

CCS SS#2 SCS HB 273 -- PROFESSIONAL REGISTRATION

This bill modifies provisions relating to professional registration.

LICENSURE RECIPROCITY (Sections 324.009 and 324.087, RSMo)

Current law provides that any person who for at least one year has held a valid, current license issued by another state, a U.S. territory, or the District of Columbia, which allows the person to legally practice an occupation or profession in such jurisdiction may apply for an equivalent Missouri license through the appropriate oversight body, subject to procedures and limitations provided in current law.

This bill allows any person who holds a valid, current license issued by a branch or unit of the military to also apply for an equivalent Missouri license.

This bill also adopts the Occupational Therapy Licensure Compact.

DISQUALIFICATION FOR LICENSURE (Section 324.012)

Currently, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This bill requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This bill also removes an exemption for certain licensing authorities listed in current law from the petition requirements.

This bill also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start Act of 2020.

DIETITIANS (Section 324.200 and 324.206)

Current law provides that, for purposes of provisions of law regulating the practice of nutrition and dietetics, "medical nutrition therapy" shall mean nutritional diagnostic, therapy, and counseling services furnished by a registered dietitian or registered dietitian nutritionist. This bill modifies the definition of "medical nutrition therapy" to mean the provision of nutrition care services for the treatment or management of a disease or medical condition.

This bill specifies that no provision of law governing licensed

dietitians shall interfere with any person credentialed in the field of nutrition providing advice, counseling, or evaluations related to food, diet, or nutrition within his or her scope of practice if such services do not constitute medical nutrition therapy under the Dietitian Practice Act. Prior to performing any service to which the law governing licensed dietitians does not apply under the bill, a credentialed non-dietitian shall provide his or her name, title, business address and telephone number, a statement that he or she is not a licensed dietitian, a statement that his or her information or advice may constitute alternative care, and his or her qualifications.

ARCHITECTS, ENGINEERS, AND LANDSCAPE ARCHITECTS (Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612)

Current law sets forth the practice of an architect in Missouri as any person who renders or offers to render or represent himself or herself as willing or able to render service or creative work which requires architectural education, training and experience.

This bill modifies the practice of architecture to include the rendering or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part, which have as their principal purpose human occupancy or habitation. The bill sets forth the services that may be included in the practice of architecture. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

Current law prohibits any person from practicing architecture in Missouri unless and until such person is licensed or certificated to practice architecture in the state. Current law also exempts certain persons from this requirement.

This bill repeals provisions exempting persons who render architectural service in connection with the construction, remodeling, or repairing of certain commercial or industrial buildings or structures or structures containing less than 2,000 square feet. All other persons exempt from the licensing requirement may engage in the practice of architecture, provided such person does not use the title "architect" or other terms specified in the bill that indicate or imply that such person is or holds himself or herself out to be an architect. This bill also exempts any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes from the licensing requirement.

Current law also exempts any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building specified in the bill, provided such person indicates on any documents furnished in connection with such services that the person is not a licensed architect. This bill repeals certain privately owned buildings from the list of buildings such person may provide services for, and adds any one building which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than 2,000 square feet and is not part of another building structure.

Currently, any person is permitted to apply for licensure as an architect who holds a certified Intern Development Program record with the National Council of Architectural Registration Boards. This bill specifies that such person may also hold a certified Architectural Experience Program record.

Current law prohibits any person from practicing as a professional engineer in Missouri unless and until such person is licensed or certificated to practice engineering in the state. Current law also exempts certain persons from this requirement, including any person who is a regular full-time employee of a person, who performs professional engineering work for the person's employer if certain conditions are met.

This bill prohibits such exempted persons from using the title "professional engineer" or other terms set forth in the bill that indicate or imply that such person is or holds himself or herself out to be a professional engineer. This bill also exempts any person who renders professional engineering services in connection with the construction, remodeling, or repairing of any privately owned building, as specified in the bill, so long as the person rendering such type of services indicates on any documents furnished in connection with such services that the person is not a licensed professional engineer. Any person who renders engineering services in connection with the remodeling of any privately owned, multiple family dwelling house, flat, or apartment containing three or four families is also exempt, provided certain conditions are met, as is any person who renders professional engineering services in connection with a building or structure used exclusively for agriculture.

This bill repeals provisions in current law requiring any person entitled to be licensed as a professional engineer to be licensed within four years after the date on which he or she is entitled to be licensed, and providing that if such person is not licensed within that time, the Engineering Division of the Board may require him or her to take and satisfactorily pass an examination before

issuing him or her a license.

Current law permits any person who is of good moral character, 21 years of age, who has a degree in landscape architecture, and has at least three years of landscape architectural experience to apply to the Board for licensure as a professional landscape architect.

This bill repeals the age requirement and also provides that an applicant who may not have a degree in landscape architecture may instead have an education which, in the opinion of the Board, equals or exceeds the education received by a graduate of an accredited school. This bill also requires an applicant to have taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards.

SHAMPOOING (Section 329.034)

This bill prohibits the Division of Professional Registration from requiring a license if a person engages solely in shampooing under the supervision of a licensed barber or cosmetologist.

PSYCHOLOGISTS (Section 337.068)

Currently, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license. This bill includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

This bill specifies that a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated.

REAL ESTATE LICENSEES (Section 339.100 and 339.150)

This bill specifies that the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal

manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated. The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this act.

This bill allows a real estate broker to pay compensation directly to a business entity, as defined in the bill, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee.

INSURANCE PRODUCERS (Section 375.029)

This bill specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of Commerce and Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements.

UNIFORM ATHLETES AGENT ACT (436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 326.245, 436.248, 436.254, 436.260, 436.263, 436.266, 436.257)

This bill modifies provisions of the Uniform Athlete Agents Act.

Current law defines an athlete agent as an individual who enters into an agency contract with a student athlete or recruits or solicits a student athlete to enter into an agency contract.

This bill defines an athlete agent as an individual who directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization. An athlete agent shall also mean a person providing certain services to a student athlete, as specified in the bill, including serving the student in an

advisory capacity on a matter related to finance, business pursuits, or career management decisions, unless such person is an employee of an educational institution acting exclusively as an employee of the institution.

An athlete agent shall not include an individual who acts solely on behalf of a professional sports team or organization, or is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless such person meets certain requirements specified in the bill.

This bill requires an applicant for registration as an athlete agent to submit an application to the Director of the Division of Professional Registration within the Department of Commerce and Insurance that shall be in the name of an individual and shall include certain information specified in the bill, including each social media account with which the applicant or the applicant's business or employer is affiliated.

An applicant who is registered as an athlete agent in another state may apply for registration as an athlete agent, by submitting certain information to the Director.

The Director shall issue a certificate of registration to an applicant registered in another state who applies for registration under these provisions, if the Director determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements of these provisions, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state.

The Director shall cooperate with any national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form, and to determine which states have laws substantially similar to or more restrictive than this bill. The Director shall also exchange any information related to actions taken against registered athlete agents or their registrations with such organizations.

An athlete agent registered under the provisions of this bill may renew his or her registration as specified in the bill or, if the registration in the other state has been renewed, by submitting to the Director copies of the application for renewal in the other state and the renewed registration from the other state. The Director shall renew the registration if he or she determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the

requirements of this bill, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state.

An agency contract shall contain a statement that the athlete agent is registered as an athlete agent in this state and shall include a list of any other states in which the athlete is registered as an athlete agent.

This bill modifies the text required in an agency contract, and requires such contract to be accompanied by a separate record signed by the student athlete or, if the student athlete is a minor, by the parent or guardian of a student athlete acknowledging that signing the contract may result in the loss of the student athlete's eligibility to participate in the student athlete's sport.

If an agency contract is voided, by a student athlete, or by the parent or guardian of a minor student athlete, any consideration received by the student athlete from the athlete agent under the contract shall not be required to be returned.

If a student athlete is a minor, an agency contract shall be signed by the parent or guardian of the minor.

If an athlete agent enters into an agency contract with a student athlete, and the student athlete then enrolls in an educational institution, such athlete agent shall notify the athletic director of the institution of the existence of a contract within 72 hours of learning the student has enrolled.

If an athlete agent has a relationship with a student athlete before such student enrolls in an educational institution and receives a scholarship, the athlete agent shall notify the athletic director of the institution of such relationship within 10 days of enrollment.

An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with the student athlete in an attempt to influence such student to enter into an agency contract, or another individual to have such person influence the student to enter into an agency contract.

If a communication or attempted communication is initiated by a student athlete or another individual on behalf of the student athlete, the athlete agent shall give notice in a record to the athletic director at the educational institution at which the

student athlete is enrolled within 10 days of the communication.

An educational institution that becomes aware of a violation of these provisions by an athlete agent shall notify the Director of the violation and any professional league or players' association with which the educational institution is aware the agent is licensed or registered.

An athlete agent shall not intentionally provide any student athlete with false information with the intent to influence such athlete to enter into an agency contract, nor shall any agent furnish anything of value to an individual if to do so may result in the loss of the student athlete's eligibility to participate in a sport unless certain requirements are met.

An athlete agent also may not intentionally initiate contact, directly or indirectly, with a student athlete to recruit or solicit the student athlete to enter into an agency contract, encourage another individual to perform any of the actions set forth in the bill, or encourage another individual to assist any other individual performing the listed acts.

An educational institution or a student athlete, under this bill, may bring an action for damages against an athlete agent if the institution or athlete is adversely affected, as defined in the bill, by an act or omission of the athlete agent. This bill repeals the provision allowing a former student athlete to bring an action for damages.

This bill repeals provisions of current law setting forth the damages that may be claimed by an educational institution. This bill specifies that a plaintiff who prevails in an action under this bill may recover actual damages, costs, and reasonable attorney's fees. An athlete agent found liable under this bill forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the athlete agent by or on behalf of the student athlete.

Any violation of this bill shall be considered an unfair trade practice.

Any individual who violates the provisions of this bill shall be guilty of a Class A misdemeanor. Any individual who commits a knowing violation shall be guilty of a Class E felony. Any such person shall also be liable for a civil penalty up to \$100,000.

This bill repeals the provision providing that the commission of certain acts by an athlete agent shall be a Class B misdemeanor.

PHARMACISTS (Section 338.010 and 338.730)

This amendment allows a pharmacist to dispense medication for HIV postexposure prophylaxis subject to a written protocol authorized by a licensed physician. Such prophylaxis shall include drugs approved by The Food and Drug Administration that meet the same clinical eligibility recommendations provided in current HIV guidelines published by The Centers for Disease Control and Prevention. The State Board of Registration for the Healing Arts and The State Board of Pharmacy shall jointly promulgate rules and regulations for the administration of this provision and shall not do so separately.