

HS HCS SS SS SCS SB 1122 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding the regulation of professions by the Division of Professional Registration.

DEAF INTERPRETERS

Persons enrolled in accredited interpreter training programs are exempt from licensure if they are only engaged in activities which constitute part of their course of study.

Certified deaf interpreters from other states will be allowed to practice without a license for the purpose of providing temporary services at special events.

The division is given the authority to deny license renewal of deaf interpreters for failure to provide satisfactory evidence of current certification with the commission.

DIETITIANS

Provisions regarding the licensing of dietitians are modified. The bill:

- (1) Establishes the Commission on Accreditation for Dietetics Education of the American Dietetic Association as the accrediting body for persons wishing to become licensed dietitians in this state;
- (2) Creates definitions for "dietetic practice," "dietitian," "licensed dietitian," "medical nutrition therapy," and "registered dietitian";
- (3) Places the State Committee of Dietitians within the division;
- (4) Authorizes the committee to assist the division in enforcing the provisions of the Dietitians Practice Act;
- (5) Requires the committee to approve the licensing examination;
- (6) Prohibits persons from using the title or saying they are licensed dietitians unless duly licensed by the committee;
- (7) Exempts certain persons from licensure that do not call themselves licensed dietitians; and
- (8) Contains provisions regarding lapsed and inactive licenses.

INTERIOR DESIGN

The title "registered commercial interior designer" is changed to "registered interior designer" in the statutes dealing with their licensing.

Political subdivisions are not required to use registered interior designers for residential construction purposes.

TATTOOISTS

The division is authorized to issue temporary licenses for persons entering the state for the sole purpose of participating in a state or national convention where the applicant will be practicing the profession of tattooing, body piercing, or branding. The temporary license will be valid for 14 days.

BARBER APPRENTICES

The bill provides for the licensing of barber apprentices and the certification of barber apprentice supervisors. Prior to being eligible to apply for a barber's license, barber apprentices must work at least 2,000 hours under a licensed barber who is certified by the State Board of Barber Examiners as a barber apprentice supervisor. Applicants for a barber apprentice certificate must be at least 17 years old.

DENTISTRY

Laws regarding the practice of dentistry and the powers of the Missouri State Dental Board are revised. The bill:

- (1) Gives the board authority to issue and enforce subpoenas;
- (2) Allows the board to investigate any person licensed to practice dentistry or any entity permitted to provide dental services in the state;
- (3) Expands the practice of dentistry to include persons attempting to control or influence a dentist's independent professional judgment regarding diagnosis and treatment. Exemptions are provided for certain licensed health care professionals;
- (4) Allows dental hygienist students and certain persons practicing dentistry in federally qualified health and homeless centers to provide services without a license;
- (5) Allows certain not-for-profit corporations to provide dental services if the corporation employs persons licensed in this state and serves certain low-income populations;

(6) Lists the not-for-profit organizations and corporations which are exempted from the income restrictions;

(7) Requires not-for-profit corporations to obtain a permit from the board. Not-for-profit corporations will be subject to discipline in the same manner as any other licensee of the board; and

(8) Exempts federally qualified health centers from the permit process but requires them to register with the board. The registration is not subject to discipline, but licensees are subject to discipline by the board for actions taken while working at the centers.

DENTAL HYGIENE ADVISORY COMMISSION

The Missouri Dental Board is required to pay a per diem not to exceed \$50 a day for actual and necessary expenses incurred by members of the Advisory Commission for Dental Hygienists.

PHYSICAL THERAPISTS

The bill changes the laws regarding the licensing of physical therapists and physical therapy assistants. Persons having failed the physical therapy or physical therapist assistant licensing exam three or more times may be licensed by the State Board of Registration for the Healing Arts if they hold an unsanctioned license from another state and have maintained a clinical practice for the previous three years. Persons having failed the physical therapy licensing exam three or more times and not holding a license from another state may take the licensing exam three additional times if they have obtained a professional degree in physical therapy at a higher level than previously completed.

Temporary licenses for physical therapists and physical therapist assistants are required to be valid for only 90 days or until the results of the licensing exam are received.

It is a cause for discipline when a licensed physical therapist practices independent of the prescription and direction of a physician, dentist, or podiatrist licensed in another state.

NURSING

Only persons licensed as registered nurses and recognized by the State Board of Nursing as an advance practice nurse may use the title "Advance Practice Registered Nurse."

The definition of "qualified employment" under the Nursing

Student Loan Program is modified to include any licensed hospital as defined by the Hospital Licensing Law.

SOCIAL WORKERS

Residents of Missouri holding licenses to practice social work in other states will be granted licenses to practice social work if the other state's license requirements are substantially the same as Missouri's.

Licensed clinical social workers will be eligible for Medicaid reimbursement.

PHARMACY

The bill contains provisions relating to pharmacies, pharmacists, pharmaceutical services, and drug distributors. The bill:

- (1) Allows the State Board of Pharmacy to place the names of pharmacy technicians on the employee disqualification list;
- (2) Gives the board the authority to refuse to issue certificates of registration or licenses and suspend or restrict licenses for certain conduct;
- (3) Authorizes the board to issue civil penalties against unlicensed persons engaging in the practice of pharmacy;
- (4) Allows for an appeals process for the imposition of civil penalties before the Administrative Hearing Commission;
- (5) Provides for immunity from civil liability for persons providing good faith information regarding licensees;
- (6) Adds two new pharmacy classifications: non-sterile compounding pharmacy and Internet pharmacy;
- (7) Gives the board the authority to terminate the distribution of prescription drugs that have been adulterated, misbranded, or stolen; and
- (8) Allows the board to request an order of payment for disciplinary cases from the commission when complaints are filed and actual and necessary costs are incurred from investigating and prosecuting the case. If it is determined that the order of payment represents the actual and necessary costs associated with investigating and prosecuting the case, the commission is required to issue an order of payment to the licensee when discipline is imposed.

SPEECH PATHOLOGY ASSISTANTS

Provisions regarding the licensing requirements of speech pathology assistants are repealed and the bill requires them to have a bachelor's degree.

BAIL BOND AND SURETY RECOVERY AGENTS

The bill changes the laws regarding bail bond agents and establishes a licensing procedure for surety recovery agents, generally known as bounty hunters. The bill specifies the requirements for obtaining a license to be a bail bond agent or surety recovery agent, establishes fees to cover the administration of the licensing, and grants authority to the Director of the Department of Insurance to regulate those agents. The bill:

- (1) Prohibits anyone from engaging in the bail bond business without being licensed by the department. Violation is a class A misdemeanor, and any subsequent offense is a class D felony;
- (2) Requires bail bond agents and surety recovery agents to receive at least 24 hours of basic training and eight hours of biennial continuing education, with a curriculum approved by the department. The costs of the training are to be paid by the applicant, but the cost cannot be more than \$200 for the basic training and \$150 for the biennial continuing education. Persons with at least two years of peace officer experience are exempt from the required training as a surety recovery agent;
- (3) Requires a \$150 licensing fee, with the licenses valid for two years;
- (4) Allows the department to demand additional assignment of assets from a bail bond agent if circumstances warrant, up to \$25,000. Current law allows up to \$10,000;
- (5) Requires the collateral demanded by bail bond agents to be reasonable in relation to the amount of the bond;
- (6) Allows the department to establish reciprocal agreements with other states which have similar qualifications and training requirements for bail bond industry licensees;
- (7) Prohibits the granting of a bail bond agent license or surety recovery agent license to anyone who, within the last 15 years, has been convicted of a felony; a crime involving moral turpitude or child molestation; or any crime involving the use of a weapon;

(8) Grants the department authority to issue cease and desist orders to any person violating any of the provisions of the bill;

(9) Grants the department subpoena power to compel testimony regarding possible violations;

(10) Authorizes the department to file complaints with the Administrative Hearing Commission against licensees; and

(11) Allows bail bond agents to detain subjects in a lawful manner and enter upon public or private property in order to execute apprehension of a subject if the agent has probable grounds to believe the subject breached the terms of the surety agreement. Agents may not detain subjects for more than 72 hours.

Provisions of this section become effective January 1, 2005.

ATHLETE AGENTS

All athlete agents operating in this state will be required to be registered and certified by the division. Fees for registration and renewal will be established by the division and deposited into the Athlete Agent Fund, which is created by the bill. Registration and certification are valid for a two-year period and may be renewed indefinitely. The division director may refuse to issue a certificate or may suspend or revoke a certificate because of the following circumstances:

(1) The applicant has been convicted of a crime of moral turpitude;

(2) The applicant made false statements on the application;

(3) The applicant has had a similar license suspended or revoked in another state; or

(4) The applicant has caused a student-athlete to be suspended from or to be ineligible for any interscholastic or intercollegiate athletic event.

The bill requires all contracts between agents and athletes to be written and contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about the possible loss of eligibility.

LICENSURE OF FOREIGN APPLICANTS

Persons from foreign countries when making application for a license or temporary permit to practice within any of the

professions regulated by the division must provide their visa and/or passport identification number in lieu of a Social Security number.

FUND ACCOUNTS

The bill requires moneys in the Athletic Fund, the State Committee of Psychologists Fund, the Committee of Professional Counselors Fund, the Marital and Family Therapists Fund, and the Hearing Instrument Specialist Fund to be three times the preceding year's appropriation prior to being placed in the General Revenue Fund.