

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Bill No. 478, Page 1, Line 1, by and inserting after the number "478," the following:

"Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"324.001. 1. For the purposes of this section, the following terms mean:

(1) "Department", the department of commerce and insurance;

(2) "Director", the director of the division of professional registration; and

(3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of commerce and insurance as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to

Action Taken _____ Date _____

1 support workforce planning and policy development. Such information shall not be publicly
2 disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each
3 board or commission shall issue the original license or certificate.

4 4. The division shall provide clerical and other staff services relating to the issuance and
5 renewal of licenses for all the professional licensing and regulating boards and commissions
6 assigned to the division. The division shall perform the financial management and clerical functions
7 as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of
8 licenses and certificates" means the ministerial function of preparing and delivering licenses or
9 certificates, and obtaining material and information for the board or commission in connection with
10 the renewal thereof to include verifying if the applicant has submitted all required documentation
11 and that the documentation is legible. It does not include any discretionary authority with regard to
12 the original review of an applicant's qualifications for licensure or certification, or the subsequent
13 review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated
14 against the licensee or certificate holder. The division may develop and implement microfilming
15 systems and automated or manual management information systems.

16 5. The director of the division shall maintain a system of accounting and budgeting, in
17 cooperation with the director of the department, the office of administration, and the state auditor's
18 office, to ensure proper charges are made to the various boards for services rendered to them. The
19 general assembly shall appropriate to the division and other state agencies from each board's funds
20 moneys sufficient to reimburse the division and other state agencies for all services rendered and all
21 facilities and supplies furnished to that board.

22 6. For accounting purposes, the appropriation to the division and to the office of
23 administration for the payment of rent for quarters provided for the division shall be made from the
24 "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the
25 purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it
26 from each board's fund. Each board shall contribute a prorated amount necessary to fund the
27 division for services rendered and rent based upon the system of accounting and budgeting
28 established by the director of the division as provided in subsection 5 of this section. Transfers of
29 funds to the professional registration fees fund shall be made by each board on July first of each
30 year; provided, however, that the director of the division may establish an alternative date or dates
31 of transfers at the request of any board. Such transfers shall be made until they equal the prorated
32 amount for services rendered and rent by the division. The provisions of section 33.080 to the
33 contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of
34 general revenue.

35 7. The director of the division shall be responsible for collecting and accounting for all
36 moneys received by the division or its component agencies. Any money received by a board or
37 commission shall be promptly given, identified by type and source, to the director. The director
38 shall keep a record by board and state accounting system classification of the amount of revenue the
39 director receives. The director shall promptly transmit all receipts to the department of revenue for

1 deposit in the state treasury to the credit of the appropriate fund. The director shall provide each
2 board with all relevant financial information in a timely fashion. Each board shall cooperate with
3 the director by providing necessary information.

4 8. All educational transcripts, test scores, complaints, investigatory reports, and information
5 pertaining to any person who is an applicant or licensee of any agency assigned to the division of
6 professional registration by statute or by the department are confidential and may not be disclosed to
7 the public or any member of the public, except with the written consent of the person whose records
8 are involved. The agency which possesses the records or information shall disclose the records or
9 information if the person whose records or information is involved has consented to the disclosure.
10 Each agency is entitled to the attorney-client privilege and work-product privilege to the same
11 extent as any other person. Provided, however, that any board may disclose confidential
12 information without the consent of the person involved in the course of voluntary interstate
13 exchange of information, or in the course of any litigation concerning that person, or pursuant to a
14 lawful request, or to other administrative or law enforcement agencies acting within the scope of
15 their statutory authority. Information regarding identity, including names and addresses,
16 registration, and currency of the license of the persons possessing licenses to engage in a
17 professional occupation and the names and addresses of applicants for such licenses is not
18 confidential information.

19 9. Any deliberations conducted and votes taken in rendering a final decision after a hearing
20 before an agency assigned to the division shall be closed to the parties and the public. Once a final
21 decision is rendered, that decision shall be made available to the parties and the public.

22 10. A compelling governmental interest shall be deemed to exist for the purposes of section
23 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any
24 agency assigned to the division of professional registration is reasonably expected to exceed an
25 amount that would require transfer from that fund to general revenue.

26 11. (1) The following boards and commissions are assigned by specific type transfers to the
27 division of professional registration: Missouri state board of accountancy, chapter 326; board of
28 cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,
29 professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri
30 state board of chiropractic examiners, chapter 331; state board of registration for the healing arts,
31 chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors,
32 chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335;
33 board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate
34 appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The
35 governor shall appoint members of these boards by and with the advice and consent of the senate.

36 (2) The boards and commissions assigned to the division shall exercise all their respective
37 statutory duties and powers, except those clerical and other staff services involving collecting and
38 accounting for moneys and financial management relating to the issuance and renewal of licenses,
39 which services shall be provided by the division, within the appropriation therefor. Nothing herein

1 shall prohibit employment of professional examining or testing services from professional
2 associations or others as required by the boards or commissions on contract. Nothing herein shall be
3 construed to affect the power of a board or commission to expend its funds as appropriated.
4 However, the division shall review the expense vouchers of each board. The results of such review
5 shall be submitted to the board reviewed and to the house and senate appropriations committees
6 annually.

7 (3) Notwithstanding any other provisions of law, the director of the division shall exercise
8 only those management functions of the boards and commissions specifically provided in the
9 Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel
10 other than board personnel, and equipment.

11 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331,
12 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and
13 responsibilities are in areas not related to the clerical duties involving the issuance and renewal of
14 licenses, to the collecting and accounting for moneys, or to financial management relating to
15 issuance and renewal of licenses; specifically included are executive secretaries (or comparable
16 positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these
17 positions; and such other positions as are established and authorized by statute for a particular board
18 or commission. Boards and commissions may employ legal counsel, if authorized by law, and
19 temporary personnel if the board is unable to meet its responsibilities with the employees authorized
20 above. Any board or commission which hires temporary employees shall annually provide the
21 division director and the appropriation committees of the general assembly with a complete list of
22 all persons employed in the previous year, the length of their employment, the amount of their
23 remuneration, and a description of their responsibilities.

24 (5) Board personnel for each board or commission shall be employed by and serve at the
25 pleasure of the board or commission, shall be supervised as the board or commission designates, and
26 shall have their duties and compensation prescribed by the board or commission, within
27 appropriations for that purpose, except that compensation for board personnel shall not exceed that
28 established for comparable positions as determined by the board or commission pursuant to the job
29 and pay plan of the department of commerce and insurance. Nothing herein shall be construed to
30 permit salaries for any board personnel to be lowered except by board action.

31 12. All the powers, duties, and functions of the division of athletics, chapter 317, and others,
32 are assigned by type I transfer to the division of professional registration.

33 13. Wherever the laws, rules, or regulations of this state make reference to the division of
34 professional registration of the department of economic development, such references shall be
35 deemed to refer to the division of professional registration.

36 14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state
37 committee of psychologists, state board of chiropractic examiners, state board of optometry,
38 Missouri board of occupational therapy, or state board of registration for the healing arts may
39 individually or collectively enter into a contractual agreement with the department of health and

1 senior services, a public institution of higher education, or a nonprofit entity for the purpose of
2 collecting and analyzing workforce data from its licensees, registrants, or permit holders for future
3 workforce planning and to assess the accessibility and availability of qualified health care services
4 and practitioners in Missouri. The boards shall work collaboratively with other state governmental
5 entities to ensure coordination and avoid duplication of efforts.

6 (2) The boards may expend appropriated funds necessary for operational expenses of the
7 program formed under this subsection. Each board is authorized to accept grants to fund the
8 collection or analysis authorized in this subsection. Any such funds shall be deposited in the
9 respective board's fund.

10 (3) Data collection shall be controlled and approved by the applicable state board
11 conducting or requesting the collection. Notwithstanding the provisions of [~~sections 324.010 and~~
12 section 334.001], the boards may release identifying data to the contractor to facilitate data analysis
13 of the health care workforce including, but not limited to, geographic, demographic, and practice or
14 professional characteristics of licensees. The state board shall not request or be authorized to collect
15 income or other financial earnings data.

16 (4) Data collected under this subsection shall be deemed the property of the state board
17 requesting the data. Data shall be maintained by the state board in accordance with chapter 610,
18 provided that any information deemed closed or confidential under subsection 8 of this section or
19 any other provision of state law shall not be disclosed without consent of the applicable licensee or
20 entity or as otherwise authorized by law. Data shall only be released in an aggregate form by
21 geography, profession or professional specialization, or population characteristic in a manner that
22 cannot be used to identify a specific individual or entity. Data suppression standards shall be
23 addressed and established in the contractual agreement.

24 (5) Contractors shall maintain the security and confidentiality of data received or collected
25 under this subsection and shall not use, disclose, or release any data without approval of the
26 applicable state board. The contractual agreement between the applicable state board and contractor
27 shall establish a data release and research review policy to include legal and institutional review
28 board, or agency-equivalent, approval.

29 (6) Each board may promulgate rules subject to the provisions of this subsection and chapter
30 536 to effectuate and implement the workforce data collection and analysis authorized by this
31 subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
32 under the authority delegated in this section shall become effective only if it complies with and is
33 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
34 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
35 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
36 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
37 August 28, 2016, shall be invalid and void."; and

38
39 Further amend said bill,"; and

Further amend said amendment and page, Line 4 by deleting all of said line the following:

""324.009. 1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational speciality that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;

(3) "Missouri law enforcement officer", any person employed by or otherwise serving in a position for the state or a local governmental entity as a police officer, peace officer certified under chapter 590, auxiliary police officer, sheriff, sheriff's deputy, member of the patrol as that term is defined in section 43.010, or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life and who is a permanent resident of the state of Missouri or who is domiciled in the state of Missouri;

(4) "Nonresident military or law enforcement spouse"[];

(a) A nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis; or

(b) A nonresident spouse of a person residing outside the state who has accepted an offer of employment from the state or a local governmental entity in the state and who will become a Missouri law enforcement officer upon the commencement of such employment;

~~[(4)]~~ (5) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

~~[(5)]~~ (6) "Resident military or law enforcement spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record or a spouse of a Missouri law enforcement officer.

2. Any person who holds a valid current license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a license in Missouri in the same occupation or profession, and at the same practice level, for which he or she holds the current license, along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction, to the relevant oversight body in this state.

1 3. The oversight body in this state shall:

2 (1) Within six months of receiving an application described in subsection 2 of this section,
3 waive any examination, educational, or experience requirements for licensure in this state for the
4 applicant if it determines that there were minimum education requirements and, if applicable, work
5 experience and clinical supervision requirements in effect and the other state verifies that the person
6 met those requirements in order to be licensed or certified in that state. An oversight body that
7 administers an examination on laws of this state as part of its licensing application requirement may
8 require an applicant to take and pass an examination specific to the laws of this state; or

9 (2) Within thirty days of receiving an application described in subsection 2 of this section
10 from a nonresident military or law enforcement spouse or a resident military or law enforcement
11 spouse, waive any examination, educational, or experience requirements for licensure in this state
12 for the applicant and issue such applicant a license under this section if such applicant otherwise
13 meets the requirements of this section.

14 4. (1) The oversight body shall not waive any examination, educational, or experience
15 requirements for any applicant who has had his or her license revoked by an oversight body outside
16 the state; who is currently under investigation, who has a complaint pending, or who is currently
17 under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight
18 body outside the state; who does not hold a license in good standing with an oversight body outside
19 the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or
20 who does not hold a valid current license in the other jurisdiction on the date the oversight body
21 receives his or her application under this section.

22 (2) If another jurisdiction has taken disciplinary action against an applicant, the oversight
23 body shall determine if the cause for the action was corrected and the matter resolved. If the matter
24 has not been resolved by that jurisdiction, the oversight body may deny a license until the matter is
25 resolved.

26 5. Nothing in this section shall prohibit the oversight body from denying a license to an
27 applicant under this section for any reason described in any section associated with the occupation
28 or profession for which the applicant seeks a license.

29 6. Any person who is licensed under the provisions of this section shall be subject to the
30 applicable oversight body's jurisdiction and all rules and regulations pertaining to the practice of the
31 licensed occupation or profession in this state.

32 7. This section shall not be construed to waive any requirement for an applicant to pay any
33 fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the
34 applicant seeks.

35 8. This section shall not apply to business, professional, or occupational licenses issued or
36 required by political subdivisions.

37 9. The provisions of this section shall not impede an oversight body's authority to require an
38 applicant to submit fingerprints as part of the application process.

1 10. ~~[The provisions of this section shall not apply to an oversight body that has entered into~~
 2 ~~a licensing compact with another state for the regulation of practice under the oversight body's~~
 3 ~~jurisdiction.]~~ The provisions of this section shall not be construed to alter the authority granted by,
 4 or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted
 5 by Missouri statute or any reciprocity agreements with other states in effect ~~[on August 28, 2018]~~,
 6 and whenever possible this section shall be interpreted so as to imply no conflict between it and any
 7 compact, or any reciprocity agreements with other states in effect ~~[on August 28, 2018]~~.

8 11. Notwithstanding any other provision of law, a license issued under this section shall be
 9 valid only in this state and shall not make a licensee eligible to be part of an interstate compact. An
 10 applicant who is licensed in another state pursuant to an interstate compact shall not be eligible for
 11 licensure by an oversight body under the provisions of this section.

12 12. The provisions of this section shall not apply to any occupation set forth in subsection 6
 13 of section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.

14 337.600. As used in sections 337.600 to 337.689, the following terms mean:"; and"

15
 16 Further amend said amendment, Page 11, Line 16, by deleting all of said line and inserting in lieu
 17 thereof the following:

18
 19 "subsection 1 of this section or with the provisions of subsection 2 of this section.

20 337.647. 1. The committee shall develop a school social work program verification and
 21 acknowledgment of completion for individuals who have met the requirements set forth in this
 22 section.

23 2. The committee shall issue a document similar to the document described in subsection 2
 24 of section 173.1400 to any individual who:

25 (1) Submits an application to the board;

26 (2) Holds a credential in school social work issued by a nationally recognized credentialing
 27 organization in social work, or demonstrates competency in school social work by successful
 28 passage of a school social worker exam approved by the committee;

29 (3) Holds a license issued by the committee; and

30 (4) Submits the fee as required by rule of the committee.

31 3. The committee shall promulgate rules and shall charge fees necessary to implement this
 32 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 33 under the authority delegated in this section shall become effective only if it complies with and is
 34 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 35 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 36 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 37 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 38 August 28, 2012, shall be invalid and void.

1 4. Notwithstanding any provision of law to the contrary, any school social work program
 2 verification and acknowledgment of completion issued by the committee under subsection 2 of this
 3 section shall not be deemed a license, certificate, registration or permit for any purpose, and such
 4 documents convey no authority to practice social work in Missouri and convey no authority to use
 5 any social work title in Missouri. Each school social work program verification and
 6 acknowledgment of completion issued by the committee under subsection 2 of this section shall
 7 state on its face that it:

- 8 (1) Is not a license, certificate, registration or permit;
- 9 (2) Conveys no authority to practice social work in Missouri; and
- 10 (3) Conveys no authority to use any social work title in Missouri.

11 5. Notwithstanding any provision of law to the contrary, school social work program
 12 verification and acknowledgment of completion issued by the committee under subsection 2 of this
 13 section shall not:

- 14 (1) Expire;
- 15 (2) Be subject to renewal;
- 16 (3) Be subject to denial or discipline under section 337.630; or
- 17 (4) ~~[Be subject to suspension under section 324.010; or~~
- 18 ~~(5)]~~ Be subject to any other action to which professional licenses may be subjected.

19 345.050. To be eligible for licensure by the board by examination, each applicant shall
 20 submit the application fee and shall furnish evidence of such person's current competence and shall:

- 21 (1) Hold a master's or a doctoral degree from a program that was awarded "accreditation
 22 candidate" status or is accredited by the Council on Academic Accreditation of the American
 23 Speech-Language-Hearing Association or other accrediting agency approved by the board in the
 24 area in which licensure is sought;
- 25 (2) Submit official transcripts from one or more accredited colleges or universities
 26 presenting evidence of the completion of course work and clinical practicum requirements
 27 equivalent to that required by the Council on Academic Accreditation of the American Speech-
 28 Language-Hearing Association or other accrediting agency approved by the board;
- 29 (3) Present written evidence of completion of a clinical fellowship from supervisors. The
 30 experience required by this subdivision shall follow the completion of the requirements of
 31 subdivisions (1) and (2) of this section. This period of employment shall be under the direct
 32 supervision of a ~~[person who is]~~ licensed ~~[by the state of Missouri in the profession in which the~~
 33 ~~applicant seeks to be licensed]~~ speech-language pathologist in good standing. Persons applying with
 34 an audiology clinical doctoral degree are exempt from this provision; and
- 35 (4) Pass an examination promulgated or approved by the board. The board shall determine the
 36 subject and scope of the examinations.

37
 38 ~~[324.010. All governmental entities issuing professional licenses,~~
 39 ~~certificates, registrations, or permits pursuant to sections 209.319 to 209.339,~~
 40 ~~sections 214.270 to 214.516, sections 256.010 to 256.453, section 375.014,~~
 41 ~~sections 436.005 to 436.071, and chapter 317 and chapters 324 to 346 shall~~

1 provide the director of revenue with the name and Social Security number of each
2 applicant for licensure with or licensee of such entities within one month of the
3 date the application is filed or at least one month prior to the anticipated renewal
4 of a licensee's license. If such licensee is delinquent on any state taxes or has
5 failed to file state income tax returns in the last three years, the director shall then
6 send notice to each such entity and licensee. In the case of such delinquency or
7 failure to file, the licensee's license shall be suspended within ninety days after
8 notice of such delinquency or failure to file, unless the director of revenue verifies
9 that such delinquency or failure has been remedied or arrangements have been
10 made to achieve such remedy. The director of revenue shall, within ten business
11 days of notification to the governmental entity issuing the professional license that
12 the delinquency has been remedied or arrangements have been made to remedy
13 such delinquency, send written notification to the licensee that the delinquency has
14 been remedied. Tax liability paid in protest or reasonably founded disputes with
15 such liability shall be considered paid for the purposes of this section.]

16
17 [339.845. If the commission receives a notice of delinquent taxes from the
18 director of revenue under the provisions of section 324.010 regarding a real estate
19 broker or salesperson, the commission shall immediately send a copy of such
20 notice to the real estate broker with which the real estate broker or salesperson is
21 associated.]; and"; and

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.

25
26 THIS AMENDS 1509H01.02H