

CCS HCS SB 296 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding the licensure of certain professionals by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration; the State Legal Expense Fund; endowed care cemeteries; health care information collection; prescriptive authority for physician assistants; and marital and family therapists and adopts the Nurse Licensure Compact.

STATE LEGAL EXPENSE FUND (Section 105.711, RSMo)

Licensed or registered physicians, nurses, physician assistants, dental hygienists, or dentists providing services without compensation to students at a summer camp are added to the list of health care providers for whom the State Legal Expense Fund is available for payment of certain claims filed against a provider.

ENDOWED CARE CEMETERIES (Sections 214.270, 214.280, 214.330, 214.385, and 214.387)

The bill:

(1) Prohibits the principal from an endowed care trust fund from being distributed except to the extent that a unitrust election is in effect with respect to the trust under the provisions of Section 469.411;

(2) Requires cemetery operators who sell prearranged burial merchandise and services to deposit a portion of the purchase price in an escrow or trust account within 60 days of receipt. These funds must be maintained in the account until delivery of the property, performance of the services, or the contract is canceled; and

(3) Requires cemetery operators, which have been paid in full for merchandise and the performance of services, to deposit 80% of the published retail price from their own funds into a trusteed account. Currently, 40% of the published retail price must be deposited.

HEALTH CARE INFORMATION COLLECTION (Section 324.001)

Each board or commission established under the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration is authorized to collect and analyze information required to support workforce planning and policy development. This information must not be publicly disclosed so as to identify a specific health care provider.

DIVISION OF PROFESSIONAL REGISTRATION (Chapters 324, 334, 337,
and 346)

The duties for the regulation of certain professionals are transferred from the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to the specific governing body for the profession. The bill:

- (1) Authorizes the Board of Occupational Therapy to change its licensing and renewal fee structure without the collaboration of the division and to approve or disapprove certifying entities;
- (2) Repeals obsolete provisions which gave the division more authority to regulate its boards;
- (3) Authorizes the Board of Chiropractic Examiners, in conjunction with the Acupuncturist Advisory Committee, to prescribe the design of all its forms and licenses;
- (4) Repeals obsolete provisions regarding marital and family therapists;
- (5) Authorizes, without the collaboration of the division, the Board of Examiners for Hearing Instrument Specialists to issue and renew permits, licenses, and certificates; issue licenses to applicants who are qualified to engage in the practice of fitting hearing instruments; make recommendations for the prosecution of violators of Chapter 346; make and publish rules necessary to carry out the provisions of Chapter 346; and establish licensing and renewal fees; and
- (6) Repeals conflicting and obsolete provisions of law regarding the licensure of barbers and cosmetologists.

ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS
(Section 327.442)

The bill authorizes the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to conduct disciplinary hearings for licensees convicted of certain felonies and to automatically deny licenses to anyone who has had a license revoked or denied in another state. The board may establish other qualifications by which the person may be licensed.

VOLUNTEER LICENSES FOR RETIRED DENTISTS AND DENTAL HYGIENISTS
(Sections 332.112 and 332.113)

The Dental Board within the Department of Insurance, Financial Institutions and Professional Registration is allowed to grant volunteer licenses to retired dentists and dental hygienists. An individual seeking a volunteer license is required to file an affidavit stating that he or she has been licensed for at least 10 years and has not allowed that license to lapse or expire for at least four years prior to his or her application for a volunteer license, is retired, his or her license was in good standing at retirement, and that he or she has passed the examination and met other requirements.

Beginning December 1, 2010, dentists and dental hygienists with volunteer licenses must renew their license every two years and must submit evidence of current certification in specified life support programs and complete certain continuing education requirements.

Dentists with volunteer licenses may only provide dental and preventative care without compensation to family members and at certain facilities. Dental hygienists with volunteer licenses may only provide dental hygiene and preventative care without compensation to family members and at certain facilities.

A dentist or dental hygienist is not required to pay any fee for a volunteer license.

PHYSICIAN ASSISTANTS (Sections 195.070, 195.100, 334.735, and 334.747)

A physician assistant who works in a rural health clinic and receives a waiver of the minimum on-site supervision requirement and maximum distance requirement from a supervising physician does not need to receive any additional waiver as long as the clinic maintains its status as a rural health clinic and the physician assistant and supervising physician comply with federal supervision requirements. Physician assistants receiving waivers will only be required to renew their waiver every five years, when their supervising physician changes from the physician listed on their application, or when they move their primary practice location more than 10 miles from the location listed on the waiver application.

A physician assistant with a certificate of controlled substance prescriptive authority is allowed when delegated through a physician supervision agreement to prescribe Schedule III, IV, and V controlled substances. Supervising physicians retain the right to limit specific drugs or a drug category that a physician assistant may prescribe. Physician assistants are prohibited from prescribing controlled substances to themselves or family members and are limited to prescribing a five-day supply of

Schedule III drugs without a refill. Physician assistants who are authorized to prescribe must register with the federal Drug Enforcement Administration and the state Bureau of Narcotics and Dangerous Drugs. Pharmacists are required to list the name of the physician assistant and the supervising physician on the prescription label.

NURSE LICENSURE COMPACT (Sections 335.300 - 335.355)

The bill adopts the Nurse Licensure Compact which allows licensed registered nurses and licensed practical/vocational nurses to practice in any state which adopts the compact. All states wishing to participate must adopt the compact's articles of authorization.

The compact is designed to facilitate the regulation of nurses, does not relieve employers from complying with state laws, and does not supersede existing state labor laws.

PHARMACIES AND PHARMACISTS (Sections 338.010, 338.013, 338.057, 338.220, and 338.337)

The bill:

(1) Expands the definition of "practice of pharmacy" to include the compounding, dispensing, labeling, and administration of drugs and devices for pneumonia, shingles, and meningitis vaccines by a written protocol authorized by a physician;

(2) Removes the provision of the law which authorizes an applicant for a pharmacy technician license to practice for a period of up to 90 days prior to the issuance of his or her certificate of registration;

(3) Voids a pharmacy technician certificate of registration 30 days after the expiration date;

(4) Allows licensed pharmacists to perform certain nondispensing activities and administer drugs and vaccines by protocol, as permitted by law, outside of a pharmacy without a pharmacy permit;

(5) Specifies that, under certain conditions, an out-of-state wholesale drug distributor that is a drug manufacturer which produces and distributes from a facility inspected and approved by the federal Food and Drug Administration and is licensed by the state in which the facility is located will not be required to be licensed but must register its business name and address with the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration and pay a

filing fee as established by the department. This also applies to a wholesale drug distributor located in a foreign country if it is authorized and in good standing to operate as a drug manufacturer within its jurisdiction; and

(6) Repeals the provisions which require the board to publish a list of drugs which are not allowed to be substituted.

MARITAL AND FAMILY THERAPISTS (Section 376.811)

Insurance companies, health services corporations, and health maintenance organizations are required, subject to contractual provisions, to provide coverage for mental health care benefits by licensed marital and family therapists for up to two visits a year.

TEETH WHITENING SERVICES (Section 1)

The bill specifies that any person providing teeth whitening services to another person by the use of products not readily available to the public through over-the-counter purchase will be deemed to be engaging in the practice of dentistry. Application of whitening formulations may be done by licensed dental hygienists and registered dental assistants, but only under the appropriate level of supervision of a licensed dentist. Any person who takes dental impressions or performs any part of the teeth whitening process without being under the appropriate level of supervision of a licensed dentist will be deemed to be engaging in the practice of dentistry.