows:

332.181. 1. No person shall engage in the practice of dentistry in Missouri without having first secured a license as provided for in this chapter.

2. Any person desiring a license to practice dentistry in Missouri shall pay the required fee and make application to the board on a form prescribed by the board pursuant to section 332.141. An application for licensure shall be active for one year after the date it is received by the board. The application becomes void if not completed within such one-year period.

3. All persons once licensed to practice dentistry in Missouri shall renew his or her license to practice dentistry in Missouri on or before the license renewal date and shall display his or her license for each current licensing period in the office in which he or she practices or offers to practice dentistry.

4. Effective with the licensing period beginning on December 1, 2002, a license shall be renewed every two years. To renew a license, each dentist shall submit satisfactory evidence of completion of fifty hours of continuing education during the two-year period immediately preceding the renewal period. Each dentist shall maintain documentation of completion of the required continuing education hours as provided by rule. Failure to obtain the required

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 continuing education hours, submit satisfactory evidence, or maintain documentation is a
17 violation of section 332.321. As provided by rule, the board may waive and/or extend the time
18 requirements for completion of continuing education for reasons related to health, military
19 service, foreign residency or for other good cause. All requests for waivers and/or extensions
20 of time shall be made in writing and submitted to the board before the renewal date.

21 **5. The board shall give credit for continuing education hours performed by a**
22 **dentist on a volunteer basis working within his or her professional scope of practice at a**
23 **nonprofit entity. The board shall determine how many hours of continuing education**
24 **credit shall be given for each hour of volunteering and specify the maximum number of**
25 **continuing education credit hours that shall be given for volunteer work under this**
26 **subsection.**

27 **6.** Any licensed dentist who fails to renew his or her license on or before the renewal
28 date may apply to the board for renewal of his or her license within four years subsequent to the
29 date of the license expiration. To renew an expired license, the person shall submit an
30 application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and submit
31 satisfactory evidence of completion of at least fifty hours of continuing education for each
32 renewal period that his or her license was expired as provided by rule. The required hours must
33 be obtained within four years prior to renewal. The license of any dentist who fails to renew
34 within four years of the time his or her license has expired shall be void. The dentist may apply
35 for a new license; provided that, unless application is made under section 332.321, the dentist
36 shall pay the same fees and be examined in the same manner as an original applicant for
37 licensure as a dentist.

332.261. 1. No person shall engage in the practice of dental hygiene without having first
2 secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dental hygiene in Missouri shall pay the
4 required fee and make application to the board on a form prescribed by the board pursuant to
5 section 332.241. An application for licensure shall be active for one year after the date it is
6 received by the board. The application becomes void if not completed within such one-year
7 period.

8 3. All persons once licensed to practice as a dental hygienist in Missouri shall renew his
9 or her license to practice on or before the renewal date and shall display his or her license for
10 each current licensing period in the office in which he or she practices or offers to practice as a
11 dental hygienist.

12 4. Effective with the licensing period beginning on December 1, 2002, a license shall be
13 renewed every two years. To renew a license, each dental hygienist shall submit satisfactory
14 evidence of completion of thirty hours of continuing education during the two-year period

15 immediately preceding the renewal period. Each dental hygienist shall maintain documentation
16 of completion of the required continuing education hours as provided by rule. Failure to obtain
17 the required continuing education hours, submit satisfactory evidence, or maintain
18 documentation is a violation of section 332.321 and may subject the licensee to discipline. As
19 provided by rule, the board may waive and/or extend the time requirements for completion of
20 the continuing education for reasons related to health, military service, foreign residency or for
21 other good cause. All requests for waivers and/or extensions of time shall be made in writing
22 and submitted to the board before the renewal date.

23 **5. The board shall give credit for continuing education hours performed by a dental**
24 **hygienist on a volunteer basis working within his or her professional scope of practice at**
25 **a nonprofit entity. The board shall determine how many hours of continuing education**
26 **credit shall be given for each hour of volunteering and specify the maximum number of**
27 **continuing education credit hours that shall be given for volunteer work under this**
28 **subsection.**

29 **6.** Any licensed dental hygienist who fails to renew his or her license on or before the
30 renewal date may apply to the board for renewal of his or her license within four years
31 subsequent to the date of the license expiration. To renew an expired license, the person shall
32 submit an application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and
33 submit satisfactory evidence of completion of at least thirty hours of continuing education for
34 each renewal period that his or her license was expired as provided by rule. The required hours
35 must be obtained within four years prior to renewal. The license of any dental hygienist who
36 fails to renew within four years of the time his or her license has expired shall be void. The
37 dental hygienist may reapply for a license; provided that, unless application is made under
38 section 332.281, the dental hygienist shall pay the same fees and be examined in the same
39 manner as an original applicant for licensure as a dental hygienist.

334.036. 1. For purposes of this section, the following terms shall mean:

- 2 (1) "Assistant physician", any medical school graduate who:
3 (a) Is a resident and citizen of the United States or is a legal resident alien;
4 (b) Has successfully completed Step 2 of the United States Medical Licensing
5 Examination or the equivalent of such step of any other board-approved medical licensing
6 examination within the three-year period immediately preceding application for licensure as an
7 assistant physician, or within three years after graduation from a medical college or osteopathic
8 medical college, whichever is later;
9 (c) Has not completed an approved postgraduate residency and has successfully
10 completed Step 2 of the United States Medical Licensing Examination or the equivalent of such
11 step of any other board-approved medical licensing examination within the immediately

12 preceding three-year period unless when such three-year anniversary occurred he or she was
13 serving as a resident physician in an accredited residency in the United States and continued to
14 do so within thirty days prior to application for licensure as an assistant physician; and

15 (d) Has proficiency in the English language.

16

17 Any medical school graduate who could have applied for licensure and complied with the
18 provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may
19 apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

20 (2) "Assistant physician collaborative practice arrangement", an agreement between a
21 physician and an assistant physician that meets the requirements of this section and section
22 334.037;

23 (3) "Medical school graduate", any person who has graduated from a medical college or
24 osteopathic medical college described in section 334.031.

25 2. (1) An assistant physician collaborative practice arrangement shall limit the assistant
26 physician to providing only primary care services and only in medically underserved rural or
27 urban areas of this state or in any pilot project areas established in which assistant physicians
28 may practice.

29 (2) For a physician-assistant physician team working in a rural health clinic under the
30 federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

31 (a) An assistant physician shall be considered a physician assistant for purposes of
32 regulations of the Centers for Medicare and Medicaid Services (CMS); and

33 (b) No supervision requirements in addition to the minimum federal law shall be
34 required.

35 3. (1) For purposes of this section, the licensure of assistant physicians shall take place
36 within processes established by rules of the state board of registration for the healing arts. The
37 board of healing arts is authorized to establish rules under chapter 536 establishing licensure and
38 renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such
39 other matters as are necessary to protect the public and discipline the profession. No licensure
40 fee for an assistant physician shall exceed the amount of any licensure fee for a physician
41 assistant. An application for licensure may be denied or the licensure of an assistant physician
42 may be suspended or revoked by the board in the same manner and for violation of the standards
43 as set forth by section 334.100, or such other standards of conduct set by the board by rule. No
44 rule or regulation shall require an assistant physician to complete more hours of continuing
45 medical education than that of a licensed physician. **The board shall give credit for continuing
46 education hours performed by an assistant physician on a volunteer basis working within
47 his or her professional scope of practice at a nonprofit entity. The board shall determine**

48 **how many hours of continuing education credit shall be given for each hour of**
49 **volunteering and specify the maximum number of continuing education credit hours that**
50 **shall be given for volunteer work under this subsection.**

51 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
52 under the authority delegated in this section shall become effective only if it complies with and
53 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
54 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
55 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
56 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
57 or adopted after August 28, 2014, shall be invalid and void.

58 (3) Any rules or regulations regarding assistant physicians in effect as of the effective
59 date of this section that conflict with the provisions of this section and section 334.037 shall be
60 null and void as of the effective date of this section.

61 4. An assistant physician shall clearly identify himself or herself as an assistant physician
62 and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall
63 practice or attempt to practice without an assistant physician collaborative practice arrangement,
64 except as otherwise provided in this section and in an emergency situation.

65 5. The collaborating physician is responsible at all times for the oversight of the
66 activities of and accepts responsibility for primary care services rendered by the assistant
67 physician.

68 6. The provisions of section 334.037 shall apply to all assistant physician collaborative
69 practice arrangements. Any renewal of licensure under this section shall include verification of
70 actual practice under a collaborative practice arrangement in accordance with this subsection
71 during the immediately preceding licensure period.

72 7. Each health carrier or health benefit plan that offers or issues health benefit plans that
73 are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant
74 physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis
75 that the health carrier or health benefit plan covers the service when it is delivered by another
76 comparable mid-level health care provider including, but not limited to, a physician assistant.

334.075. 1. The board shall not renew any certificate of registration unless the licensee
2 shall provide satisfactory evidence that he has complied with the board's minimum requirements
3 for continuing education. At the discretion of the board, compliance with the provisions of this
4 section may be waived for licensed physicians who have discontinued their practice of medicine
5 because of retirement.

6 **2. The board shall give credit for continuing education hours performed by a**
7 **licensee on a volunteer basis working within his or her professional scope of practice at a**

8 **nonprofit entity. The board shall determine how many hours of continuing education**
9 **credit shall be given for each hour of volunteering and specify the maximum number of**
10 **continuing education credit hours that shall be given for volunteer work under this**
11 **subsection.**

334.150. It is not intended by sections 334.010 to 334.140 to prohibit isolated or
2 occasional gratuitous service to and treatment of the afflicted, and sections 334.010 to 334.140
3 shall not apply to physicians and surgeons commissioned as officers of the Armed Forces of the
4 United States or of the public health services of the United States while in the performance of
5 their official duties, nor to any licensed practitioner of medicine and surgery in [~~a border~~]
6 **another** state attending the sick in this state, **including attending to the sick in a 501(c)(3)**
7 **organization located in this state**, if he **or she** does not maintain an office or appointed place
8 to meet patients or receive calls within the limits of this state, and if he **or she** complies with the
9 statutes of Missouri and the rules and regulations of the department of social services relating
10 to the reports of births, deaths and contagious diseases; and sections 334.010 to 334.140 shall
11 not apply to Christian Science practitioners who endeavor to cure or prevent disease or suffering
12 exclusively by spiritual means or prayer, so long as quarantine regulations relating to contagious
13 diseases are not infringed upon; but no provision of this section shall be construed or held in any
14 way to interfere with the enforcement of the rules and regulations adopted and approved by the
15 department of health and senior services or any municipality under the laws of this state for the
16 control of communicable or contagious diseases.

334.507. Each person licensed pursuant to sections 334.500 to 334.685 shall accumulate
2 thirty hours of continuing education every two years to be eligible for relicensure, as follows:

3 (1) Continuing education shall be obtained through courses approved by the Missouri
4 advisory commission for physical therapists and physical therapist assistants;

5 (2) Ten hours of continuing education shall be equivalent to one continuing education
6 unit;

7 (3) Adherence to the continuing education requirement shall be reviewed for licensure
8 renewal in each even-numbered year and shall include all approved continuing education courses
9 taken during the previous two years;

10 (4) **The board shall give credit for continuing education hours performed by a**
11 **licensee on a volunteer basis working within his or her professional scope of practice at a**
12 **nonprofit entity. The board shall determine how many hours of continuing education**
13 **credit shall be given for each hour of volunteering and specify the maximum number of**
14 **continuing education credit hours that shall be given for volunteer work under this**
15 **subsection.**

336.080. 1. Every licensed optometrist who continues in active practice or service shall, on or before the renewal date, renew his or her license and pay the required renewal fee and present satisfactory evidence to the board of his or her attendance for a minimum of thirty-two hours of board-approved continuing education, or their equivalent during the preceding two-year continuing education reporting period as established by rule and regulation. **The board shall give credit for continuing education hours performed by a optometrist on a volunteer basis working within his or her professional scope of practice at a nonprofit entity. The board shall determine how many hours of continuing education credit shall be given for each hour of volunteering and specify the maximum number of continuing education credit hours that shall be given for volunteer work under this subsection.** The continuing education requirement may be waived by the board upon presentation to it of satisfactory evidence of the illness of the optometrist or for other good cause as defined by rule and regulation. The board shall not reject any such application if approved programs are not available within the state of Missouri. Every license which has not been renewed on or before the renewal date shall expire.

2. Any licensed optometrist who permits his or her license to expire may renew it within five years of expiration upon payment of the required reactivation fee and presentation of satisfactory evidence to the board of his or her attendance for a minimum of forty-eight hours of board-approved continuing education, or their equivalent, during the five years.

337.050. 1. There is hereby created and established a "State Committee of Psychologists", which shall consist of seven licensed psychologists and one public member. The state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this section shall be construed to prevent the appointment of any current member of the state committee of psychologists to the new state committee of psychologists created on August 28, 1989.

2. Appointments to the committee shall be made by the governor upon the recommendations of the director of the division, upon the advice and consent of the senate. The division, prior to submitting nominations, shall solicit nominees from professional psychological associations and licensed psychologists in the state. The term of office for committee members shall be five years, and committee members shall not serve more than ten years. No person who has previously served on the committee for ten years shall be eligible for appointment. In making initial appointments to the committee, the governor shall stagger the terms of the appointees so that two members serve initial terms of two years, two members serve initial terms of three years, and two members serve initial terms of four years.

3. Each committee member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall, other than the public member, have been licensed as a

18 psychologist in this state for at least three years. Committee members shall reflect a diversity
19 of practice specialties. To ensure adequate representation of the diverse fields of psychology,
20 the committee shall consist of at least two psychologists who are engaged full time in the
21 doctoral teaching and training of psychologists, and at least two psychologists who are engaged
22 full time in the professional practice of psychology. In addition, the first appointment to the
23 committee shall include at least one psychologist who shall be licensed on the basis of a master's
24 degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall
25 be construed to prohibit full membership rights on the committee for psychologists licensed on
26 the basis of a master's degree. If a member of the committee shall, during the member's term as
27 a committee member, remove the member's domicile from the state of Missouri, then the
28 committee shall immediately notify the director of the division, and the seat of that committee
29 member shall be declared vacant. All such vacancies shall be filled by appointment of the
30 governor with the advice and consent of the senate, and the member so appointed shall serve for
31 the unexpired term of the member whose seat has been declared vacant.

32 4. The public member shall be at the time of the public member's appointment a citizen
33 of the United States; a resident of this state for a period of one year and a registered voter; a
34 person who is not and never was a member of any profession licensed or regulated pursuant to
35 sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and
36 never has had a material, financial interest in either the providing of the professional services
37 regulated by sections 337.010 to 337.093, or an activity or organization directly related to any
38 profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the
39 public member shall not include the determination of the technical requirements to be met for
40 licensure or whether any person meets such technical requirements or of the technical
41 competence or technical judgment of a licensee or a candidate for licensure.

42 5. The committee shall hold a regular annual meeting at which it shall select from among
43 its members a chairperson and a secretary. A quorum of the committee shall consist of a
44 majority of its members. In the absence of the chairperson, the secretary shall conduct the office
45 of the chairperson.

46 6. Each member of the committee shall receive, as compensation, an amount set by the
47 division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall
48 be entitled to reimbursement for necessary and actual expenses incurred in the performance of
49 the member's official duties.

50 7. Staff for the committee shall be provided by the director of the division of professional
51 registration.

52 8. The governor may remove any member of the committee for misconduct, inefficiency,
53 incompetency, or neglect of office.

54 9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the
55 division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to
56 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may
57 promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which
58 rules shall be based upon the ethical principles promulgated and published by the American
59 Psychological Association.

60 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
61 promulgated to administer and enforce sections 337.010 to 337.090, shall become effective only
62 if the agency has fully complied with all of the requirements of chapter 536 including but not
63 limited to section 536.028 if applicable, after August 28, 1998. All rulemaking authority
64 delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998,
65 however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted
66 and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the
67 provisions of this section are nonseverable and if any of the powers vested with the general
68 assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and
69 annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of
70 rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be
71 invalid and void, except that nothing in this act shall affect the validity of any rule adopted and
72 promulgated prior to August 28, 1998.

73 11. The committee may sue and be sued in its official name, and shall have a seal which
74 shall be affixed to all certified copies or records and papers on file, and to such other instruments
75 as the committee may direct. All courts shall take judicial notice of such seal. Copies of records
76 and proceedings of the committee, and of all papers on file with the division on behalf of the
77 committee certified under the seal shall be received as evidence in all courts of record.

78 12. When applying for a renewal of a license pursuant to section 337.030, each licensed
79 psychologist shall submit proof of the completion of at least forty hours of continuing education
80 credit within the two-year period immediately preceding the date of the application for renewal
81 of the license. The type of continuing education to be considered shall include, but not be
82 limited to:

83 (1) Attending recognized educational seminars, the content of which are primarily
84 psychological, as defined by rule;

85 (2) Attending a graduate level course at a recognized educational institution where the
86 contents of which are primarily psychological, as defined by rule;

87 (3) Presenting a recognized educational seminar, the contents of which are primarily
88 psychological, as defined by rule;

89 (4) Presenting a graduate level course at a recognized educational institution where the
90 contents of which are primarily psychological, as defined by rule; and

91 (5) Independent course of studies, the contents of which are primarily psychological,
92 which have been approved by the committee and defined by rule.

93

94 The committee shall determine by administrative rule the amount of training, instruction, self-
95 instruction or teaching that shall be counted as an hour of continuing education credit. **The**
96 **committee shall give credit for continuing education hours performed by a psychologist on**
97 **a volunteer basis working within his or her professional scope of practice at a nonprofit**
98 **entity. The board shall determine how many hours of continuing education credit shall be**
99 **given for each hour of volunteering and specify the maximum number of continuing**
100 **education credit hours that shall be given for volunteer work under this subsection.**

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