

HCS SB 164 -- PROFESSIONAL LICENSURE

SPONSOR: Schupp (Ross)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Committee on Professional Registration and Licensing by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 0.

COLLABORATIVE PRACTICE ARRANGEMENTS

This bill standardizes language regarding physician assistant supervision agreements to be consistent with advanced practice registered nurse collaborative practice arrangements.

These provisions are the same as HCS HB 840 (2019).

FRESH START ACT

This bill establishes the "Fresh Start Act of 2019." Beginning January 1, 2020, no person shall be disqualified by a state licensing authority from pursuing or practicing in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the crime is directly related to the duties and responsibilities for the licensed occupation.

Prior to January 1, 2020, all state and political subdivision licensing authorities shall revise existing licensing requirements to explicitly list the specific criminal convictions that could disqualify an applicant from receiving a license. Only criminal convictions that are specific and directly related to the duties and responsibilities for the licensed occupation shall be listed. Licensing authorities are prohibited from using vague or generic terms, and from considering arrests without a subsequent conviction. The licensing authority shall use the clear and convincing standard of proof to determine whether an applicant with a criminal conviction will be denied a license, and shall make its determination based on several factors set forth in the bill.

Beginning August 28, 2019, applicants for licensure who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any offenses set forth in the bill may be considered by licensing authorities to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession.

If an individual has a valid criminal conviction for a crime that

could disqualify the individual from receiving a license, the disqualification shall not last longer than 5 years from the date of conviction, provided the conviction is not for a crime that is set forth in the bill, and the individual has not been convicted of any other crime directly related to the duties and responsibilities of the occupation during the 5 year disqualification period.

An individual with a criminal record may petition a licensing authority at any time for a determination of whether he or she will be disqualified from receiving a license. The licensing authority is required to inform the individual of his or her standing within 30 days of receiving the petition, and may charge a fee, no greater than \$25, to recoup the costs.

If a licensing authority denies an individual a license solely or in part because of the individual's prior criminal conviction, the licensing authority shall notify the individual in writing of the reasons for the denial, that the individual has the right to a hearing to challenge the decision, the earliest date the person may reapply for a license, and that evidence of rehabilitation may be considered upon reapplication. If the licensing authority grants a license to an individual, such decision shall be binding unless such individual commits a subsequent crime that directly relates to the occupation for which the individual is licensed, or upon discovery that such person failed to disclose information regarding a prior conviction in the license petition process.

Any written determination by the licensing authority that an applicant's criminal conviction is a specifically listed disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for each reason by clear and convincing evidence sufficient for a reviewing court. In any administrative hearing or civil litigation, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license was sought.

This bill will apply to any profession for which an occupational license is issued in this state, excluding peace officers or other law enforcement personnel, or and persons under the supervision or jurisdiction of the Director of Finance, and including any new occupational license created by a state licensing authority after August 28, 2019. Political subdivisions are prohibited from creating any new occupational licenses after August 28, 2019.

Provisions of law relating to the granting of a certificate of registration based on good moral character and requirements that no person applying for such licensure has committed any crime are

repealed for occupations and professions specified in the bill.

This provision is similar to HB 564, SB 251, and SB 258 (2019).

PROFESSIONAL LICENSING RECIPROCITY

Currently, any resident of Missouri who holds a valid current license issued by another jurisdiction is allowed to submit an application for a license in Missouri in the same occupation or profession for which such person holds the current license, along with proof of current licensure in the other jurisdiction, to the relevant oversight body in this state.

This bill allows any nonresident military spouse to apply for a license in Missouri, provided he or she also submits proof of current licensure in any jurisdiction and any required application fee.

Currently, the oversight body is required to waive any examination, educational, or experience requirements for licensure for the applicant within six months of receiving an application, if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than Missouri's licensing requirements. This bill changes the time line to 90 days.

Currently, the law shall be interpreted so as to imply no conflict between it and any compact, or reciprocity agreement with other states in effect on August 28, 2018. This bill specifies that should any conflict arise between the reciprocity section and the provisions of any compact or reciprocity agreement, the provisions of such compact or agreement shall prevail.

This bill specifies that a nonresident military spouse is eligible to apply for a license with any board, department, agency, or office of a jurisdiction that issues licenses.

This bill repeals the provisions relating to the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military.

This provision is similar to HB 1140 and SB 476 (2019).

EXPANDED WORKFORCE ACCESS ACT

These provisions shall be known as the "Expanded Workforce Access Act of 2019."

Beginning on January 1, 2020, each state licensing authority shall

grant a license to any applicant who has successfully completed the eighth grade, completed an apprenticeship approved by the appropriate licensing authority or the U.S. Department of Labor, and has passed the required licensure examination, if one is deemed to be necessary under state law.

The division shall establish a passing score for such examinations, which shall not exceed the passing score that is required for a non-apprenticeship license. If there is no examination requirement for a non-apprenticeship license, no examination shall be required for applicants who complete an apprenticeship.

The number of working hours required for an apprenticeship shall not exceed the number of educational hours otherwise required for a non-apprenticeship license.

This provision is the same as SCS HB 470 (2019), and similar to SB 318 and HB 472 (2019).

PROHIBITED USES OF OCCUPATIONAL FEES

This bill prohibits any licensure board, commission, or committee within the Division of Professional Registration from using any occupational fees for the purpose of offering continuing education classes.

This provision is the same as a provision in HB 705 (2019).

COSMETOLOGISTS

Currently, 1500 hours of training are required for cosmetologists. This bill requires at least 1000 hours training for the classification of hairdresser, and 400 of those hours can be applied toward the classification of cosmetologist. Currently, 750 hours of training are required for the classification of esthetician; this bill allows 500 of those hours to apply toward the classification of cosmetologist.

This provision is the same as a provision in HB 472 (2019).

PLUMBERS

Currently, applicants for a master plumber license are required to be at least 25 years old, applicants for a journeyman plumber license are required to be at least 21 years old, and applicants for a master drainlayer license are required to be at least 25 years old. This bill removes these age requirements.

This provision is the same as a provision in HB 472 (2019).

EMBALMING APPRENTICESHIPS

This bill allows an embalming apprentice to continue to be employed by the funeral establishment where the apprenticeship took place, for up to six months after the apprentice has completed the apprenticeship program but has not yet completed the examination or other requirements of licensure. An embalming apprentice must provide written notice to the board to extend his or her apprenticeship registration.

This provision is the same as HB 816 (2019).

PHYSICAL THERAPIST SCOPE OF PRACTICE

This bill changes the laws regarding physical therapists so that physical therapists who have a doctorate of physical therapy degree or who have completed five years of clinical practice no longer need a prescription or referral from a doctor in order to treat a patient. Instead, a physical therapist is required to refer to an approved health care provider any patient whose condition is beyond the physical therapist's scope of practice, or any patient who does not demonstrate measurable or functional improvement after 10 visits or 21 business days, whichever occurs first. The physical therapist must also consult with an approved health care provider if after 10 visits or 21 business days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the physical therapy and the physical therapist believes that continuation of physical therapy is necessary. The physical therapist cannot continue to provide physical therapy until the consultation has occurred. Continued physical therapy must be in accordance with any direction of the health care provider. The physical therapist must notify the health care provider of continuing physical therapy every 30 days.

This provision is similar to HB 410 (2019) and HB 2090 (2018).

OPTOMETRIST CONTINUING EDUCATION

This bill requires optometrists to have two hours of continuing education in Missouri jurisprudence every two years, which can count toward their current required hours.

PSYCHOLOGIST LICENSEES

Currently, any person seeking to obtain a license as a psychologist shall make an application to the Committee of Psychologists and shall pay the required application fee. The committee is not permitted to charge an application fee until such time as the

application has been approved, and if an application is denied, no application fee shall be charged. This bill repeals such provision.

Currently, a psychologist licensed in another jurisdiction is allowed to receive a license in Missouri, provided the psychologist passes a written exam on Missouri law and regulations governing the practice of psychology. Such person must also meet one of several criteria. This bill removes one listed criteria allowing a psychologist who is currently licensed or certified as a psychologist in another jurisdiction that is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement to be eligible for a license in Missouri.

This provision is the same as SB 204 (2019).

CONTINUING EDUCATION HOURS

This bill requires psychologists to take three hours of professional ethics continuing education classes every two years. The hours can count toward the existing total 40 hours of continuing education required for psychologists.

This provision is the same as a provision of HB 705 (2019).

PRISONER COMPLAINTS AGAINST A PSYCHOLOGIST LICENSE

This bill includes those who have been ordered to be evaluated in a criminal proceeding involving mental illness in the statutes that regulate complaints against a psychologist's license.

The bill allows a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2018 to submit a written request to destroy documentation of the complaint and send notification that the board found the complaint to be unsubstantiated.

This provision is the same as HB 441 (2019) and HB 2709 (2018).

SUICIDE MANAGEMENT TRAINING

This bill requires 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.

This provision is the same as HCS SCS SB 846 (2018).

REAL ESTATE LICENSEE IMMUNITY

This bill provides that a real estate licensee shall not be liable for the accuracy of any information about the size of a property or improvements on the property, as long as the licensee discloses the source of the information before an offer to purchase is transmitted to the seller, unless the licensee knew the information was false or the licensee acted with reckless disregard as to whether such information was true or false.

This provision is the same as HB 106 (2019).

CONVEYANCE DEEDS

The bill requires that when a property is subdivided and a new property description is created, the new property description must include the name and, if applicable, the professional license number of the person that created the property description. The bill prohibits a person from submitting for recording any conveyance of subdivided property with a new property description unless it contains the person's name and, if applicable, professional license number.

This provision is the same as HB 770 (2019) and similar to HB 934 (2017).

PROPOSERS: Supporters say that this bill will fix a change that got missed in previous legislation. This bill will address suicide prevention and awareness by making sure mental health professionals are able to get training.

Testifying for the bill were Senator Schupp; Mid-Missouri Fellowship of Reconciliation; and the Missouri Coalition of Childrens Agencies.

OPPOSERS: There was no opposition voiced to the committee.