

HCS SB 796 -- LICENSURE OF PROFESSIONALS

SPONSOR: Koenig

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Professional Registration and Licensing by a vote of 10 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 8 to 0.

This bill modifies provisions relating to the licensure of certain professionals.

LICENSURE AS A PSYCHOLOGIST

The 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.

These provisions are the same as provisions contained in HCS HB 1896 (2018) and similar to HB 1629 (2018), SB 366 and SCS HCS HB 316 (2017), and HB 2639 (2016).

TRAINING FOR HEALTH CARE PROFESSIONALS

This bill allows 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 toward any continuing education required for such license.

These provisions are the same as SCS SB 846 (2018), and similar to provisions in HB 1419 (2018), SS SB 490 (2017), and SCS HB 815 (2017).

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 and he or she 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.

These provisions are the same as provisions contained in HCS HB 1896 (2018) and similar to SB 462, HB 227, and HCS SB 125 (2017).

LICENSURE FOR APRNS

This bill allows a physician to enter into collaborative practice arrangements or supervision agreements with a total of six full time equivalent advanced practice registered nurses (APRN), or physician assistants, in any combination thereof. Currently, a doctor can work with up to three APRNs and three physician assistants at a time. This bill also makes an exception to the geographic proximity requirement for advanced practice registered nurses (APRNs) in collaborative practice agreements by waiving the requirement for APRNs working in certified community behavioral health clinics.

This provision is the similar to HB 1574 and HB 2233 (2018).

LICENSURE FOR LAND SURVEYORS

This bill removes 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. Currently, an applicant for land surveyor-in-training must provide three letters of reference, at least one of which must be from a professional land surveyor who has personal knowledge of the applicant's land surveying education or experience. 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. All other requirements would remain in effect.

This provision is the same as HB 2231 (2018).

THE RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT

This bill authorizes Missouri to become a member state of the Recognition of EMS Personnel Licensure Interstate Compact and to adopt the provisions of authorization as specified in the bill. The purpose of the compact is to facilitate the exchange of information between members states regarding EMS personnel licensure, adverse actions, and significant investigatory information.

These provisions are similar to HB 1662 (2018).

PHYSICAL THERAPY REFERRALS

This bill changes the law to allow a physician to refer a patient for physical therapy to a hospital that the physician has a financial relationship with as long as the physician only has a direct or indirect minority ownership or investment interest of less than 5% in the hospital.

PROPOSERS: Supporters say that well respected universities are using the Psychological Clinical Science Accreditation System and given the mental health care shortage in Missouri we want to make sure that graduates from these programs can practice in this state.

Testifying for the bill were Senator Koenig; Missouri Coalition of Children's Agencies; Washington University in St. Louis; and the Missouri Psychological Association.

OPPOSERS: There was no opposition voiced to the committee.