

HCS SB 330 -- PROFESSIONAL REGISTRATION

SPONSOR: Wasson (Burlison)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Professional Registration and Licensing by a vote of 14 to 5.

This substitute changes the laws regarding cottage foods, fire sprinkler system contractors, chiropractic, dental assistants, collaborative agreements, abortion, physician assistants, discrimination against certain health care professionals, pharmacy, licensure of nursing home administrators, hearing instrument specialists, and adoption proceedings.

COTTAGE FOODS

The substitute allows a cottage food production operation to sell baked goods, canned jam or jelly, dried herbs, and dried herb mixes from its home without being subject to state health and food laws and regulations. The operation is required to label all foods intended for sale with the name and address of the operation and a statement that the food is not inspected by the Department of Health and Senior Services or a local health department. A local health department will not regulate the production of food at a cottage food production operation.

Nothing contained in the substitute will be construed as prohibiting the department from contracting with a local health department to provide services for the department under state law and regulation. Each local health department and the department must maintain a record of a complaint made by a person against a cottage food production operation.

FIRE SPRINKLER SYSTEM CONTRACTORS

The substitute:

(1) Allows any contractor who engages in the installation or service of fire sprinkler systems to register with the State Fire Marshal;

(2) Allows a municipality, county, or any other local governmental body or jurisdiction to require a contractor to obtain a permit and pay a fee for the installation of a fire sprinkler system and the installation to be in conformance with its building code or other construction requirements;

(3) Authorizes the Office of the State Fire Marshal within the Department of Public Safety to establish rules and regulations

regarding the application content and the procedures for filing an application for a certificate of registration or a renewal of certification, all applicable fees, and establishing procedures for granting reciprocity with other states;

(4) Establishes the requirements a contractor must meet to obtain a certificate of registration, including demonstrating his or her own knowledge or the employment of a person with specified training or certification in the area of fire sprinkler installation and service;

(5) Specifies the procedure for the certification renewal process;

(6) Requires the certificate of registration to be displayed conspicuously at the contractor's place of business;

(7) Creates the Fire Sprinkler Contractor Registration Fund for the deposit of fees collected for the administration of the provisions of the substitute;

(8) Requires the fire marshal to send a written notice at least 30 days prior to the expiration of a certificate;

(9) Requires an applicant to provide evidence of liability insurance in the amount of at least \$1 million for all occurrences per policy year;

(10) Authorizes the fire marshal to file a complaint with the Administrative Hearing Commission against certified contractors for specific violations. If grounds for discipline are found, the fire marshal is authorized to censure or place a contractor on probation for up to five years or suspend for up to three years or revoke the contractor's certificate of registration; and

(11) Authorizes the fire marshal to seek an injunction, restraining order, or other order, if appropriate, to prevent a person or organization from holding himself, herself, or itself out as a certified fire sprinkler contractor.

CHIROPRACTIC

The substitute repeals the provision that allows a member of the State Board of Chiropractic Examiners within the Department of Insurance, Financial Institutions and Professional Registration to be held personally liable for any act of gross negligence committed in the performance of his or her official duties. Currently, a member of the board is not personally liable for any act, except gross negligence.

DENTAL ASSISTANTS

The substitute allows a dental assistant to apply pit or fissure sealants and topical fluoride to patients, if he or she is under the direct supervision of a dentist.

COLLABORATIVE AGREEMENTS

Currently, a collaborative practice arrangement must include a provision maintaining geographic proximity between the collaborating physician and the advanced practice registered nurse. The substitute allows the arrangement to waive the proximity requirement for no more than 28 days per year for the advanced practice registered nurse to provide care at a rural health clinic that is located more than 50 miles from the hospital sponsor.

ABORTION

The substitute prohibits an abortion from being performed or induced via telemedicine or telehealth.

PHYSICIAN ASSISTANTS

The substitute:

- (1) Changes the definition of "supervision" by repealing the requirement that a physician assistant work in the same facility of the supervising physician 66% of the time the physician assistant provides care. The substitute requires a physician assistant to only practice where the supervising physician routinely provides care, except for existing patients in the patient's home and correctional facilities;
- (2) Requires supervising physicians and physician assistants to sign an attestation stating that the physician will provide supervision appropriate to the assistant's training and the assistant will not practice beyond their training and experience;
- (3) Requires the physician assistant and supervising physician to work in the same facility at least four hours for every 14 days of patient care;
- (4) Allows a physician assistant to practice in locations within 50 miles of the supervising physician. The 30 mile limitation is repealed;
- (5) Repeals the provision requiring a waiver for physician-physician assistant teams and places no supervision requirements in addition to federal law on the teams to practice in

rural health clinics;

(6) Repeals the provision requiring the supervising physician's name, address, and telephone number be on prescriptions for controlled substances when prescribed by a physician assistant; and

(7) Revises the definition of "physician assistant supervision agreement" by requiring the agreement contain complete contact information of the supervising physician and physician assistant, locations where the physician assistant is authorized to practice, all specialty or board certifications of the supervising physician, and the manner of supervision provided by the physician.

DISCRIMINATION AGAINST CERTAIN HEALTH CARE PROFESSIONALS

The substitute prohibits an official or employee of the state, a school district, or any other political subdivision from discriminating between psychologists, professional counselors, and social workers licensed under Sections 337.500 to 337.540, RSMo, and other mental health professionals licensed under Chapter 337 or as defined in Section 632.005 when establishing regulations or when requiring or recommending services that can be legally performed by persons licensed under Sections 337.500 to 337.540.

PHARMACY

The substitute allows a pharmacist to dispense an emergency supply of a medication in the event that a pharmacist is unable to obtain refill authorization from the prescriber because of specified situations or when the pharmacist is unable to obtain refill authorization from the prescriber. The substitute requires the pharmacist to promptly notify the prescriber or his or her office of the emergency dispensing as required by rule by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration.

LICENSURE OF NURSING HOME ADMINISTRATORS

The substitute repeals the requirement that the Missouri Board of Nursing Home Administrators within the Department of Health and Senior Services mail by April 1 of each year an application for license renewal to every person whose license must be renewed during the current year and specifies that the board must notify by April 1 of each year every person whose license needs to be renewed during the current year.

HEARING INSTRUMENT SPECIALISTS

The substitute:

(1) Changes the age requirement for licensure of a hearing instrument specialist from 21 to 18 years of age;

(2) Requires an applicant for a hearing instrument specialist license or a hearing instrument specialist-in-training permit to hold an associate's degree or higher in hearing instrument sciences, hold a master's or doctoral degree in audiology from a state or regionally accredited institution, or have satisfactorily completed a course of instruction and training prescribed by the Board of Examiners for Hearing Instrument Specialists in the Division of Professional Registration;

(3) Requires the board to establish reasonable standards and rules for the evaluation of applicants for the purpose of determining the course of instruction required as an alternative to the associate degree education requirement for licensure; and

(4) Repeals the provision that allows a person holding a current, unsuspended, and unrevoked license from other jurisdictions to receive a license through a reciprocal agreement with another state if the standards for licensing are substantially equivalent to or exceed those required by the board or holds a current, unsuspended, and unrevoked license from another jurisdiction and has been actively practicing as a licensed hearing aid fitter or dispenser for no less than 48 of the last 72 months and submits proof of completion of advance certification from either the International Hearing Society or the National Board for Certification in Hearing Instrument Sciences.

ADOPTION PROCEEDINGS

The substitute:

(1) Adds licensed professional counselors and psychologists that are associated with licensed child placement agencies and social workers to the list of people authorized to conduct a full investigation into whether an individual is suitable as an adoptive parent for a child;

(2) Requires a court conducting a final adoption hearing to make sure that it has received and reviewed an investigation report required under Section 453.070, if any, and an investigation and social study required under Section 211.455, if any; and

(3) Requires the Missouri Supreme Court to develop a standardized form to be used in all adoption cases, including a checklist to verify that all the documents and procedures required by law have been submitted, followed, and reviewed by the judge prior to the

entry of a final order. The form and attachments must be included as part of the adoption record.

PROPOSERS: Supporters say that currently, physicians have to be within a 50-mile radius of the location where an advanced practice registered nurse is working. The bill will allow the physician to be beyond the 50-mile radius for 28 days a year. This will allow these clinics to remain open and provide needed patient services.

Testifying for the bill were Senator Wasson; and Missouri Association of Rural Health Clinics.

OPPOSERS: Those who oppose the bill say that it doesn't go far enough to include rural hospitals.

Testifying against the bill was Missouri Hospital Association.

OTHERS: Others testifying on the bill say it does provide some relief in these health shortage areas, but further expansion of the advanced practice registered nurse act is needed.

Testifying on the bill was Missouri Nurses Association.