

HB 834 -- PROFESSIONAL REGISTRATION (Farnan)

COMMITTEE OF ORIGIN: Standing Committee on Professional
Registration and Licensing

EMERGENCY SUSPENSION OF LICENSES (Sections 324.263 and 331.084)

This bill specifies that the Board of Therapeutic Massage and the Board of Chiropractic Examiners can apply to the Administrative Hearing Commission (AHC) for an emergency suspension or restriction of a license for a licensed massage therapist or a licensed chiropractor if the licensee is the subject of a pending criminal indictment or other criminal charge related to the duties and responsibilities of the licensed occupation, and there is reasonable cause to believe that the public health, safety, or welfare is at imminent risk of harm.

Within five days of receipt of the complaint, the AHC must conduct a review and, if the AHC determines there is reasonable cause for the Board's complaint, enter the order requested by the Board. The order will be effective upon personal service or delivery of a copy at all of the licensee's addresses on file with the Board. The AHC must then hold an evidentiary hearing on the record within 45 days of the Board's filing or upon final adjudication of the criminal charges to determine if the initial order entered by the AHC will continue in effect and whether a cause for discipline exists.

EMBALMERS (Section 333.041)

The bill provides that a practicum embalming student licensee may assist, under the direct supervision of a licensed embalmer, in a licensed funeral establishment after approval by the State Board of Embalmers and Funeral Directors (Board), within the Division of Professional Registration, but cannot assist when not under supervision.

This bill repeals the current requirements to become a licensed embalmer and replaces them with new requirements.

In the bill, an applicant for an embalmer license must provide evidence to the Board that he or she:

- (1) Is eighteen years of age or older;
- (2) Possesses a high school diploma, a general equivalency diploma, or equivalent, as determined, at its discretion, by the Board;

(3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the Board;

(4) Received passing scores on the National Board Examination-Sciences and the Missouri law examination administered by the International Conference of Funeral Service Examining Boards, any successor organization, or other organization approved by the Board; and

(5) Has been employed in a qualifying embalmer's apprentice program for six months and has personally embalmed at least 25 dead human bodies under the supervision of a licensed embalmer. The first 12 embalmings must be conducted under the direct supervision of the licensed embalmer.

Upon written request to the Board, any person licensed under this section may, at his or her election, sit for the National Board Examination-Arts administered by the International Conference of Funeral Service Examining Boards, any successor organization, or other organization approved by the Board.

Currently, if an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer is automatically canceled. The applicant is required to file a new application and pay applicable fees. The applicant cannot use the previous apprenticeship for the new application. This bill repeals that provision.

The bill adds the requirement to pass the Missouri law examination in order to become a licensed embalmer.

Currently, if any applicant fails to pass the national board examination of the Conference of Funeral Service Examining, he or she may retake the examination at the next regular examination meeting. The applicant must notify the Board office of his or her desire to retake the examination at least 30 days prior to the date of the examination. Each time the examination is retaken, the applicant must pay a new examination fee in an amount established by the Board. This bill removes the 30 day requirement and specifies that the examination is the National Board Examination-Arts. The bill repeals a provision requiring the Board to hold the examinations at least twice a year.

FUNERAL DIRECTORS (Section 333.042)

This bill repeals the current requirements to become a licensed funeral director and replaces them with new requirements.

In the bill, an applicant for a funeral director license must provide evidence to the Board that he or she is 18 years of age or older and possesses a high school diploma or the equivalent thereof and has either:

(1) Completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the Board and received passing scores on the National Board Examination- Arts and the Missouri law examination. The Board can accept, in lieu of a passing score on the National Board Examination-Arts, a passing score on an administration of the Missouri arts examination that occurred before the International Conference of Funeral Service Examining Boards ended all administrations of the Missouri arts examination on January 1, 2023; or

(2) Made application for a funeral director provisional license and successfully either:

(a) Within 24 months of receipt of the provisional license:

(i) Completed a 12 month qualifying funeral director apprentice program as determined by the board during which the applicant arranged and conducted 10 funeral services. The program must be under the personal supervision of a licensed funeral director in a Missouri funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state; and

(ii) Received passing scores on the National Board Examination-Arts and the Missouri law examination. The Board can accept, in lieu of a passing score on the National Board Examination-Arts, a passing score on an administration of the Missouri arts examination that occurred before the International Conference of Funeral Service Examining Boards ended all administrations of the Missouri arts examination on January 1, 2023; or

(b) Within 36 months of receipt of the provisional license:

(i) Completed an 18 month qualifying funeral director apprentice program as determined by the Board during which the applicant arranged and conducted 25 funeral services. The program must be under the personal supervision of a licensed funeral director in a Missouri funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state; and

(ii) Received a passing score on the Missouri law examination.

Any person holding a provisional license can be eligible, upon written request to the Board, to sit for the National Board Examination-Arts and the Missouri law examination at any time during the period in which his or her provisional license is effective.

Any licensed funeral director who has not previously sat for the National Board Examination-Arts may, at his or her election and upon written request to the board, sit for the examination.

A person can apply for a limited license to work only in a funeral establishment licensed for cremation. A person holding a limited funeral director license can perform duties related to cremation. To qualify for a limited funeral director license, an applicant must be 18 years of age or older and successfully complete the Missouri law examination. Completion of a qualifying funeral director apprentice program will not be required to obtain a limited funeral director license.

Currently, the board must, upon request, waive any requirement to become a licensed funeral director and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury. This bill adds that the waiver can allow the spouse, next of kin, personal representative, or conservator of the absent director to conduct business until a licensed funeral director can be obtained or business arrangements are made to close or sell the establishment. The waiver does not allow for any services to be provided for which formal funeral service education is required.

SOCIAL WORKERS (Sections 337.600, 337.604, 337.615, 337.627, 337.628, 337.644, and 337.645)

Currently, an individual can become a social worker if he or she has received a baccalaureate or master's degree in social work. The social work programs must be accredited and approved by the Council on Social Work Education.

This bill allows individuals to get a master's degree from a social work program in candidacy and precandidacy for accreditation that is recognized and approved by the committee for social workers.