

CCR SS HCS HB 2046 -- PROFESSIONAL REGISTRATION

CORONER STANDARDS AND TRAINING COMMISSION (Section 58.035, RSMo)

This bill establishes the Coroner Standards and Training Commission which shall establish training standards relating to the operation, responsibilities, and technical skills of the office of county coroner. The membership of the Commission is set forth in the bill. The Commission shall issue a report to the General Assembly on the training standards once they are developed.

COUNTY CORONER SALARY (Section 58.095)

Currently, \$1,000 of a county coroner's salary shall only be payable if he or she completes at least 20 hours each year of classroom instruction relating to the operations of the coroner's office when approved by a professional association of county coroners of Missouri. This bill provides that the Coroners Standards and Training Commission shall establish and certify such training programs and their completion shall be submitted to the Missouri Coroners' and Medical Examiners' Association. Upon the Association's validation of certified training, it shall then submit the individual's name to the county treasurer and Department of Health and Senior Services indicating his or her compliance.

MISSOURI STATE CORONERS' TRAINING FUND (Sections 58.208 and 193.265)

This bill creates the Missouri State Coroners' Training Fund. For any death certificate issued, there will be a fee of \$1 deposited into the fund, which shall be used by the Missouri Coroners' and Medical Examiners' Association for the purpose of in-state training, equipment, and necessary supplies, and to provide aid to training programs approved by the Association. This fee shall be imposed and collected in addition to all other fees already being imposed and collected on the issuance of death certificates, resulting in the current total fee of \$13 being increased to \$14. Also, during states of emergency or disasters, local registrars may request reimbursement from the fund for copies of death certificates issued to individuals who are unable to afford the associated fees.

DEATH IN HOSPICE CARE (Sections 58.451 and 58.720)

When a death occurs under the care of a hospice, no investigation shall be required by a coroner or medical examiner, under this bill, if the death is certified by the treating physician of the deceased or the medical director of the hospice as a natural death due to disease or diagnosed illness. The hospice must give written

notice to the medical examiner or coroner within 24 hours of the death.

PHYSICIAN ASSISTANTS TO SERVE AS STAFF ON AMBULANCES (Sections 190.094, 190.105, 190.143, and 190.196)

Physician assistants may serve as staff on an ambulance. When attending a patient on an ambulance, the physician assistant shall be exempt from any mileage limitations in any collaborative practice arrangement prescribed under law.

ELECTRONIC DEATH REGISTRATION SYSTEM (Section 193.145)

If a coroner has not completed his or her training, the coroner cannot attest to the accuracy of a death certificate and no person elected or appointed to the office of coroner can assume such elected office until he or she has completed the training and received a certificate of completion. In the event a coroner is unable to fulfill his or her duties or is no longer qualified to sign a death certificate, the county sheriff will appoint a medical professional to attest death certificates until the coroner can resume signing them or until another coroner is appointed or elected.

PROFESSIONAL LICENSE RECIPROCITY (Section 324.009)

This bill makes changes to Section 324.009 from HCS HBs 1511 & 1452 regarding licensure by reciprocity, which was signed into law by the Governor on April 21, 2020.

The following individuals are currently excluded from the licensure by reciprocity provisions of Section 324.009: those with a certificate of license to teach in public schools; and those licensed by the Board of Registration for the Healing Arts, the Board of Nursing, the Board of Pharmacy, the State Committee of Psychologists, the Dental Board, the Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Architects, the Board of Optometry, or the Veterinary Medical Board.

This bill removes these exclusions and requires that licensure by reciprocity under Section 324.009 for these professions be the same as any other licensed profession in this state.

Currently, only a resident of Missouri, a resident military spouse, or a nonresident military spouse is eligible to apply for a license by reciprocity. The bill allows any person to apply and adds the requirement for all applicants that the applicant for licensure by reciprocity has had a license for at least one year in another

state, territory, or the District of Columbia. The applicant also must be licensed at the same practice level in the other jurisdiction. The bill removes the requirement that the jurisdiction that issued the applicant's license must have substantially similar or more stringent requirements than the licensure requirements in Missouri. Instead, the bill requires that the other jurisdiction must have minimum education requirements and, if applicable, work experience and clinical supervision requirements. If licensure in Missouri requires an examination on the law of Missouri before licensure, then an applicant can be required to take and pass an examination on the laws of Missouri before being granted a license by reciprocity.

The bill explicitly prevents licensure by reciprocity if an applicant has had his or her license revoked in another jurisdiction, is currently under investigation in another jurisdiction, or has a complaint pending in another jurisdiction, or if the applicant does not have a license in good standing in the other jurisdiction or has a criminal record that would disqualify the applicant in Missouri. If another jurisdiction has taken disciplinary action against an applicant, the oversight body must determine if the cause for the disciplinary action was corrected and the matter resolved. The oversight body may deny a license by reciprocity until the matter is resolved in the other jurisdiction. This bill removes a provision that would allow an applicant to be denied a license if granting a license by reciprocity would endanger the public health, safety, or welfare.

The provisions of licensure by reciprocity do not apply to a profession that has a licensing compact with another state. A license issued by reciprocity is valid only in Missouri and does not make a licensee eligible to be part of an interstate compact.

The provisions of the section will not apply to any of the occupations listed in subsection 6 of Section 290.257 or licensed electrical contractors.

FRESH START ACT (Section 324.012 and Sections 209.334, 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655, 334.920, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 339.040, 339.100, 339.511, 339.532, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230)

This bill establishes the Fresh Start Act of 2020.

Beginning January 1, 2021, no person shall be disqualified by a state licensing authority from pursuing or practicing in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the crime is directly related to the duties and responsibilities for the licensed occupation or the crime is violent or sexual in nature. The bill outlines criminal offenses that will be considered to be directly related to the duties and responsibilities of any licensed professions.

If an individual is charged with any of the crimes set forth in the bill and is convicted of the offense, or is found guilty of a lesser included offense, and is sentenced to a period of incarceration, such conviction shall only be considered by state licensing authorities as a disqualifying criminal offense that directly relates to the duties and responsibilities of a licensed profession for four years. However, this four year limitation does not apply to crimes that are violent or sexual in nature.

The bill requires licensing authorities to list criminal convictions that are directly related to the duties and responsibilities of the licensed occupation and determine whether an applicant with such a conviction will be denied a license based on the nature of the crime, the passage of time since the crime, the relationship of the crime to the occupation, and any evidence of rehabilitation.

An individual with a criminal record may petition a licensing authority at any time for a determination of whether they will be disqualified from receiving a license.

If a licensing authority denies an individual a license solely or in part because of the individual's prior criminal conviction, the licensing authority shall notify the individual in writing of the reasons for the denial, that the individual has the right to a hearing to challenge the decision, the earliest date the person may reapply for a license, and that evidence of rehabilitation may be considered upon reapplication. The Fresh Start Act does not apply to teachers; accountants; podiatrists; dentists; physicians and surgeons; nurses; pharmacists; real estate brokers, real estate salespersons, or real estate broker-salespersons; veterinarians; licensing requirements from the Director of the Division of Finance; or peace officers or other law enforcement personnel. The Fresh Start Act will apply to any new occupational license created after August 28, 2020.

Political subdivisions are prohibited from creating any new occupational licenses after August 28, 2020.

The bill removes provisions throughout statute that prevent licensure for crimes involving "moral turpitude" or that require "good moral character" and standardizes licensure language to refer to the provisions of the Fresh Start Act for the following professions: interpreters for the deaf; endowed care or nonendowed care cemeteries; registered geologists; boxing, wrestling, or martial arts contestants or staff; occupational therapists; licensed dietitians; massage therapists; registered interior designers; acupuncturists; tattooists; electrical contractors; private investigators; architects; professional engineers; professional land surveyors; professional landscape architects; barbers; cosmetologists and hairbraiders; chiropractors; dentists and dental hygienists; embalmers and funeral directors; anesthesiologist assistants; physical therapists; respiratory care therapists; optometrists; psychologists; behavior analysts; professional counselors; social workers and baccalaureate social workers; marital and family therapists; real estate brokers and real estate salespersons; real estate appraisers; nursing home administrators; speech pathologists and audiologists; hearing aid fitters and dealers; and athlete agents.

EXPANDED WORKFORCE ACCESS ACT (Section 324.025)

This bill creates the "Expanded Workforce Access Act of 2020". Beginning January 1, 2021, licensing authorities are required to grant a license to any applicant that has completed the 8th grade, completed a state- or 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. 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. These provisions do not apply to : asbestos workers, boilermakers, bricklayers, carpenters, cement masons, communications technicians, electricians, elevator constructors, glazier, ironworkers, general laborers, masons, operating engineers, linemen, groundmen, painters, plumbers, roofers, sheet metal workers, sprinkler fitters, truck drivers, or electrical contractors.

PROHIBITED USES OF OCCUPATIONAL FEES (Section 324.035)

Under this bill, no board, commission, or committee within the Division of Professional Registration, within the Department of Commerce and Insurance, shall utilize occupational fees for the purpose of offering continuing education classes.

A board, commission, or committee within the Division may use occupational licensure fees for the purpose of participating in conferences, seminars, or other outreach for the purposes of communicating information to licensees with respect to changes in policy, law, or regulations.

GUIDELINES FOR REGULATION OF CERTAIN OCCUPATIONS (Section 324.047)

This bill provides that nothing in current law regarding prospective regulation of professions shall be construed to change any requirement for an individual to hold current private certification as a condition of licensure or renewal of licensure, and shall not require a private certification organization to grant or deny private certification to any individual.

LICENSED ACCOUNTANTS (Section 326.277, 326.280, and 326.289)

This bill amends requirements to become a licensed accountant after June 30, 2021, to include a requirement that the applicant has completed at least 120 semester hours of college education with an accounting concentration. The bill removes a requirement that an applicant for licensure as an accountant be a resident in order to take the accountant examination. The bill allows the board to obtain specified information regarding peer review from any approved American Institute for Certified Public Accountants peer review program.

ATHLETIC TRAINERS (Sections 334.702 to 334.725)

This bill modifies provisions relating to athletic trainers. The bill requires an athletic trainer to be a health care professional. The bill also updates references of the "National Athletic Trainers' Association Board of Certification" to the "Board of Certification, Inc.".

The bill specifies that when billing a third party payer, an athletic trainer shall only bill for services within the scope of practice of a licensed athletic trainer.

This bill requires an athletic trainer to refer any individual whose medical condition is beyond the scope of their education, training, and competence to a licensed physician. If there is no improvement in an individual who has sustained an athletic injury within 21 days of initiation of treatment, or 10 visits, the athletic trainer shall refer the individual to a physician.

The practice of athletic training cannot include the reconditioning or rehabilitation of systemic neurologic or cardiovascular

injuries, conditions, or diseases, except for an athlete participating in a sanctioned amateur or professional sport or recreational sport activity under the supervision of a treating physician.

No person shall hold himself or herself out as practicing athletic training, by title or description, unless such person has been licensed.

Currently, the board is required to annually prepare a roster of athletic trainers and provide copies for a fee. The bill instead requires the board to make the roster available and does not require physical copies to be made. In addition, this bill removes the requirement that the board adopt an official seal.

The bill removes a requirement that a person seeking licensure as an athletic agent be a Missouri resident. The bill also requires an applicant to pass an examination by the Board of Certification, Inc..

The bill requires fees to be collected and deposited into the Board of Registration for the Healing Arts Fund in accordance with existing statutory requirements for other professions.

Currently, all athletic trainer licenses expire on January 30 of each year. This bill requires the Board to create an expiration schedule by rule.

The bill requires the Missouri Athletic Trainer Advisory Committee to be composed of six members, rather than five. Each member of the Committee shall be a resident of the state of Missouri for five years immediately preceding appointment, and remain a resident of Missouri throughout the term. The additional member shall be a member of the Board of Registration for the Healing Arts.

Currently, dentists, optometrists, and coaches or physical education instructors are exempt from athletic training licensing provisions. This bill removes those exemptions. The bill clarifies that athletic trainers from other nations or states performing their duties for their teams while in Missouri are only exempt from Missouri licensure requirements if they hold a valid credential in the other nation or state and their visit to Missouri does not exceed 30 days in one calendar year.

The bill changes a violation of athletic training licensure rules from a class C misdemeanor to a class B misdemeanor.

This bill adds a provision allowing the Board to deny a license or seek discipline if any person has practiced in the state of

Missouri while no longer certified as an athletic trainer by the Board of Certification, Inc.

This bill repeals a provision that allows Missouri residents who are actively engaged as an athletic trainer on September 28, 1983 to continue practicing for six months while they come into compliance with the athletic trainer licensure provisions.

OPTOMETRISTS (Section 336.080)

This bill requires optometrists to have two hours of continuing education in Missouri jurisprudence every two years, which can count toward their current required hours.

LICENSING OF PSYCHOLOGISTS (Sections 337.020 and 337.029)

Under current law, the State Committee of Psychologists cannot charge an application fee until the application has been approved, and if an application is denied, no application fee can be charged. This bill repeals such provision.

Current law permits a psychologist licensed in another jurisdiction that is a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement to receive a license in Missouri, as long as the psychologist otherwise meets the required criteria. This bill removes this path to licensure .

PSYCHOLOGIST CONTINUING EDUCATION REQUIREMENTS (Section 337.050)

Current law requires each licensed psychologist applying for a renewal of a license to submit proof of the completion of at least 40 hours of continuing education credit within the two-year period immediately preceding the date of the application for renewal.

This bill specifies that a minimum of three of the 40 hours of continuing education be dedicated to professional ethics.

CHARITABLE PHARMACIES (Section 338.220)

Current law sets forth classes of pharmacy permits or licenses. This bill establishes "charitable pharmacy" as a Class Q pharmacy.