

CCS SS SCS HB 1719 -- PROFESSIONAL REGISTRATION

PROFESSIONAL EMPLOYER ORGANIZATIONS

This bill establishes regulations and registration requirements for professional employer organizations (PEOs). The bill requires all PEOs to be registered with the Secretary of State. Registration of PEOs may be done individually or as a group. At the time of registration, and every year thereafter, the PEO or PEO group must file with the Secretary of State an audit performed by an independent certified public accountant. A PEO may be eligible for limited registration if it meets certain requirements.

The Secretary of State shall maintain a list of PEOs registered in this state. PEOs shall pay an initial registration fee not to exceed \$500 with an annual renewal fee not to exceed \$250. However, no fee shall exceed the amount reasonably necessary for the administration of the bill.

Each PEO or PEO group shall maintain either positive working capital or provide a bond, irrevocable letter of credit, or securities with a minimum market value equaling the deficiency plus \$100,000 to the department. PEOs seeking limited registration are not required to meet these requirements.

The bill establishes the conditions under which a client and a PEO may enter into a professional employment agreement as well as the rights and responsibilities of each party.

Persons may be sanctioned by the Secretary of State for providing professional employer services without registering with the Secretary of State, or for providing false or fraudulent information to the Secretary of State in conjunction with any registration, renewal, or report required by this bill. Such sanctions may include revocation of license or the imposition of an administrative penalty of not more than \$1,000, among other potential penalties.

This bill provides that a client shall be entitled to the benefit of any tax credit, economic incentive, or other benefit arising as the result of the employment of covered employees of such client. The client's status or certification as a minority-owned or woman-owned business enterprise shall not be affected because such client has entered into an agreement with a PEO or uses the services of a PEO. The PEO shall be responsible for providing workers' compensation coverage for covered employees (Sections 285.700 to 285.750).

DIVISION OF PROFESSIONAL REGISTRATION

The Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration provides clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. This bill requires that the applicant submit all required documentation and that the documentation is legible (Section 324.001).

#### PROFESSIONAL LICENSES

This bill prohibits any state board, department, or agency that issues professional licenses from denying a license based on age, to any person 18 years old or older. Except for licenses associated with gaming and licenses for an individual who operates a school bus owned by or under contract with a public school or the State Board of Education, who transport hazardous material, or who use explosives (Sections 324.013, 324.920, 324.1108, 327.221, 327.312, 330.030, 331.030, 332.131, 334.530, 334.655, 336.030, 341.170, 344.030, 374.715, and 374.784).

#### MENTAL HEALTH PROFESSIONALS

This bill adds psychiatric physician assistants, psychiatric advanced practice registered nurses, and psychiatric assistant physicians to the definition of mental health professionals for the purposes of Chapter 631, RSMo. The bill defines a psychiatric assistant physician as a licensed assistant physician under Chapter 334 who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders and a psychiatric physician assistant as a licensed physician assistant under Chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry or is currently in a postgraduate physician assistant residency or fellowship in psychiatry (Section 632.005).

#### SUICIDE PREVENTION TRAINING FOR HEALTH CARE PROFESSIONALS

Any health care professional in the state may annually complete training in the areas of suicide assessment, referral, treatment, and management, which may qualify as part of the continuing education requirements for licensure as a health care professional. Psychologists are required to complete two hours of such training as a condition of initial licensure. The bill also requires behavior analysts, professional counselors, social workers, baccalaureate social workers, and marital and family therapists to complete two hours of suicide assessment, referral, treatment, and

management training as a condition of initial licensure and as a condition of license renewal. The training shall count towards any continuing education required for such license (Sections 324.046, 337.020, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718).

#### PREVIOUSLY UNREGULATED PROFESSIONS

This bill establishes guidelines for the future regulation of occupations and professions in the state. The bill specifies that the state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected. The bill states that all bills introduced in the General Assembly to regulate an occupation or profession shall be reviewed according to criteria set forth in the bill.

Additionally, the bill requires that the Department of Insurance, Financial Institutions and Professional Registration report and submit certain information to the General Assembly within two weeks of any bill being filed that proposes a new or additional regulation of an occupation or profession (Section 324.047).

#### DIETITIANS

This bill modifies the Dietitian Practice Act to update the terminology for the national organization name change from the American Dietetic Association to the Academy of Nutrition and Dietetics. The bill also updates the accrediting agency name from the Commission on Accreditation for Dietetics Education to the Accreditation Council for Education in Nutrition and Dietetics. The definitions for "medical nutrition therapy" and "registered dietitian" are modified by adding registered dietitian nutritionists to the definitions.

Additionally, any person who holds a license to practice dietetics may use the abbreviation L.D.N (Sections 324.200 to 324.210).

#### INTERIOR DESIGNERS

This bill specifies that the duties of the Interior Design Council are transferred to the Division of Professional Registration. The Council's role shall be to advise, guide, and make recommendations to the director of the division. The director of the division, rather than the Governor, shall appoint members of the council.

The bill removes the provisions that allow the council to be sued.

Additionally, the bill repeals the requirement that the experience requirements for registered interior designers be verified by at least two client references, business or employment verification, and three industry references (Sections 324.406 to 324.436).

#### ELECTRICAL CONTRACTORS

Electrical contractors who have an occupational or business license for work as an electrical contractor or master electrician issued by any political subdivision in this state shall be eligible for a statewide license if the applicant meets certain requirements as set forth in the bill.

Any person operating as an electrical contractor in a political subdivision that requires a local license shall not be required to possess a statewide license to continue to operate in such political subdivision.

No political subdivision shall require the holder of a statewide license to obtain a local business or occupational license that requires the passing of any examination or any special requirements to assess proficiency or mastery of the electrical trades. The holder of a statewide license shall be deemed eligible to perform such work from any political subdivision within the State of Missouri (Sections 324.920 and 324.925).

#### LAND SURVEYORS

Currently, an applicant is required for land surveyor-in-training to provide at least three letters of reference, one of which must be from a professional land surveyor who has personal knowledge of the applicant's land surveying education or experience. Additionally, an applicant for licensure as a professional land surveyor must provide at least three letters of reference, all of which must be from professional land surveyors with personal knowledge of the experience of the applicant's land surveying education or experience.

This bill repeals any requirement for letters of reference in order to apply for enrollment as a land surveyor-in-training or to apply for licensure as a professional land surveyor (Sections 327.313 and 327.321).

#### DUPLICATE LICENSES

This bill allows a cosmetologist or barber to appear in person at the Board of Cosmetology and Barber Examiners office, or to mail in

a notarized affidavit, in order to obtain a duplicate cosmetology or barber license when the original license has been destroyed, lost, mutilated beyond practical usage, or was never received (Sections 328.025 and 329.033).

#### COSMETOLOGY AND BARBERING

The bill states that applicants for a barber license be free of contagious or infectious diseases that are capable of being transmitted during the ordinary course of business for a barber. The bill repeals the good moral character requirement for barbers and for certain licenses under the purview of the Board of Cosmetology and Barber Examiners. The bill repeals the requirement that an applicant for a cosmetology instructor trainee license be of good moral character and in good physical and mental health. Additionally, applicants may be denied licensure if they have been found guilty of any one of a set list of offenses, as specified in the bill.

The bill repeals provisions stating that apprentice training for barbering and cosmetology and training for a cosmetology instructor license shall be recognized by the Board of Cosmetology and Barber Examiners for a period not to exceed five years.

Nothing in the provisions of law relating to cosmetology shall apply to hairdressing, manicuring, or facial treatments given in the home to a person's family or friends for which no charge is made.

The board is required to grant a license to practice cosmetology, without first requiring an examination, to an applicant who holds a current cosmetology license in another state if the licensure requirements in that state are similar to, rather than substantially equal to, the licensing requirements in Missouri.

The bill repeals provisions allowing the board to require a barber to be examined by a physician to ascertain if the barber is free of infectious or contagious diseases and is not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering (Sections 328.080, 329.010, 329.032, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130).

#### HAIR BRAIDING

This bill provides that the practices of cosmetology and barbering do not include hair braiding. The bill requires that all individuals engaging in hair braiding for compensation first register with the Board of Cosmetology and Barber Examiners. The board shall charge registrants a fee of not more than \$20. An

applicant may be denied a certificate of registration if he or she has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of certain criminal offenses set forth in the bill, notwithstanding whether sentence is imposed.

The board shall provide persons registering as hair braiders with a mandatory instructional video that is at least four, but not more than six, hours in length. A person who registers as a hair braider shall post a copy of his or her certificate of registration in a conspicuous place at his or her place of business. If the registrant is operating outside of his or her place of business he or she shall provide the client or customer with a copy of his or her certificate of registration upon the client's or customer's request.

The board may inspect the registrant's place of business one time per year during business hours to ensure that he or she is not operating outside the scope of practice of hair braiding. Additionally, the board may inspect a hair braiding establishment upon any customer complaints and such additional inspection shall not count toward the one time per year inspection limitation.

If a registrant is found to be operating outside the scope of practice of hair braiding the Board may suspend or revoke the registrant's certificate of registration (Section 329.275).

#### NURSES

This bill expands the list of reasons that may cause the board to file a complaint against a licensed nurse.

The bill also allows the Missouri State Board of Nursing to establish an intervention program and an alternative program for the identification, intervention, treatment, and monitoring of nurses and applicants for a nursing license who have a substance use disorder.

Eligibility in either program is available upon Board discretion. The intervention program is available to certain individuals as set forth in the bill and shall be a minimum of one year in duration. The alternative program is available to licensees and applicants for licensure who admit to having a substance use disorder. The program shall be from three to five years in duration.

If an individual declines enrollment in either program, the board may proceed with its regular process of investigating a complaint or application.

Upon successful completion of either program, the licensee shall be

deemed to have no disciplinary action against his or her license and shall not be required to disclose participation in the program. All records shall be deemed confidential and are not public records.

If a licensee or applicant violates any term of the intervention program or alternative program and denies the violation, the Board may convene a hearing to determine whether such violation has occurred. If a violation is found or is admitted to, the licensee's license shall be indefinitely suspended or the applicant's application shall not be acted upon until the licensee or applicant continues to fully participate in the intervention program or alternative program, has one year with no positive drug or alcohol screens, and completes a sobriety notebook.

If a licensee does not successfully complete the intervention program, the board may pursue disciplinary action and the licensee shall not be eligible to participate in the alternative program. If an applicant does not successfully complete the intervention program, the board may issue an order against the applicant. An applicant subject to an order issued by the Board shall not be eligible to participate in the alternative program.

If a licensee does not successfully complete the alternative program, the board may pursue disciplinary action against the licensee. If an applicant does not successfully complete the alternative program, the board may issue an order against the applicant.

The statute of limitations for disciplinary proceedings shall be tolled while a licensee or applicant is participating in the intervention program or the alternative program (Sections 335.036, 335.066, and 335.067).

#### LICENSURE OF PSYCHOLOGISTS

This bill provides that a doctoral degree in psychology from a program accredited, or provisionally accredited, by the Psychological Clinical Science Accreditation System is acceptable to meet various requirements for licensure as a psychologist if the degree program meets certain requirements as specified in the bill (Sections 337.025, 337.029, and 337.033).

#### PSYCHOLOGY INTERJURISDICTIONAL COMPACT

This bill establishes a new psychology interjurisdictional compact for the practice of telepsychology. The compact does not apply to permanent in-person practice, but regulates the temporary practice of psychology and the day to day practice of telepsychology.

Telepsychology is defined in the compact as the provision of psychological services using telecommunication technologies.

Psychologists licensed in a compact state, also known as the home state, are allowed to practice telepsychology into other compact states, referred to as receiving states, where the psychologist is not licensed under an authority to practice interjurisdictional telepsychology. In order to obtain this authority the psychologist must:

- (1) Meet certain education requirements;
- (2) Possess a current license to practice psychology from a compact state;
- (3) Have no history of adverse action against his or her license and no criminal record in violation of Psychology Interjurisdictional Compact Commission rules;
- (4) Possess a current E. Passport, as defined in the compact;
- (5) Attest to conformity with standards of practice and competence in telepsychology technology, and knowledge of legal requirements in home and receiving states; and
- (6) Meet any other criteria as required by the commission and defined by rule.

The home state maintains authority over the license of the psychologist practicing telepsychology into a receiving state, but the psychologist is subject to the receiving state's scope of practice requirements. The receiving state may limit or revoke a psychologist's authority to practice interjurisdictional telepsychology into the receiving state.

A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in performance of the scope of practice for psychology as assigned by a state psychology regulatory authority and when the psychologist initiates patient contact from a home state via telecommunications technologies with a patient in the receiving state and in accordance with rules promulgated by the commission.

A psychologist licensed in a compact state may also practice temporarily in other compact states where the psychologist is not licensed, referred to in the compact as distant states. In order to obtain temporary authorization to practice a psychologist must:

- (1) Meet certain education requirements;



- (2) Possess a current license to practice psychology from a compact state;
- (3) Have no history of adverse action against his or her license and no criminal record in violation of commission rules;
- (4) Possess a current interjurisdictional practice certificate (IPC);
- (5) Attest to intended areas of practice and work experience; and
- (6) Meet any other criteria as required by the commission and defined by rule.

The psychologist practicing under a temporary authorization to practice must practice within the scope of practice as authorized by the distant state. The psychologist is subject to the distant state's laws, and the distant state may limit or revoke the psychologist's temporary authorization to practice in the distant state.

When a home state takes adverse action against a psychologist's license the psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is terminated and his or her E. Passport or IPC is revoked. A compact state must report actions against a licensee to the commission. When a complaint is filed against a licensee for conduct occurring in a receiving state, the licensee's home state psychology regulatory authority must investigate and take appropriate action as if the conduct had occurred within the home state. In such cases the home state's law shall be used to determine any adverse action against the psychologist's license.

When a psychologist's conduct is reported who is practicing under a temporary authorization practice and such conduct occurred in a distant state, then the distant state's psychology regulatory authority shall investigate and take appropriate action. In these types of cases the distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

The compact allows compact state psychology regulatory authorities to issue subpoenas and cease and desist orders in order to revoke a psychologist's authority to practice interjurisdictional telepsychology and temporary authorization to practice.

A psychologist may not change his or her home state licensure during any investigation. Once an investigation is completed, the

home state shall report the conclusions of the investigation to the commission and the psychologist may then change his or her home state licensure. All information provided to the commission by a compact state shall be confidential.

The commission must develop and maintain a coordinated licensure information system or coordinated database, which contains licensure and disciplinary action information on all psychologists practicing under the compact. Compact states must submit a uniform data set to the coordinated database on all licensees which includes information as provided in the compact such as identifying information and any adverse actions taken against the licensee. Compact states may designate information that may not be shared with the public without express permission from the compact state reporting the information.

The compact creates the Psychology Interjurisdictional Compact Commission. Each compact state's psychology regulatory authority shall appoint one delegate to serve as a commissioner. The delegate will have the authority to act on behalf of the compact state. The commission must meet once a year and all meetings are open to the public. The commission may close a meeting to discuss certain matters as established in the compact. All documents of a closed meeting will remain closed unless a majority of the commissioners vote to release such records or upon court order.

The commission shall create bylaws and rules in order to govern its conduct and carry out the purposes of the compact. The compact requires the commission to promulgate certain rules including rules which establish a fiscal year for the commission and procedures for meetings and the election of officers. The commission must publish the bylaws and file a copy with each compact state.

The commission shall have the authority to:

- (1) Bring and prosecute legal proceedings in the name of the Commission;
- (2) Purchase and maintain insurance and bonds;
- (3) Contract for services of personnel;
- (4) Hire employees;
- (5) Accept donations and grants;
- (6) Lease or purchase property;
- (7) Establish a budget and make expenditures;

- (8) Borrow money;
- (9) Appoint committees;
- (10) Cooperate with law enforcement including providing and receiving information; and
- (11) Adopt and use an official seal.

The commission may also collect an annual fee from each compact state to cover the cost of operations. All receipts and disbursements of funds handled by the commission shall be audited yearly.

The commission shall elect officers and such officers shall serve as the executive board. The board shall have the power to act on behalf of the commission according to the terms of the compact. The board shall be composed of five voting members and one ex-officio nonvoting member. The board shall recommend to the commission changes in the bylaws, rules, compact legislation, annual dues paid by compact states, and any other applicable fees. The board shall also maintain the commission's financial records and prepare and recommend the budget. The board has the responsibility of monitoring compact compliance by member states and prepare and submit compliance reports to the commission.

The members, officers, executive director, employees and representatives of the commission shall be immune from civil suit and liability, both personally and in their official capacity, for any claim arising out of an act or omission committed within the scope of commission employment. However, immunity from civil liability shall not exist if the person's misconduct was intentional, willful, or wanton. The commission shall defend any member, officer, executive director, employee or representative in any civil action seeking to impose liability arising out of an act or omission that occurred within the scope of commission employment or duties.

The compact provides the procedures the commission must follow in order to promulgate a rule which include public notice and hearing requirements. A majority of compact states may reject a rule promulgated by the commission by enacting a statute or resolution in the same manner used to adopt the compact.

The government of each compact state must enforce the compact and take all actions necessary to effectuate the compact's purposes and intent. The commission shall be entitled to receive service of process and standing to intervene in any judicial or administrative

proceeding pertaining to the subject matter of the compact which may affect the powers, responsibilities, or actions of the commission. If the commission is not provided service of process, then any judgment or order shall be void as to the commission, the compact, or promulgated rules.

The compact provides procedures the commission is to follow when a compact state defaults in required performance of its obligations or responsibilities under the compact or promulgated rules. A compact state shall only be terminated from the compact after all other means of securing compliance have been exhausted. A compact state may withdraw from the compact by repealing the compact statutes.

The compact shall go into effect after seven states have enacted the compact legislation (Sections 337.100 to 337.165).

#### PROFESSIONAL COUNSELORS

An applicant for licensure as a professional counselor who has held a license as a professional counselor in this state or who currently holds a license as a professional counselor in another state shall not be required to have completed any courses related to career development (Section 337.510).

#### DRUG OUTSOURCERS AND THIRD-PARTY LOGISTICS PROVIDERS

This bill adds drug outsourcers and third-party logistics providers to statutes regarding wholesale drug distributors. It is unlawful for a pharmacy to receive prescription drugs from anyone other than a drug distributor, drug outsourcer, third-party logistics provider, or licensed pharmacy. No person may act as a drug outsourcer or third-party logistics provider without obtaining a license from the Board of Pharmacy (Sections 338.315, 338.330, 338.333, 338.337, and 338.340).

#### DENTAL BOARD

This section adds a definition for "advertisement" and the phrases "clearly legible" and "clearly audible" to provision relating to complaints that may be filed against dental licensees. It also states that false, misleading, or deceptive advertisements or solicitations shall include certain advertisements with certain characteristics (Section 332.321).