

HB 476 -- PROFESSIONAL REGISTRATION

This bill relates to professional registration.

PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, RSMo)

The bill modifies provisions relating to pesticide certification and training.

This bill repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator. The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified noncommercial applicator in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A

pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional applicator.

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the bill.

The University of Missouri Extension may collect reasonable fees for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority decision of a review committee convened every five years by the Director. The committee shall be composed of members as specified in the bill.

A certified private applicator holding a valid license may renew their license for five years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified public operator in which case the certified public operator shall be liable for any use of a restricted used pesticide by an individual operating under the certified public operator's direct supervision.

Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the bill and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the bill, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license. Each mobile salesperson possessing restricted use pesticides for distribution or sale shall be licensed as a pesticide dealer.

The bill requires each applicant for a pesticide dealer's license to pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the bill.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The bill repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent.

The bill prohibits any person to use or supervise the use of pesticides that are canceled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on

pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

These provisions have an effective of January 1, 2024.

MILITARY OCCUPATIONAL SPECIALTY (Section 324.009)

This bill includes a Military Occupational Specialty as a type of licensure when applying for licensure in Missouri in the same occupation under Missouri's Reciprocity Laws.

DENIAL OF LICENSURE (Section 324.012)

Currently, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This bill requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This bill also removes an exemption for certain licensing authorities listed in current law from the petition requirements. This bill also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start Act of 2020.

OCCUPATIONAL THERAPY LICENSURE COMPACT (Section 324.087)

This bill adopts the Occupational Therapy Licensure Compact.

The Compact allows eligible occupational therapists and occupational therapy assistants licensed in member states to practice in other member states, subject to the requirements and limitations described in the Compact.

The Compact establishes procedures for a licensee to apply for a new home state license in a member state of primary residence based on their licensure in another member state. Active-duty military personnel and their spouses shall retain home state licensure during the period of active duty service without having to maintain residency.

Under the Compact, only a home state may take adverse action on the home state license, while remote member states may take adverse action against the licensee's privilege to practice in the remote state. The Compact provides procedures for how member states shall coordinate in various aspects of adverse actions and

investigations.

The Compact establishes the Occupational Therapy Compact Commission as a joint public agency to implement and administer the Compact. The Commission may collect an annual assessment on member states or impose fees on other parties to cover its costs.

The Compact creates qualified immunity from suit and liability for agents of the Commission for negligent misconduct within the scope of the agents' work with the Commission. Such agents shall also be entitled to representation and indemnity in civil actions for such misconduct.

Under the Compact, the Commission shall develop a data system containing information on all licensees related to licensure, adverse actions, and investigations. Member states shall report certain information, as described in the Compact, to the Commission for use in the data system.

Legislatures of member states may reject any rule promulgated by the Commission by a majority of such legislatures enacting a statute or resolution.

The Compact provides procedures for oversight, dispute resolution, and enforcement of the Compact, including procedures for default and termination of membership. The Commission may also sue a member state in federal court to enforce compliance with the Compact, its rules, and its bylaws.

The Compact shall become effective upon its enactment in at least 10 states.

The Compact supersedes all other laws that conflict with provisions of the Compact to the extent of the conflict.

DIETITIANS (Sections 324.200 and 324.206)

This bill allows a person credentialed in the field of nutrition to provide advice, counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are within the scope of practice listed by the credentialing body and do not constitute medical nutrition therapy, as long as the person does not hold himself or herself out as a dietitian. Such individuals are required to provide certain specified information to their clients. The bill also changes the definition of "medical nutrition therapy".

ARCHITECTS, PROFESSIONAL ENGINEERS, AND LANDSCAPE ARCHITECTS
(Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and

327.612)

Current law specifies that the practice of an architect in Missouri as any person who renders or represents himself or herself as willing or able to render service or creative work which requires architectural education, training, and experience. This bill instead sets forth the practice of architecture as rendering or offering to render services in connection with the design and construction of public and private buildings, structures, shelters, and site improvements which have as their principal purpose human occupancy or habitation. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

Currently, the law allows certain people to perform specified architectural work without a license. The bill allows an exception for people who render architectural services in connection with buildings used exclusively for agricultural purposes.

This bill also removes the exception for people who work on privately-owned commercial buildings that contain less than 10 people, or people who work on privately-owned buildings of less than 2,000 square feet, and instead allows the exception only for people who work on any one building that contains less than 10 people, contains less than 2,000 square feet, and is not part of another building. Currently the law requires a person who applies for licensure as an architect to hold a certified Intern Development Program record with the National Council of Architectural Registration Boards. The bill allows a person to apply if he or she holds a certified Architectural Experience Program record.

Currently the law allows certain people to perform specified professional engineering work without a license. The bill allows an exception for people who render professional engineering services in connection with buildings used exclusively for agricultural purposes. The bill also allows an exception for persons who work on a privately-owned:

- (1) Dwelling house;
- (2) Multiple-family dwelling house containing no more than two families;
- (3) Single building that contains less than 10 people, contains less than 2,000 square feet, and is not part of another building; and
- (4) Multiple-family dwelling house containing three or four

families, as long as the work does not affect safety features of the building.

This bill clarifies that an applicant for an engineer-intern or a professional engineer can take the engineering exam before having acquired at least four years of satisfactory engineering experience. The bill removes a provision requiring a professional engineer to be licensed within four years of being eligible for licensure.

The bill removes a provision requiring an applicant as a landscape architect to be 21 years old. This bill allows an applicant as a landscape architect to possess education that equals or exceeds the education received by a graduate of an accredited school in lieu of having a degree from an accredited school. The bill adds a requirement that an applicant pass all sections of the landscape architectural registration examination from the Council of Landscape Architectural Registration Boards.

PSYCHOLOGISTS (Sections 337.068)

Currently, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license. This bill includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

This bill specifies that 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, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated.

HIV POSTEXPOSURE PROPHYLAXIS (Sections 338.010 and 338.730)

Allows a pharmacist to dispense medication for HIV post exposure prophylaxis if dispensed following a written protocol authorized by a licensed physician.

RX CARES FOR MISSOURI PROGRAM (Section 338.710)

This bill extends the RX Cares for Missouri Program until 2026.

REAL ESTATE BROKERS (Sections 339.100 and 339.150)

The bill allows a real estate broker to pay compensation directly to a business entity, as defined in the bill, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee.

Under this bill, the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated. The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this bill.