

HCS HB 2131 -- PROFESSIONAL LICENSING

SPONSOR: Elmer

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 12 to 0.

This bill changes the laws regarding the licensure of architects, professional engineers, professional land surveyors, and professional landscape architects. In its main provisions, the bill:

- (1) Repeals the requirement that an application for a renewal of a license, certificate, registration, or permit contain the Social Security number of the applicant (Section 324.024, RSMo);
- (2) Requires every application for a renewal of a license, certificate, registration, or permit which did not originally contain the Social Security number of the applicant to contain the Social Security number of the applicant at the first renewal (Section 324.024.2);
- (3) Prohibits any subsequent application for licensure, certificate, registration, or permit from containing the Social Security number of the licensee but authorizes agencies to collect and maintain records, in compliance with federal law, of Social Security numbers for registered professionals (Section 324.024.3);
- (4) Changes the term "landscape architect" to "professional landscape architect" and adds definitions for the terms "design coordination," "design survey," "incidental practice," and "responsible charge" (Section 327.011);
- (5) Changes the name of the board regulating these professionals in the Department of Insurance, Financial Institutions and Professional Registration to the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects (Section 327.031.1);
- (6) Repeals the provisions regarding the abolishment of the Landscape Architectural Council (Section 327.031.9);
- (7) Increases the maximum compensation for a board member from \$50 to \$75 for each day devoted to the affairs of the board (Section 327.051);
- (8) Specifies what constitutes the practice of architecture (Section 327.091.1);

(9) Requires architects, professional engineers, land surveyors, and landscape architects to be in responsible charge of specified work product that can affect the health, safety, and welfare of the public within their scope of practice (Sections 327.091.2, 327.181, 327.272.3, and 327.603);

(10) Specifies that licensing requirements will not apply to the practice of architecture when a person renders architectural services in connection with a privately owned structure containing less than 2,000 square feet and which is not a part of a project which contains more than one structure. Currently, the requirements do not apply when a person renders architectural services in connection with a privately owned structure containing less than 20,000 cubic feet and which is not part of a project which contains more than one structure. The bill specifies that the requirements will also not apply to a person who remodels or repairs a privately owned multiple family dwelling containing three or four families if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building or to construction observation by persons customarily engaged in contracting work (Section 327.101);

(11) Updates the name of the Canadian Architectural Licensing Authorities and changes the name of the agreement between it and the National Council of Architectural Registration Boards (NCARB) to the Mutual Recognition Agreement as the provisions apply to an applicant for a license who holds a valid license to practice architecture in Canada (Section 327.106);

(12) Repeals the requirement that an applicant for licensure as an architect to have acquired at least three years of satisfactory architectural experience and requires the applicant to take and pass all divisions of the Architect Registration Examination (Section 327.131);

(13) Repeals provisions requiring the board to inform in writing each applicant for licensure as an architect, engineer, professional land surveyor, or professional landscape architect of the time and place for the examination if an examination must be given at least once in each calendar year (Section 327.151);

(14) Allows an applicant who fails to make the specified grade to apply for reexamination, by division, in accordance with the guidelines established by the National Council of Architectural Registration Boards or its successor and repeals the current provision allowing the applicant to take another examination no sooner than six months after the date of the failed examination (Section 327.161);

(15) Specifies that a license for an architect, engineer, land surveyor, or landscape architecture must expire on the renewal date, but may, within three months of the certificate renewal date or at the discretion of the board, upon payment of the required fee, have his or her license reinstated. Currently, an architect, engineering, land surveyor, or landscape architecture license that is not renewed within three months of the renewal date must be suspended automatically and expires within nine months if the licensee fails to pay the reinstatement fee (Sections 327.171, 327.261, 327.351, and 327.621);

(16) Allows an applicant for licensure as a professional engineer or professional land surveyor who fails to make the necessary examination grade to apply for reexamination in accordance with the guidelines established by the National Council of Examiners for Engineering and Surveying or its successor (Section 327.251);

(17) Specifies that the practice of professional land surveying also includes the preparation of property descriptions, the surveying and location of rights-of-ways and easements, and design surveys (Section 327.272);

(18) Specifies that the current provisions regarding a person applying to the board as a land surveyor-in training will expire December 31, 2018, and establishes new requirements that will become effective January 1, 2019, and will expire January 1, 2023 (Sections 327.312 and 327.315);

(19) Specifies that if a professional land surveyor licensee is granted inactive status, he or she may return to active license status by notifying the board, paying the appropriate fees, and meeting all other established requirements of the board. If an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, he or she may be required to take the examination as the board deems necessary to determine the person's qualifications (Section 327.351);

(20) Repeals the provisions requiring the board to issue a license to any architect, professional engineer, professional land surveyor or landscape architect who has been licensed in another state, in a territory or possession of the United States, or in another country if the board is satisfied by proof that the applicant's qualifications meet or exceed Missouri's requirements for initial licensure in Missouri at the time of the applicant's initial license and allows the board, in its discretion, to license one of these individuals when he or she has qualifications that are at least equivalent to Missouri's requirements for licensure (Section 327.381);

(21) Specifies that each architect, professional engineer, professional land surveyor, and professional landscape architect must affix his or her personal seal to all final technical submissions including, but not limited to, drawings, specifications, plats, surveys, exhibits, reports, and certifications of construction prepared by the licensee or under the licensee's immediate personal supervision (Section 327.411);

(22) Defines "professional landscape architecture" as the performance of professional services in connection with the planning and design of land construction programs; master plans for land use and development; production of specified plans, construction details, specifications, and reports for land development, design coordination, construction observation; and the inspection of landscape architectural construction for the compliance with drawings and specifications (Section 327.600);

(23) Requires an applicant for a professional landscape architect license to make a passing grade on each examination. The passing grade must be fixed by the board but must not exceed the current passing grade determined by the Council of Landscape Architectural Registration Boards (Section 327.617);

(24) Specifies that the provisions of the bill cannot be construed to require licensing of a person or corporation who is offering, but not performing or rendering, landscape architectural services if the person or corporation is licensed to practice landscape architecture in the state or country of residence or principal place of business (Section 327.629);

(25) Specifies that so long as the person involved does not represent or hold himself or herself out as a pharmacist licensed to practice in this state, a Missouri pharmacist license must not be required for a legally qualified pharmacist serving in the Armed Forces of the United States, or a legally qualified pharmacist employed by the government of the United States or any bureau, division, or agency, who is engaged in the practice of pharmacy while in the discharge of his or her official duties (Section 338.020);

(26) Specifies that the Department of Health and Senior Services must have sole authority and responsibility for the inspection and licensure of hospitals including, but not limited to, all parts, services, functions, support functions, and activities which contribute directly or indirectly to patient care of any kind whatsoever but allows the Missouri Board of Pharmacy to inspect a class B pharmacy or any portion thereof that is not under the inspection authority vested in the department to determine

compliance with Chapter 338 or the rules of the board. These provisions must not be construed to bar the board from conducting an investigation pursuant to a public or governmental complaint to determine compliance by an individual licensee or registrant of the board with any applicable provisions of the chapter or the rules of the board (Section 338.165.2);

(27) Authorizes the Department of Health and Senior Services to promulgate rules in conjunction with the board governing medication distribution and the provision of medication therapy services by a pharmacist at or within a hospital. The rules may include, but are not limited to, medication management, preparation, compounding, administration, storage, distribution, packaging, and labeling. Until the rules are jointly promulgated, hospitals must comply with all applicable state law and department rules governing pharmacy services and medication management in hospitals. This rulemaking authority must not include the dispensing of medication by prescription (Section 338.165.3);

(28) Requires all pharmacists providing medication therapy services to obtain a certificate of medication therapeutic plan authority as provided by rule of the board (Section 338.165.4);

(29) Allows medication to be dispensed by a class B hospital pharmacy pursuant to a prescription or a medication order (Section 338.165.5);

(30) Specifies that a drug distributor license must not be required to transfer medication from a class B hospital pharmacy to a hospital clinic or facility for patient care or treatment (Section 338.165.6);

(31) Requires medication dispensed by a hospital to a hospital patient for use or administration outside of the hospital to be labeled as provided by rules jointly promulgated by the Department of Health and Senior Services and the Missouri Board of Pharmacy including medication distributed for administration by or under the supervision of a health care practitioner at a hospital clinic or facility (Section 338.165.7);

(32) Requires the Missouri Board of Pharmacy to appoint an advisory committee to review and make recommendations to the board on the merit of all rules and regulations to be jointly promulgated by the board and the Department of Health and Senior Services pursuant to the joint rulemaking authority granted by these provisions. The advisory committee is to consist of two representatives designated by the Missouri Hospital Association, one of whom must be a pharmacist; one pharmacist designated by the Missouri Society of Health System Pharmacists; one pharmacist

designated by the Missouri Pharmacy Association; one pharmacist designated by the department from a hospital with a licensed bed count that does not exceed 50 beds or from a critical access hospital as defined by the Department of Social Services for purposes of MO HealthNet reimbursement; one pharmacist designated by the Department of Health and Senior Services from a hospital with a licensed bed count that exceeds 200 beds; and one pharmacist designated by the board with experience in the provision of hospital pharmacy services (Section 338.165.10);

(33) Defines a "Class B Hospital Pharmacy" as a pharmacy owned, managed, or operated by a hospital or a clinic or facility under common control, management, or ownership of the same hospital or hospital system (Section 338.220.6);

(34) Specifies that upon application to the board, any hospital that holds a pharmacy permit or license on the effective date of these provisions must be entitled to obtain a class B pharmacy permit or license without fee, provided the application is submitted to the board on or before January 1, 2015 (Section 338.220.7);

(35) Prohibits the board from renewing a nonresident pharmacy license if the renewal applicant does not hold a current pharmacy license or its equivalent in the state in which the nonresident pharmacy is located (Section 338.270);

(36) Prohibits the board from renewing an out-of-state wholesale drug distributor, out-of-state pharmacy distributor, or drug distributor license or registration if the renewal applicant does not hold a current distributor license or its equivalent in the state or jurisdiction in which the distribution facility is located or if the applicant is a drug distributor registrant, the entity is not authorized and in good standing to operate as a drug manufacturer with the federal Food and Drug Administration or within the state or jurisdiction where the facility is located (Section 338.347); and

(37) Repeals the provisions requiring the board to issue a professional land surveying license to an individual who has at least 20 years of satisfactory experience, passes specified examinations, and pays the required fee and the provisions allowing the board to license a landscape architect certified, licensed, or registered in another state or territory of the United States when he or she has qualifications that are at least equivalent to our state's requirements (Sections 327.391 and 327.623).

PROPONENTS: Supporters say that the bill changes professional registration requirements throughout the state and will make the process more effective and efficient.

Testifying for the bill were Representative Elmer; American Institute of Architects of Missouri; Missouri Society of Professional Engineers; Missouri Society of Professional Surveyors; Division of Professional Registration; Missouri Board of Pharmacy; and Missouri Association of Landscape Architects.

OPPONENTS: There was no opposition voiced to the committee.