

HB 732 -- Professional Registration and the Board of Registration for the Healing Arts

Sponsor: Brandom

This bill changes the laws regarding disciplinary and administrative procedures applying to 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 to plead or otherwise defend against a disciplinary proceeding.

The bill changes the laws regarding the Board of Registration for the Healing Arts within the division by:

(1) Requiring it to list certain specified information regarding individuals who are licensed or applying for licensure by the board on its web site. The board must disclose specified confidential information to a licensee or applicant upon request without a fee if the information is less than five years old. If the requested information is more than five years old, the board may charge a specified fee;

(2) Removing the provision which authorized 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 an 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 position for two of the three years before his or her application;

(3) Authorizing the board to impose a civil penalty of up to \$5,000 per day with a \$25,000 maximum for a disciplinary action against a licensee. It may file a complaint with the Administrative Hearing Commission and assess civil penalties against an unlicensed person performing specified actions;

(4) Requiring 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 if there is cause to believe that the individual is incompetent, mentally or physically incapacitated, or habitually intoxicated or dependent on alcohol or controlled substances;

(5) Specifying that the board is to retain discretion in refusing or renewing a license and that discretion cannot be transferred to the Administrative Hearing Commission;

(6) Changing the disciplinary authority of the board to allow the board to discipline a licensee for prescribing drugs through the Internet without a valid physician-patient relationship, being on a sexual offender registry, unethical or unprofessional conduct, negligence, making false statements, failing to comply with a treatment program, participating in a drug court, and for violating professional trust;

(7) Authorizing the board to issue an emergency suspension or restriction on a licensee for sexual misconduct with a patient, sexual misconduct with a minor, possession or use of a controlled substance without a valid prescription, court-determined incapacity or disability, habitual intoxication or alcohol or drug addiction, failing to comply with a treatment program, or any conduct that is a serious danger to the health, safety, or welfare of a patient or the public. The suspension or restriction will take effect when the document is served to the licensee;

(8) Authorizing the board to initiate a hearing before itself for disciplining a licensee for certain actions. The board's decision is appealable to the circuit court;

(9) Authorizing the board to subpoena a peer review committee, medical executive committee, hospital, or pharmacy records or any person regardless if it is prohibited by another law; and

(10) Changing the board's authority to discipline athletic trainers.

The bill also:

(1) Removes the requirement that a doctor display his or her certificate of registration in his or her office at all times;

(2) Requires a person prescribing a controlled substance or non-controlled pain medication to document certain information in the patient's medical record prior to prescribing the medication;

(3) Requires a patient to sign a medication agreement for a prescription which exceeds 90 days and allows a doctor to conduct random drug tests to document compliance with the prescribed medication;

(4) Requires a doctor who prescribes any drug, controlled substance, or other treatment through the Internet to establish that there is a valid physician-patient relationship;

(5) Prohibits evidence contesting the basis of a criminal conviction from being admissible in an administrative hearing;

and

(6) Requires the Administrative Hearing 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.