

SS SCS HCS HB 265 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding professional registration.

PROFESSIONAL LICENSES (Section 324.014, RSMo)

Any board, commission, committee, council, or office in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must notify any known current employer of a change in a licensee's license and discipline status. An employer may provide any board, commission, committee, council, or office in the division with a current list of licensed employees and request in writing to the board, commission, committee, council, or office to be notified regarding any change in the licensing status of an employee.

DIVISION OF PROFESSIONAL REGISTRATION (Sections 324.043, 324.045, 536.036, 536.067, 621.045, and 621.100)

The bill changes the laws regarding disciplinary and administrative procedures for professions and businesses regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration. The division or any board, committee, commission, or office within the division is authorized to enter a default decision against a licensee if he or she fails, upon proper notice, to plead or otherwise defend against a disciplinary proceeding. A default decision may be set aside if, within 30 days after the default decision, the person files a motion which states facts constituting a meritorious defense and for good cause shown.

LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS (Sections 333.041 - 333.061, 333.091, 333.151, and 333.171)

The bill:

(1) Allows, at the discretion of the State Board of Embalmers and Funeral Directors within the Department of Insurance, Financial Institutions and Professional Registration, a general equivalency diploma to satisfy the requirement that an applicant for a license as a funeral director or an embalmer have a high school diploma;

(2) Removes the provision requiring an applicant for a funeral director's or embalmer's license to be a Missouri resident or a resident of a county which borders Missouri;

(3) Removes the provision requiring an applicant for an

embalmer's license to graduate from an accredited institute of mortuary science education and instead requires him or her to complete a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity approved by the board;

(4) Specifies that an applicant for a funeral director's or embalmer's license must complete at least a 12-consecutive-month apprentice program. Currently, a person must complete an apprenticeship for at least 12 months;

(5) Removes the provision requiring a funeral director or an embalmer to have his or her registration recorded in the office of the local registrar of vital statistics in the district where he or she practices; and

(6) Changes the membership of the board from 10 to six and requires its membership to represent diversity in gender, race, ethnicity, and geographic regions of the state and specifies that a majority of the members will constitute a quorum.

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS (Sections 334.001, 334.040, 334.070, 334.090, 334.099, 334.100, 334.102, 334.103, 334.108, 334.715, 536.063, 536.070, and 621.110)

The bill:

(1) Requires the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration to release, upon the request of any person, certain specified information regarding individuals who are licensed or applying for licensure by the board and allows it to publish the information on its web site. The board must disclose specified confidential information to a licensee or applicant upon request without a cost if the information is less than five years old. If the requested information is more than five years old, the board may charge a fee as specified by regulation;

(2) Removes the provision authorizing the board to require a doctor licensed in another state to pass an examination prior to waiving the Missouri examination requirement. The board is authorized to require the successful completion of another examination, continuing medical education, or further training prior to issuing a permanent medical license to an applicant who has not actively practiced medicine or held a teaching or faculty position in a specified approved medical or osteopathic school for two of the three years before his or her application;

(3) Removes the provision requiring a doctor to display his or

her certificate of registration in his or her office;

(4) Allows the board to initiate a contested hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession. The board may require a licensee or applicant for a license to submit to an examination of his or her skills, a multi-disciplinary evaluation, or a substance abuse evaluation after the hearing if there is cause to believe that the individual is incompetent, is mentally or physically incapacitated, or excessively uses or abuses alcohol or controlled substances. A licensee or applicant whose right to practice has been affected must be given an opportunity at reasonable intervals not to exceed 12 months to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license;

(5) Authorizes the board to cause a complaint to be filed with the Administrative Hearing Commission against a licensee for additional causes including prescribing drugs without a valid physician-patient relationship, being on a state or federal sexual offender registry, violating a probation order or other settlement agreement, unethical or unprofessional conduct involving a minor, knowingly making a false statement to the board, habitual intoxication or dependence on alcohol, failing to comply with a treatment or an aftercare program or probation, or voluntary termination of any controlled substance authority while under investigation;

(6) Requires the board to hold a hearing to determine if probable cause exists when determining whether to apply to the Administrative Hearing Commission for an emergency suspension or restriction on a licensee for engaging in sexual conduct with a patient; engaging in sexual misconduct with a minor; possessing or using a controlled substance without a valid prescription; being adjudicated as incapacitated or disabled by a court; habitual intoxication or alcohol or drug dependence; failing to comply with a treatment program, an aftercare program as part of a board order or settlement agreement, or a licensee's professional health program; receiving a report from specified facilities or a professional health program that the licensee is not fit to practice; or any conduct that is a serious danger to the health, safety, or welfare of a patient or the public. The emergency suspension or restriction will take effect when the document is served to the licensee. The commission is required to hold a hearing within 45 days of the board's filing of a complaint to determine if cause for discipline exists;

(7) Authorizes the board to initiate a hearing before itself for disciplining a licensee's license or certificate for certain actions. A final decision of the commission or the board is

appealable to the circuit court;

(8) Requires a doctor, prior to prescribing any drug, controlled substance, or other treatment through the Internet, to establish a valid physician-patient relationship;

(9) Revises the laws regarding the board's authority to discipline athletic trainers; and

(10) Requires the commission to deliver findings of fact and conclusions of law in a disciplinary case to the appropriate agency within 120 days of the date the case became ready for decision.

PRENEED FUNERAL CONTRACTS (Sections 436.405, 436.412, and 436.445 - 436.456)

The definition of "insurance-funded preneed contract" is revised to include a preneed contract designated to be funded by a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. A trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider; and a preneed seller and purchaser can agree in writing to put the funds for the preneed contract into an account in the beneficiary's name and payable on the beneficiary's death to the seller. The bill also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who wants to cancel a preneed contract funded by a joint account.